

MODEL SIGN ORDINANCE

1. Ordinance # _____ and Title

An Ordinance Regulating Signage and Adopting Standards in The Town of Cross Plains, Dane County.

2. Purpose and Applicability

a. This ordinance regulates all Signs in the Town of Cross Plains that are visible from the public highway right-of-way, public facilities, trails open to the public, and navigable waterways.

The Town of Cross Plains has a tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular traffic, and define the character of the area. Thus aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore this ordinance sets standards for the following purposes:

b. Maintain and enhance the visual quality (aesthetics) of the community.

c. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.

d. Protect and enhance economic viability by assuring that The Town of Cross Plains will be a visually pleasant place to visit or live.

e. Protect property values and private/public investments in property.

f. Protect views of the natural landscape and sky.

g. Avoid personal injury and property damage from structurally unsafe Signs.

h. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

i. Allow for expression by Signage subject to reasonable regulation.

3. Definitions

a. Abandoned Sign:

i. Any Sign that does not display a well maintained message for a consecutive one hundred-twenty (120) day period;

ii. Any Sign the Owner of which cannot be located at Owner's last address as reflected on the records of the Town; or

iii. Any Sign no longer fully supported, by the structure designed to support the Sign, for a consecutive one hundred-twenty (120) day period

b. Agriculture: Land and associated buildings whose primary use is to produce crops or livestock or to provide boarding or storage facilities for agricultural products or animals.

c. Commercial/retail/industrial/manufacturing: Factories, distribution centers, shopping centers, malls, central business districts, satellite business development, and individually located businesses producing goods, storing goods or offering services or goods for sale.

d. Board: The Board of Supervisors of The Town of Cross Plains, which has responsibility for administering this ordinance.

e. Direction Sign: A Sign on private property without commercial message that gives direction such as entrances, exits, or street numbers.

f. Electronic Sign: A Sign that presents its message and images by electronically controlled and/or powered means such as light emitting diodes (commonly abbreviated LEDs) which usually are programmed to change messages periodically, often every six (6) or eight (8) seconds.

g. Forestland: Land primarily covered with trees and not used for home sites at a density of more than one residence per thirty-five (35) acres.

h. Government Sign: A Sign authorized by this municipality, another governmental agency, the State or Wisconsin, or the federal government.

i. Ground Sign: A Sign supported by one or more uprights, pylons, or foundation elements, including wheel-mounted other than on motor vehicles, in or upon the ground and not attached to a building.

j. Non-conforming Sign: A Sign in place before the effective date of this ordinance that does not comply with all of the requirements of this ordinance, but that does comply with all of the requirements of the previous ordinance.

k. Office: Dental, medical, legal, real estate and other individual professionals or businesses whose primary source of income is provision of services rather than provision of goods.

l. Owner: A person owning a Sign.

m. Parcel: A piece of real estate as designated on the Dane County property tax roll and assigned a parcel number.

n. Parcel in Incorporated Area: Contiguous real estate taxed as a single parcel on one (1) side of a public road.

o. Parcel in Unincorporated Area: Contiguous real estate, irrespective of public roads, with tax bills sent to a single address.

p. Permit: The authorization for a Sign issued by the Board.

q. Person: Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.

r. Projecting Sign: A Sign affixed to any part of a building or structure which extends beyond the building or structure by more than twelve inches.

s. Residential Neighborhood Identification Sign: A Sign at the entrance of a residential neighborhood identifying the neighborhood.

t. Roof Sign: A Sign erected, constructed, or maintained upon, or which projects above the roofline of a building.

u. Sign: An object, including a structure, movable object, wall or image displaying any message visible to the public. Notices legally placed on public property and removed on a daily basis are not considered Signs. Letters individually painted on or attached to a face of a building that merely identify the Owner, occupant, or name of the establishment and address are not considered a Sign.

v. Special Event Sign: A Sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events.

w. Wall Sign: A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

x. Wetland: Land that based on soils and vegetation has been classified as “wetland” by a government agency.

