

CHAPTER 485

REGULATING SIGNS IN THE CITY OF RICHLAND CENTER

[History: Recodified by Ord 1994-5; 1995-2; 1996-7; 1999-13; 2000-9; 2000-10; 2005-5; 2009-5]

485.01 PURPOSE AND SCOPE.

(1) PURPOSE. The purpose of this Chapter shall be to establish standards for the fabrication, erection, and use of signs and signage for all properties within the City of Richland Center. This Chapter regulates the location, type, size and height of signage in order to protect and promote public welfare, health and safety of persons within the community, to aid in the development of promotion of business and industry , to protect, maintain, and enhance the City's aesthetic appearance, to promote and protect traffic and pedestrian safety , to provide for well maintained and attractive sign displays within the community and to provide for adequate business identification, advertising and communication.

The City of Richland Center specifically finds that regulations of signage furthers four compelling governmental interests.

(a) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways within the City of Richland Center as to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(b) To advance the aesthetic goals of the City throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the public;

© To reduce the visual clutter caused by advertising signage which the City has determined is a significant cause of unsafe traffic and visibility conditions; and

(d) To limit the spread of strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable right of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the City of Richland Center advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point of purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage. **[Amended by Ord 1996-7; Amended by Ord 2000-10,]**

(2) SCOPE.

(a) Non-Regulated Matters. This Chapter shall not relate to building design, nor shall the Chapter regulate official traffic or government signs; the copy and message of signs; signs not intended to be

viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

(b) Regulated Matters. The primary intent of this Chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.

(3) [Added by Ord 1996-7, Amended by Ord 1999-13, Amended by Ord 2000-9, Deleted by Ord 2000-10]

485.02 RELATION OF THIS CHAPTER TO ZONING ORDINANCES.

It is intended that the provisions of this chapter shall be read and enforced in conjunction with the provisions of the City of Richland Center Zoning Ordinances, Chapter 479 and Chapters 400 through 411. In the case of any conflict between the provisions of this chapter and the provisions of Chapter 479 and Chapters 400 through 411, the higher or more stringent provision shall apply. No sign shall be permitted as a primary or accessory use except in accordance with the provisions of this chapter.
[Amended by Ord 2000-10]

485.03 DEFINITIONS.

Certain terms are defined for the purposes of this Chapter as follows:

(1) WORDS AND PHRASES IN GENERAL.

(a) Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine and neuter genders.

(b) All distances measured in feet shall be to the nearest tenth of a foot.

(c) The word "shall" is mandatory and not discretionary.

(d) The word "building" includes the word "structure".

(e) The word "City" or "city" shall mean the City of Richland Center.

(f) The words "Council, "City Council" and "Common Council" shall be interchangeable, and shall refer to the Common Council of the City of Richland Center.

(g) The words "Planning Commission" and "Plan Commission" shall refer to the Planning Commission of the City of Richland Center, which is the same as the City Plan Commission for said City created pursuant to sec. 62.23(1) Wis. Stats.

(h) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in such definition thereof.

(I) All definitions contained in Chapter 479 or in Chapters 400 through 411, the Zoning Ordinance for the City of Richland Center, are hereby incorporated by reference in this Chapter.

(j) Any words not herein specifically defined shall be construed as defined in the building codes of the City of Richland Center or of the State of Wisconsin.

(2) Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

(3) Administrator: The person designated by the City Council of the City of Richland Center to administer this Chapter, or his/her designated representatives. The City Building Inspector shall be the Administrator unless the Common Council, by affirmative act, designates another person to so act.

(4) Animated Sign: A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. Animated signs include the following types:

(a) Naturally Energized: Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.

(b) Mechanically Energized: Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.

(c) Electrically Energized: Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:

1. Flashing Signs: Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.

2. Illusionary Movement Signs: Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually stimulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating or expanding and contracting light patterns. [See also and note difference from changeable sign.]

(5) Area: (See "Sign, Area of".)

(6) Awning: A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "Marquee").

(7) Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

(8) Back Lit Awning: [See Electric Awning Sign.]

(9) Banner Sign: A sign made of fabric or any nonrigid material with no enclosing framework.

(9a) Banner, Suspended: A banner sign which is suspended across its top and across its bottom between rigid braces which are securely fastened to a building. [Added by Ord 2009-5]

(10) Billboard: See definition of Off-premises sign . [Amended by Ord 1996-7, Amended by Ord 2000-10]

(11) Building: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

(12) Canopy - Building: A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources, provided the light sources are screened from view. [Amended by Ord 2009-5]

(13) Canopy (Freestanding): A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

(14) Canopy Sign: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

(15) Changeable Sign: A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

(a) Manually Activated: Signs whose alphabetic, pictographic or symbolic content can be changed or altered by manual means.

(b) Electrically Activated: Signs whose alphabetic, pictographic or symbolic content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments; includes the following two types:

1. Fixed Message Electronic Signs: Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

2. Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

(16) City: Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Richland Center, Wisconsin.

(17) Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

(18) Clearview Zone: The triangular area of any lot closest to a street intersection described as

follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of 15 feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points 15 feet distant from each point of intersection to form the base of an isosceles triangle.

And also including the street right-of-way abutting a corner lot within the area encompassed by extending the base line of said visibility triangle area to the point where such extended base line meets the edge of the paved portion of any street.

(19) Conditional Use Permit: A discretionary permit allowing a specified use of a lot or parcel of land, which may be specially and individually granted to the owner of a specific property by the City Council after completion of all studies, reviews and public hearings on the application therefore which are required by this or any other Chapter. A conditional use permit, when issued, is personal to the permittee, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a conditional use permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued conditional use permit affecting the lot. The procedure for conditional use permits shall be that set forth in the City Zoning Ordinance, Chapter 479 and Chapters 400 through 411.

(20) Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

(21) Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic or alphabetic form.

(22) Directional/Information Sign: An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

(23) Double-Faced Sign: A sign with two faces, essentially back-to-back.

(24) Electric Awning Sign: [also "Back-lit Awning"] An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

(25) Electrical Sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

(26) Electronic Message Center: [See "Changeable Signs, Electrically Activated"]

(27) Facade: The entire building front including the parapet.

(28) Face of Sign: The area of a sign on which the copy is placed.

(29) Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

(30) Flashing Sign: [see "Animated Sign, Electrically Energized"]

(31) Freestanding Sign: A sign supported upon the ground by poles or braces and not attached to any building.

(32) Frontage: The length of the property line of any one premises along any public right-of-way on which it borders.

(33) Frontage, Building: The length of an outside building wall on a public right-of-way.

(34) Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility, or to any private facility which the government deems it in the public interest to be readily located.

(35) Ground Sign: [also "Blade Sign"] A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

(36) Height (of a Sign): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "Clearance").

(37) Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or the activity or occupation being identified.

(38) Illegal Sign: A sign which does not meet the requirements of this Chapter and which has not received legal nonconforming status.

(39) Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

(40) Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

(41) Lot: A parcel of land which is subject to this Chapter, whether the land is used or intended for occupancy or other use, regardless of whether such parcel is a platted lot or is described by metes and bounds.

(42) Low-Profile Sign: [also "Monument Sign"] A sign mounted directly to the ground with maximum height not to exceed six feet (6').

(43) Maintenance: For the purposes of this Chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

(44) Mansard: A sloped roof or roof-like facade architecturally comparable to a building wall.

(45) Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "Awning").

(46) Marquee Sign: Any sign attached to or supported by a marquee structure.

(47) Multiple-faced Sign: A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

(48) Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

(49) Nonconforming Sign:

(a) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(b) A sign which does not conform to the sign Chapter requirements but for which a special permit has been issued.