4. Signs Authorized Without A Sign Permit

a. Subject to other applicable requirements and permits, the following Signs are authorized without a Sign Permit:

i. Small Sign: One (1) Sign per Parcel, not illuminated, and not exceeding three (3) square feet in area is allowed without permit. Warning signs such as “No Trespass” or “Beware of Dog” are not limited to one (1) per parcel but are limited to no more than two (2) Small Signs in any five hundred (500) linear feet on the parcel. If the Small Sign has a temporary message, e.g. “Home for Sale,” the area shall not exceed five (5) square feet. This larger sign may not be placed on a parcel more than six (6) months in any calendar year. No Small Sign may exceed a height of forty-two (42) inches above ground level and only one (1) such Sign is permitted for each Parcel. These Signs may carry any lawful message.

ii. Governmental Signs: Governmental Signs do not require a permit.

iii. Directional Signs: Directional Signs do not require a permit, however:

1. Only one (1) entrance/exit Directional Sign is allowed per legal driveway.

2. A Directional Sign may not exceed one and a half (1.5) square feet.

iv. Flags: Governmental flags do not need a permit. The Board, in its discretion, may require large or numerous governmental flags to be subject to the ordinance. A flagpole may not exceed thirty (30) feet above ground level. Non-governmental flags are Signs subject to the permitting provisions of this Ordinance.

v. Warning Signs: Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives, are permitted. Warning Signs may not exceed three square feet.

vi. Historical, Cultural and Natural Site Signs: A Sign erected by a government agency, which exclusively denotes a recognized historical, cultural or natural site, is permitted. This Sign shall

not exceed three (3) square feet unless otherwise provided by state or federal law.

vii. Banners: Banners used on a private residential property no more than seven (7) days in any calendar year do not need a permit.

5. Signs Authorized With A Permit

Regarding numbers with *, refer to Note 2 on last page

a. The Board shall issue a Permit for Signs in accordance with the following provisions:

b. Commercial/Retail/Industrial/Manufacturing Wall and Ground Signs: One (1) Wall Sign and one (1) Ground Sign are permitted on each commercial, retail, industrial or manufacturing Parcel. Such Signs shall not exceed ten percent (10%) of the area of the front face of the building on a Parcel, or one hundred (100)* square feet, whichever is less. A Ground Sign may not exceed a height of ten (10) feet above the uniform finished grade. Unless more restrictive zoning applies, setbacks of Ground Signs from property lines shall be at least equal to the height of the Sign. Signs may be placed inside the window areas of buildings in commercial or retail zones. The Sign area may not exceed twenty-five percent (25%) of the area of the window. Temporary notices of time bound events (specific sales, community festivals, etc.) are exempt from these Window Sign standards.

c. Electronic, animated, or flashing signs are not permitted in the Town if they are visible from a public right-of-way.

d. Office Wall or Ground Signs: One Wall Sign or one Ground Sign is permitted for each Office Parcel. Such Signs shall not exceed ten percent (10%) of the area of the front face of the building on the Parcel, or fifty-six (56)* square feet, whichever is less. A Ground Sign may not exceed a height of five (5) feet above the uniform finished grade. Unless more restrictive zoning applies, Ground Signs setbacks shall be at least equal to the height of the Sign.

e. Agricultural Wall and Ground Signs: One (1) Wall or Ground Sign per Parcel with a total square footage not to exceed twenty (20)* square feet in total area is permitted. Unless more restrictive zoning applies, Ground Signs setbacks shall be at least equal to the height of the Sign. Temporary Signs relating to seasonal agricultural activities, i.e. crop variety trials, "pick your own berries" or produce sales, may not in aggregate exceed an additional twenty (20) square feet or be used for more than six (6) months in any calendar year. Ground Signs may not exceed a height of five (5) feet above uniform finished grade.

f. Forestland Wall and Ground Signs: One (1) Wall or Ground Sign per Parcel with an area not to exceed sixteen (16)* square feet is permitted. A Ground Sign may not exceed a height of five (5) feet above uniform finished grade. Unless more restrictive zoning applies, Ground Signs setbacks shall be at least equal to the height of the Sign.

g. No sign shall be permitted that displays advertising for an office, business, farm or service that does not operate on the premises.

h. Residential Neighborhood Identification Signs:

6. A Residential Neighborhood (Single-Family Subdivision, Multiple-Family Housing Development, etc.) is permitted to have one (1) Residential Neighborhood Identification Sign for each entrance street. Such Signs shall not extend into any public right-of-way. The face of the Sign shall not exceed twelve (12)* square feet. The area of the structural supporting elements shall not exceed fifty percent (50%) of the area of the message portion of the Sign. The height of the Sign may not exceed five (5) feet above the uniform finished grade.

a. Non-Dwelling Use Signs. A Non-Dwelling Use in a residential area, such as a school, a religious facility, an institutional use, a clubhouse, etc. is permitted to have one (1) Ground Sign and one (1) Wall Sign, neither of which shall exceed twelve (12)* square feet in area. The area of the structural elements supporting a Ground Sign shall not exceed fifty percent (50%) of the area of the message portion of the Sign. The height of a Ground Sign may not exceed five (5) feet above uniform finished grade.

b. Special Event Signs: Signs to be used on a temporary basis for a community event sponsored by a not-for-profit organization.

7. Sign Permit Requirements

a. Enforcement. The Board shall administer and enforce this Ordinance.

b. Permit. A Permit is not required for "Signs Authorized Without A Permit." A Permit must be obtained from the Board for all other existing and new Signs. Owners of existing Signs that require a permit under this Ordinance shall apply for a permit within ninety (90) days of the Effective Date of the

Ordinance.

8. Application. Applications for Sign Permits shall be made upon a form provided by the Board for this purpose. The Application shall contain the following information:

- a. Name, address, phone, and if available, fax and e-mail, of the Person applying for the Permit.
 - i. Name, address, phone, and if available, fax and e-mail, of the Person owning the Parcel upon which the Sign is proposed to be placed.
 - ii. Location of the building, structure, and Parcel on which the Sign is or will be attached or erected.
 - iii. Position of the Sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, ordinary high water marks of waterways, and the setback of applicable zoning ordinances.
 - iv. Two (2) copies of the plans and specifications. The method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.
 - v. Copy of stress sheets and calculations, if deemed necessary by the Board, showing the structure as designed for dead load and wind pressure.
 - vi. Name, address, phone, and if available, fax and e-mail of the Person who has or will be erecting the Sign.
 - vii. Insurance policy as required by this Ordinance.
 - viii. Such other information as the Board may require to show compliance with this Sign Ordinance, and any other applicable laws.
 - ix. The seal or certificate of a registered structural or civil engineer, when required by the Board.
 - x. The zoning district (including Shore land zoning) in which the Sign is to be placed.
 - xi. A statement that: "Any change in the information in this Application, such as change of address, shall be submitted to the Board within seven (7) days after the change."
- b. Applications fully complying with all applicable standards shall be approved.
- c. Decisions on applications shall be made within _____ (___) days after a fully complete application is available to the community.
- d. Insurance Certificates. The applicant for a Sign Permit shall provide a Certificate of Insurance to the Board. The insurance shall provide public liability in the amount of at least one hundred thousand dollars (\$100,000) for injuries to one (1) person and three hundred thousand dollars \$300,000 for injuries to more than one (1) person, and property damage insurance in the amount of at least one hundred thousand dollars (\$100,000). The Sign Permit shall automatically be revoked if the insurance is permitted to lapse. The insurance policy shall require written notice to the Board at least sixty (60) days before the insurance is cancelled or materially altered.
- e. Permit Fees. Permit Fees for Signs shall be established by the governing body of this Municipality. The Permit Fees must relate to the cost of issuing the Permit and may vary based on the size, type, and height of the Sign.
- f. False Information. A Person providing false information under this Ordinance shall be guilty of a misdemeanor and not eligible to apply for a Permit under this ordinance for twelve (12) months from date the Board determines false information was presented.