(50) Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

(51) Off-Premises Sign: A sign advertising an establishment, merchandise, service or entertainment, which is not sold, produce, manufactured, or furnished at the property or premises on which said sign is located, commonly referred to as "Billboards" or Outdoor Advertising. [Amended by Ord 1996-7, Amended by Ord 2000-10]

(52) Off-Site Directional Sign: A sign located away from a premises which provides only directional assistance to access a premises or establishment conveniently and safely.

(53) On-Premises Signs: A sign which pertains to the use of the premises on which it is located.

(54) Owner of a Sign: The person recorded as the owner of a sign in official records. For the purposes of this Chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, as, for example, by recording a lease whereby a sign is leased from a sign company.

(55) Painted Wall Sign: Any sign which is applied with paint or similar substance on the face of a wall.

(56) Parapet: The extension of a false front or wall above a roofline.

(57) Person: Male or female natural persons, and also bodies politic, business and non-profit corporations, partnerships of all types, cooperatives and all other forms of unincorporated associations.

(58) Point of Purchase Display: Advertising of a retail item accompanying its display for sale, e.g., an advertisement on a product dispenser.

(59) Pole Cover: Covers enclosing or decorating poles or other structural supports of a sign.

(60) Political Sign: For the purposes of this Chapter, a temporary sign used in connection with a local, state, or national election or referendum.

(61) Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

(62) Premises: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(63) Projecting Sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(64) Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

(65) Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

(66) Roof Sign: Any sign erected over or on the roof of a building (compare "Mansard", "Wall Signs").

(67) Rotating Sign: [see Animated Sign, Mechanically Energized]

(68) Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the primary purpose of identifying, providing directions or advertising any establishment, product, goods, or services. [Compare sec. 485.01(2) for non-regulated matters]

(69) Sign, Area of:

(a) Projecting and Freestanding Signs: The area of a freestanding or projecting sign shall have only one side (the largest one) of any double- or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets: A rectilinear line of not more than eight inches (8") shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.

(b) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

(70) Snipe Sign: A temporary sign or poster affixed to a tree, fence, utility pole, etc.

(71) Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

(71a) Suspended Banner: Synonymous with Banner, Suspended. **[Added by Ord 2009-5]**

(72) Temporary Sign: A sign not constructed or intended for long-term use.

(73) Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee.

(74) Use: The purpose or activity for which lot or parcel of land or any building or structure thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity.

(75) V-Sign: A sign consisting of two essentially equal faces, positioned at an angle subtending less than one hundred seventy nine (179) degrees.

(76) Visibility Triangle: [See "Clearview Zone"]

(77) Wall Sign: A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. Wall sign does not include a banner which is not a suspended banner. **[Amended by Ord 2009-5]**

(78) Window Sign: A sign installed inside a window and intended to be viewed from the outside.

485.04 GENERAL PROVISIONS.

(1) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Richland Center except in accordance with the provisions of this Chapter.

(2) SIGNS PROHIBITED. The following types of signs are prohibited in all districts:

(a) Abandoned signs.

(b) Banners which are not suspended banners, pennants, festoons or searchlights. **[Amended by Ord 2009-5]**

(c) Signs imitating or resembling official traffic or government signs or signals.

(d) Snipe signs or signs attached to trees, utility poles, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.

(e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (This does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(f) Billboards and Off-premises signs. **[Added by Ord 2000-10]**

(g) Off-site Directional Signs. **[Added by Ord 2000-10]**

(3) ZONING PERMITS REQUIRED FOR SIGNS. Unless otherwise provided by this Chapter, all signs shall require zoning permits and payment of fees as described in Section 485.08 of this Chapter. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(4) SIGNS NOT REQUIRING PERMITS. The following types of signs are exempted from permit requirements but must be in conformity with all other requirements of this Chapter:

- (a) On-premises signs used by churches, synagogues, or civic organizations, but not including off-site directional signs.
- (b) On-premises construction signs of 32 square feet or less.
- (c) On-premises directional/Information signs of 9 square feet or less.
- (d) Holiday or special events decorations.
- (e) Nameplates of four (4) square feet or less.
- (f) Non-illuminated political signs.
- (g) Government signs or notices, or any sign relating to an emergency situation or condition.
- (h) Real estate signs.
- (i) Window signs.
- (j) Incidental signs.

(5) MAINTENANCE. All signs shall be property maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under sec. 485.08 (9) to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(6) LIGHTING. Unless otherwise specified by this Chapter, all signs may be illuminated. However, no sign regulated by this Chapter may utilize:

(a) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion which shields the bulb of all such lamps from view to a height not less than six feet (6') above ground level.

(b) Any exposed incandescent lamp in excess of 100 watts unless a screen is attached or unless the sign and all such lighting is placed in excess of twelve (12) feet above the ground.

(c) **[Repealed by Ord 2009-5]**

(7) CHANGEABLE COPY. Unless otherwise specified by this Chapter, any sign herein allowed may use manual, automatic or electrically or mechanically activated changeable copy.

(8) SETBACK OF SIGNS FROM STREETS. [Amended by Ord 2009-5]

(a) **SETBACK FROM CURBLINE.** No sign and no supporting structure of any sign in any zoning district shall extend within twenty-four inches (24") of a vertical line drawn from the edge of the roadway of any street or street curb adjacent to such sign.

(b) In addition, no sign shall be erected or maintained within any area of setback or open

sideyard required by Chapters 400 through 411, the Zoning Ordinance for the City of Richland Center.

(c) Except in the C-DT zoning District, no sign shall be installed within the right-of-way of any public street or highway, without first securing a conditional use permit therefor.

(d) This paragraph shall not be deemed to waive or supercede any provision of this Chapter or of any other ordinance which requires a greater setback, nor shall it be deemed to waive or supercede any provision of this Chapter or of any other ordinance which prohibits or limits installation of signs or structures within the right-of-way of any public street or highway.

(9) CLEARANCE OF ALL SIGNS ABOVE SIDEWALKS. No sign and no supporting structure of any sign otherwise permitted in any zoning district shall extend over any sidewalk within eight feet (8') above the level of such sidewalk. This paragraph shall not be deemed to waive or supercede any provision of this Chapter or of any other ordinance which prohibits or limits installation of signs or structures within the right-of-way of any public street or highway or over any sidewalk.

(10) RESTRICTION OF SIGNS IN CLEARVIEW TRIANGLE. No sign, and no part of any structure supporting a sign, shall be placed or installed within a clearview triangle except upon a conditional use permit. No support pole larger than twelve (12") in diameter may be installed within this area. Freestanding signs must have at least ten feet (10) feet of clearance above grade from the lowest point on the face of the sign within this area.

(11) DESIGN STANDARDS FOR ALL OFF-SITE DIRECTIONAL SIGNS. The City Council may adopt design standards for off-site directional signs, and upon such adoption any off-site directional sign installed or replaced after the effective date of this Chapter shall conform to all of such design standards.

(12) STANDARDS FOR OFF-PREMISES SIGNS. (a) through (I) [Repealed by Ord 2000-10]

(13) INDEMNIFICATION AND INSURANCE BY SIGN INSTALLERS, ETC.

(a) All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such maintenance, installation, alteration, or relocation of signs in any case where this Chapter has not specifically directed the placement of such sign.

(b) All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain in force a policy of liability insurance having limits of not less than \$1,000,000 per person and per incident, insuring against damages causally related to such maintenance, installation, alteration or relocation of signs. The City may demand proof of such insurance prior to issuing any zoning permit for a sign.

485.05 REGULATION OF ON-PREMISES SIGNS BY ZONING DISTRICTS.

(1) ON-PREMISES SIGNS PERMITTED IN ALL ZONING DISTRICTS. The following signs

are allowed in all zoning districts:

(a) Construction Signs. Not more than three (3) on-premises construction signs for each street frontage of a construction project, none of which shall exceed thirty-two (32) square feet in sign area. Such signs may be erected ninety (90) days prior to beginning of construction and shall be removed within thirty (30) days following completion of construction.