9. Prohibited Signs

- a. The following limitations, obligations, and prohibitions apply to all Signs:
 - i. Absence of Permit. Any Sign, for which a Permit has not been issued and which is not a "Sign Authorized Without A Permit", is prohibited.
 - ii. Roof Signs and Projecting Signs. Roof Signs and Projecting Signs are prohibited.
 - iii. Public Property. No portion of a privately-owned Sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street, sidewalk, or waterway), or a proposed public right-of-way.
 - iv. Destruction of Vegetation. Cutting or killing vegetation growing on public rights-of-way (or below the ordinary high water mark of navigable streams) to enhance visibility of a Sign is prohibited.
 - v. Internally Lit Light Background Sign. Internally lit Signs with a transparent or light background color are prohibited. Dark background internally lit Signs are permitted when in compliance with

other provisions of this Ordinance.

vi. Electronic, animated, or flashing signs are prohibited.

vii. Revolving Signs. A Revolving Sign is prohibited.

viii. Traffic Interference. A Sign (other than a traffic sign installed by a governmental entity) shall not simulate or imitate the size, lettering, or design of any traffic sign in such manner as to interfere, mislead, or confuse the public.

ix. Parked Vehicle. Any Sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road, waterway, or parking area for a period longer than six days in a sixty (60) day period, is prohibited.

x. Visual Obstruction. Signs shall not be placed so as to obstruct the visibility of pedestrians and motorists at intersections and driveways.

xi. Natural Areas. Signs in wetlands and areas zoned "Conservancy", except Governmental and Warning Signs, are prohibited.

xii. Electronic Signs. Electronic Signs are prohibited except in Commercial, Retail, Industrial or Manufacturing zones, with the limitations described in Section 5., Paragraph a., above.

10. Construction Requirements

a. Material. Where feasible, Signs should be constructed of weather resistant wood, or other natural material.

b. Codes. All Signs shall conform to the latest edition of the applicable building and electrical codes.

c. Fastenings. All Signs must remain safe and secure during the period of use. All parts of the Signs, including bolts and cables, shall remain painted, and free of corrosion.

d. Fire Escapes. A Sign may not obstruct a fire escape.

e. Lighting. External lighting shall be shielded from view and shall be focused upon the Sign to avoid stray lighting. Flashing, rotating, and intermittent lighting are prohibited.

f. Identification. All Signs for which a Permit is required shall identify the name and operating telephone number of the Person responsible for the Sign.

g. Proximity to Electrical Conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No Sign, including cables and supports, shall, in any event, be within six (6) feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.

h. Sanitation. Property surrounding any Ground Sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.

i. Landscaping. The area beneath and around a Sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the Sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

j. Responsibility for Compliance. The owner of the Parcel on which a Sign is placed and the Person maintaining the Sign are each fully responsible for the condition and the maintenance of the Sign, and the area around the Sign.

11. Non-Conforming Signs

a. Intent. This ordinance is intended to encourage the eventual elimination of Signs which do not comply with the Ordinance. The elimination of Non-conforming Signs is important to the purpose stated in Section 2. However, it is also the intent of this Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of Non-conforming Signs.

b. Compliance. A Sign not complying with this Ordinance, but in place on the effective date of this Ordinance, shall be brought into compliance with this Ordinance, if it is practical to do so, as determined by the Owner of the Sign.

c. Continuance. A Non-conforming Sign may be continued if it is maintained in good condition. It shall not, however, be replaced by another Non-conforming Sign. It may not be structurally altered so as to prolong the life of the Sign. It may not be re-established after damage or destruction if the Board determines that the estimated cost of reconstruction exceeds fifty percent (50%) of the estimated replacement cost. However, it may be replaced if intentionally damaged or destroyed by Person(s) who are proven to be unconnected to the Owner(s) of the Sign.

d. Nuisance. An unsafe or Abandoned Sign is declared a public nuisance, which shall be abated by the

Owner within sixty (60) days of receiving notice from the Board. After sixty (60) days the Sign may be removed by the Board.

12. Variances

a. Appeals to the determination of the Board may be made in writing directly to the Governing Body who shall conduct a notified public hearing and decide the request within (60) days. Variances may be granted if all of the following criteria are fulfilled:

b. That the circumstance are not of the applicant's making;

i. That the applicant's request mitigates unusual site conditions;

ii. That the applicant's request would not create a detriment to the neighborhood or reduce property value;

iii. That the applicant's request is consistent with the spirit and intent of this ordinance;

iv. That without a variance, the applicant would experience a hardship and cannot make any reasonable use of the property.

13. First Amendment Protection

Any Sign allowed under this Ordinance may contain, in lieu of any other text, any otherwise lawful noncommercial

message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other provisions of this Ordinance including the specific provisions for signage

in the land use category on which the Sign is placed. The Owner of any Sign which is otherwise allowed by this Ordinance may substitute noncommercial copy in lieu of any other copy without additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any noncommercial message over any other noncommercial message.