(b) Real Estate Signs. One (1) non-illuminated on-premises real estate sign per lot or premises, not to exceed twenty-five (25) square feet in sign area. Such signs must be removed no later than thirty (30) days following sale, rental, or lease of the property on which the sign is erected, or within five (5) days after termination of a listing agreement between the property owner and the owner of the sign.

[Amended by Ord 2009-5]

(c) Nameplates. One (1) attached on-premises nameplate per occupancy, not to exceed two (2) square feet in sign area.

(d) Political Signs. Five (5) on-premises political signs per lot, not to exceed one hundred (100) square feet in total sign area. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed within seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner or other person in lawful possession of the property.

Subparagraph 485.05(2)(d) is amended to read:

(e) On-Premises Directional Signs. Two (2) on-premises directional/information signs per lot, not to exceed twenty five (25) square feet in sign area or four (4) feet in height.

(f) Temporary Special Events Signs. Three (3) on-premises temporary special events signs and decorations per premises as allowed by the Administrator for special events, grand openings, or holidays. Such signs and decorations may be erected not earlier than thirty (30) days prior to a special event or holiday and shall be removed not later than seven (7) days following the event or holiday.

(g) Minimum spacing between on-premises signs and off-premises signs: No on-premises sign greater in area than one hundred (100) square feet per side or face of sign, including border or trim, except a wall sign, shall be installed or erected within three hundred feet (300') of any off-premises sign which off-premises sign is greater in area than one hundred (100) square feet per side or face of sign, including border or trim; provided, however, that a special conditional use permit may be issued by the Common Council, subject to such restrictions as to size or otherwise which it might impose in such permit, to permit the installation or erection of such on-premises sign upon its finding that such installation or erection is consistent with the purposes of this Chapter as stated in Section 485.01(1) and does not cause or contribute to a density or proliferation of signs which is contrary to the best interests and general welfare of the citizens and businesses of the city. **[Added by Ord 1995-2]**

(2) ON-PREMISES SIGNS PERMITTED IN "R-1", "R-2", "R-3", "R-3/4", "R-5", "R-A" AND "R-O" RESIDENTIAL ZONING DISTRICTS. The following on-premises signs are permitted in all Residential zoning districts, including "R-A" and R-O" districts:

(a) All signs permitted in paragraph (1).

(b) One (1) nameplate sign for each dwelling unit, which signs shall not exceed three (3) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.

(c) One (1) nameplate sign for each dwelling group of three (3) or more units, which sign shall not exceed three (3) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.

(d) **Nameplate for Permitted Use or Conditional Use.** One (1) on-premises nameplate sign for each permitted use or use allowed by a conditional use permit other than residential uses, which sign shall not exceed four (4) square feet in area per surface. **[Amended by Ord 2009-5]**

(e) Symbols, statues, sculptures and integrated architectural features on non-residential buildings may be illuminated by flood lights provided the direct source of light is not visible from the public right-of-way or adjacent residential district.

(3) ON-PREMISES SIGNS PERMITTED IN "C-G" AND "C-DT" COMMERCIAL ZONING DISTRICTS. The following signs are permitted in all "C-G" and "C-DT" Commercial zoning districts:

(a) All signs permitted in paragraphs (1) and (2).

(b) **On-Premises Signs.** Nameplate signs and on-premises signs subject to the following regulations:

1. The aggregate square footage of sign space per lot shall not exceed the sum of three (3) square feet for each front foot of building plus, in the case of a corner lot, one (1) square foot for each frontage foot of the side of the building which abuts any intersecting street.

2. No individual sign surface shall exceed two hundred and fifty (250) square feet of area.

3. Suspended banners shall be permitted only if the banner is rigidly mounted along the full length of its top and bottom and is maintained in its original condition. If a suspended banner becomes faded, torn, stretched, sagging or otherwise deteriorated, or if the banner becomes loosened from its supports or the supports become loosened so that the banner or any portion thereof moves due to wind or weather, it shall become an illegal sign and may be dealt with by the Administrator in the same manner as with any other illegal sign under the provisions of this Chapter. The maximum dimensions of a permitted suspended banner shall be three (3) feet horizontally and nine (9) feet vertically. **[Added by Ord 2009-5]**

(c) Portable Signs in C-G and C-DT Zoning Districts. [Added by Ord 2009-5] A business in the C-G or C-DT districts may utilize no more than one (1) portable sign, subject to the following limitations:

1. The sign may only be placed on a sidewalk immediately adjacent to the place of business. Such signs shall not be permitted off-premises.

2. The sign shall be removed when the business is not open.

3. The sign shall not have an overall width at the widest point which exceeds thirty inches (30").

4. The sign shall not have an overall height at the highest point which exceeds four (4) feet.

5. The sign shall not be lighted or illuminated.

(4) ON-PREMISES SIGNS PERMITTED IN "I-2" AND "IND" INDUSTRIAL ZONING DISTRICTS. The following on-premises signs are permitted in all "I-2" and "IND" Industrial zoning districts:

(a) All signs as permitted in paragraphs (1), (2) and (3).

(b) The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building plus (1) square foot per front foot of property not occupied by a building. No individual sign surface shall exceed two hundred and fifty (250) square feet.

(5) ON-PREMISES SIGNS PERMITTED IN "I-1" and "IP" INDUSTRIAL PARK ZONING DISTRICTS. The following on-premises signs are permitted in all "I-1" and "IP" Industrial Park zoning districts:

(a) Signs which only advertise or announce the identity of the business conducting a use within the building to which the sign is attached, subject to all restrictions and conditions set forth in Sec. 410.10 of the Code of Ordinances. **[Amended by Ord 2005-5]**

(b) On-premises directional/information signs, subject to all restrictions and conditions set forth in sec. 410.10 of the Code of Ordinances.

(6) TEMPORARY PORTABLE SIGNS DURING CONSTRUCTION. During periods of utility or street construction when, due to such construction normal street access to a business premises is unavailable or severely compromised, the Administrator may permit a business whose normal street access is so made unavailable or severely compromised, to place no more than two off-premises portable signs directing the public to the business as follows: **[Added by Ord 2009-5]**

1. Such signs shall be placed on private property outside the right-of-way of any public street.

2. The person placing such sign shall first secure the permission of the landowner upon whose land the sign is placed.

3. Such signs shall not be lighted.

4. No business shall be entitled to more than two (2) such signs.

5. Once the construction is completed, the sign shall no longer be permitted and shall be removed.

485.06 REGULATION OF OFF-PREMISES SIGNS BY ZONING DISTRICTS.

(1) Off-Site directional signs may be placed in an "I-2" or "IND" Industrial zoning district only upon a conditional use permit. **[Renumbered from 485.06(5)(b) by Ord 2009-5]**

(2) No other off-premises signs shall be allowed in the City except temporary portable signs during construction under Paragraph 485.05(6). **[Added by Ord 2009-5]**

~~(1) OFF-PREMISES SIGNS IN "R-1", "R-2", "R-3", "R-3/4", "R-5", "R-A" AND "R-O" RESIDENTIAL ZONING DISTRICTS. [Repealed by Ord 2000-10]~~

~~(2) OFF-PREMISES SIGNS IN "C-1" AND "C-G" GENERAL COMMERCIAL ZONING DISTRICTS.[Repealed by Ord 2000-10]~~

~~(3) OFF-PREMISES SIGNS IN "C-2" AND "C-DT" CENTRAL OR DOWNTOWN ZONING DISTRICTS.) [Repealed by Ord 2000-10]~~

~~(4) OFF-PREMISES SIGNS IN "I-1" and "IP" INDUSTRIAL PARK ZONING DISTRICTS. [Repealed by Ord 2000-10]~~