This

provision prevails over any more specific provision to the contrary.

14. Administration

a. Administration. The Board shall appoint personnel to administer and enforce the terms and conditions of this Ordinance and all other provisions relating to Signs.

b. Enforcement. The Board shall issue Permits as required by this Ordinance. The Board shall also ensure Signs comply with this Ordinance and any other applicable law. The Board shall also enforce the requirement that all Signs properly comply with this Ordinance by procuring a Permit. The Board shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this Ordinance and other applicable laws.

c. Board Powers. The Board shall have the power and authority to administer and enforce this Ordinance. Included among such powers are the following specific powers:

d. Every Sign for which a Permit is required shall be subject to the inspection and approval of the Board, including verification of the use of the Parcel, and thus the standards that apply to signage.

When deemed advisable, a Sign may be inspected at the point of manufacture.

e. Upon presentation of proper identification to the Sign Owner or Owner's agent, the Board may enter the Sign area for purposes of inspecting the Sign, Sign structure, and any fasteners securing the Sign to a building or support. In cases of emergency, where imminent hazards to persons or property are known to exist, and where the Sign Owner, or Owner's agent, is not readily available, the Board may enter the Sign area for purposes of inspection or remediation. When on private Property, the Board shall observe rules and regulation concerning safety, internal security, and fire protection. If the Board is denied admission to inspect any Sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction. When applying for such warrant, the Board shall submit an affidavit setting forth a belief that a violation of this Ordinance exists with respect to a particular Sign, and the reasons for forming this belief. The affidavit shall designate the place and name of the Person believed to own or possess the Sign. If the court finds probable cause exists for the search of the Sign, and supporting structures, then a warrant authorizing the search shall be issued. The warrant shall describe the property with sufficient certainty to identify the same. This warrant shall constitute authority for the Board to enter the Sign area and to inspect the property.

f. Upon issuance of a Stop Order from the Board, work on any Sign that is being conducted in any

manner contrary to this Ordinance shall be immediately stopped. This notice and order shall in writing and shall be given to the owner of the Parcel, the Sign Owner, or to the person performing the work. The Stop Order shall state the conditions under which work may be resumed. The police Board shall have authority to enforce a Stop Order.

g. The Board has the authority to deny or revoke any Permit authorized by this Ordinance if the Sign violates this Ordinance or another law, provided that the Board shall offer the Sign Owner an opportunity to be heard. The Person whose Permit is under consideration shall be given at least ten (10) days written notice of the time, place, and reason for the hearing. The Sign Owner and/or Person identified in the Permit shall be permitted to present relevant facts and legal argument concerning the pending permit denial or permit revocation. Following this hearing, the Board shall consider the merits of the case and shall present a written decision.

h. If the Board has determined that a violation has occurred, the Owner shall have thirty (30) days to bring the Sign into compliance or remove the Sign. If, however, the Board believes the health, safety, or welfare of the citizens is endangered by any violation of this Ordinance, the Board may immediately revoke any Sign Permit.

i. A Sign installed after the effective date of this Ordinance, and not conforming to this Ordinance, shall be removed by the Owner. The Sign Owner shall not be entitled to compensation for the Sign removal and shall reimburse the Board for any cost incurred in connection with the removal.

j. Any Person violating any provision of this Ordinance shall be issued a citation with a forfeiture of not less than \$_____ and not more than \$_____ for each violation. Each day, subsequent to the thirty (30) day period allowed for corrective action, shall constitute a separate violation. In addition, the municipal attorney is authorized to adjudicate the offense with a summons and complaint and to take any other action, legal, injunctive and equitable, to assure compliance with this Ordinance.

15. Severability and Conflict

a. Severability. This Ordinance, and its parts, are declared to be severable. If any section, clause, provision, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the Ordinance as a whole. All parts of the Ordinance not declared invalid or unconstitutional shall remain in full force and effect.

b. Conflict. If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

16. Effective Date

This Ordinance shall be effective on _____

Latest Revision

03 October 2008

08 Model Sign Ordinance