~~(5) OFF-PREMISES SIGNS IN "I-2" AND "IND" INDUSTRIAL ZONING DISTRICTS.
(a)) [Repealed by Ord 2000-10]~~

485.07 NONCONFORMING SIGNS.

(1) **DETERMINATION OF LEGAL NONCONFORMITY.** Existing signs which do not conform to the specific provisions of this Chapter may be eligible for the designation "legal nonconforming" provided that:

(a) The Administrator determines that such signs are properly maintained and do not in any way endanger the public, and

(b) The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this Chapter.

(2) **LOSS OF LEGAL NONCONFORMING STATUS.** A legal nonconforming sign may lose this designation if:

(a) The sign is relocated or replaced.

(b) The structure or size of the sign is altered in any way except towards compliance with this Chapter. This provision shall not be deemed to refer to change of copy or normal maintenance.

(3) **MAINTENANCE AND REPAIR OF NONCONFORMING SIGNS.** A legal nonconforming sign is subject to all requirements of this Chapter regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformity with this Chapter or removed.

485.08 CONSTRUCTION SPECIFICATIONS.

(1) **COMPLIANCE WITH BUILDING AND ELECTRICAL CODES.** All signs shall be

constructed and erected in conformity with all applicable requirements of the Building Code of the State of Wisconsin and also of the Electrical Code of the State of Wisconsin, and also in conformity with any building or electrical codes of the City or Richland Center.

(2) COMPLIANCE WITH THE LAWS OF WISCONSIN REGARDING HIGHWAYS. All signs shall be constructed and erected in conformity with the applicable regulations of the Wisconsin Department of Transportation as set forth in sec. 84.30 Wisconsin Statutes, chap. TRANS 201 Wisconsin Administrative Code, or elsewhere.

(3) ANCHORING.

(a) No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.

(b) All portable signs on display shall be braced or secured to prevent motion.

(4) WIND LOADS.

(a) On-premises solid signs, other than wall signs, shall be designed to withstand a wind load of twenty-five (25) pounds per square foot on any face, up to a sign height of fifty (50) feet, plus five (5) pounds per square foot for each additional fifty (50) feet or less of sign height.

(b) On-premises skeleton signs, other than wall signs, shall be designed to withstand a wind load of twenty-five (25) pounds per square foot of the total face area of the letters and other sign surfaces, or twenty-five (25) pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

(c) **[Deleted by Ord 2000-10]**

(5) ADDITIONAL CONSTRUCTION SPECIFICATIONS.

(a) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(b) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the Wisconsin or City's Building Code or Fire Prevention Code.

(c) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than eighteen (18) inches horizontally or vertically from any conductor or public utility guy wire.

485.09 ADMINISTRATION AND ENFORCEMENT.

(1) ADMINISTRATOR.

(a) The Zoning Administrator appointed by the City Council is designated the Administrator of this Chapter, and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Chapter, both in letter and in spirit. The

Administrator is authorized to promulgate regulations and procedures consistent with this function.

(b) The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists. If necessary, the Administrator may apply for a special inspection warrant under sec. 66.122 Wis. Stats.

(2) APPLICATION FOR ZONING PERMIT. Application for a zoning permit for the erection, alteration, or relocation of a sign shall be filed with the City Clerk upon a form provided by the City and shall include the following information:

(a) Name and address of the owner of the sign.

(b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

(c) The type of sign or sign structure as defined in this Chapter.

(d) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.

(e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign. Such form may be the same or different than the form utilized by the City for other zoning permit applications.

(3) PERMIT FEES. All applications for permits filed with the City Clerk shall be accompanied by a payment of the permit fee for each sign according to the schedule on file at the City Clerk's office.

(4) ISSUANCE AND DENIAL. All applications for permits under this Chapter shall be investigated by the Administrator. The Administrator may issue a permit for any sign which is in conformity with this chapter and which is in conformity with all other applicable codes. Any person to whom a permit for a sign is denied by the Administrator may appeal such denial to the Board of Zoning Appeals or may apply to the Board of Zoning Appeals for a variance. The procedure and standards applicable to such appeals or variance applications shall be the same as apply under the City Zoning Ordinance as set forth in Chapter 400 of the Code of Ordinances. **[Amended by Ord 2009-5]**

(5) PERMIT CONDITIONS, REFUNDS AND PENALTIES. All permit conditions, procedures and fees shall be the same as for any other City of Richland Center zoning permit.. There shall be no refund of the fee in the event that a permit is denied.**[Amended by Ord 2009-5]**

(6) INSPECTION. Inspections shall be as for any other City of Richland Center zoning permit.

(7) VARIANCES. In any request for a permit, the applicant may apply to the Zoning Board of Appeals for a variance from certain requirements of this Chapter. A variance may be granted by the Board of Appeals only where the literal application of the Chapter would create a particular hardship for the sign user and where all of the following criteria are met:**[Amended by Ord 2009-5]**

(a) A literal application of this Chapter would not allow the property to be used at its highest and best use as zoned.

(b) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

(c) Hardship caused the sign user under a literal interpretation of the Chapter is due to conditions unique to that property and does not apply generally to the City.

(d) The hardship does not result from the act of the land owner.

(e) The granting of the variance would not be contrary to the interest of members of the general public.

(f) The granting of the variance would not be contrary to the general objectives of this Chapter.

In granting variances, the Board of Appeals may attach additional conditions or requirements necessary to carry out the spirit and purpose of this Chapter in the public interest.

(8) VIOLATIONS. Violations may be referred to the City Attorney for prosecution by any official, Board or Commission of the City, including the City Council.

(9) REMOVAL OF SIGNS BY THE ADMINISTRATOR.

(a) The Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator together with an additional 30 percent for inspection and incidental costs.

(b) If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten per cent (10%) penalty for collection in the manner provided by law for similar assessment.

(c) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

(d) For the purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

(10) ACTION FOR INJUNCTIVE RELIEF. In appropriate cases, as an alternative to the procedure outlined in par. (9) above, the City may bring an action in the Circuit Court seeking injunctive relief or such other remedy as shall be appropriate to the purpose of enforcement of the provisions of this Chapter. The bringing of any such action shall not relieve any person of liability for any forfeiture imposed under par. (10).

(11) PENALTIES.

(a) **Forfeiture.** Any person, partnership, corporation, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, together with the costs of prosecution and any applicable penalty assessment, and in the event such forfeiture, costs and assessment are not paid, such person, any partner of such partnership, or any officer or director of any corporation or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed ninety (90) days. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(b) **Other Remedies.** In the event of a violation of this Chapter, or a threat of violation of this Chapter or a good faith belief that a violation of this Chapter is contemplated or is about to occur, the Common Council may direct the City Attorney or any special City Attorney to institute on behalf of the City any appropriate suit or to take any other appropriate legal action to prevent, enjoin, restrain, require abatement, enjoin occupancy or otherwise deal with the violator and/or violation. The taking of such action by or on behalf of the City shall not be deemed to constitute a waiver of or to be in lieu of the forfeiture set forth hereabove.

485.10 CONFLICT, SEVERABILITY, AND EFFECTIVE DATE.

(1) **CONFLICT.** If any portion of this Chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety, or health ordinance of the City, the provision which establishes the higher standard shall prevail.

(2) **SEVERABILITY.** The provisions of this Chapter are declared to be severable, and if any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Chapter, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

(3) **EFFECTIVE DATE.** This Chapter shall take effect and be in force upon its passage and such publication as is required by law.