

## ORDINANCE NO. 2015-03

### An Ordinance Pertaining to the Regulation of Signs

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 15-5 of the Municipal Code of the City of Cedarburg is hereby amended as follows:

#### SEC. 15-5-1 PURPOSE OF CHAPTER.

- (a) The purpose of this Sign Regulation Chapter is to provide the legal framework and minimum standards to safeguard life, property, public welfare and City aesthetics by regulating and controlling the design, number, size, quality of materials, construction, location, electrification, installation and maintenance of all signs as compatible with zoning regulations.
- (b) This Chapter recognizes the need for well-maintained and attractive sign displays within the community and the need for adequate business identification advertising and communication. Because of the unique qualities of the City of Cedarburg which need to be protected and enhanced, a high degree of control over the aesthetic nature of signs is deemed to be an important public purpose. It is recognized that while personal preference may be expressed in selecting the size, shape, colors, type, style, placement, method of mounting and other components in the design of signs, the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District, is responsible for assuring that only aesthetically pleasing and functionally purposeful signs are displayed in the City of Cedarburg. Therefore, although a proposed sign may meet the basic requirements of this Chapter, the ultimate decision concerning its final appearance shall rest with the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District [subject to the appeals procedure set forth in Section 15-5-3(f)].
- (c) This Chapter authorizes the use of signs visible from the public right-of-way, provided the signs are:
  - (1) Compatible with the zoning district regulations.
  - (2) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
  - (3) Legible, readable, visible and well-designed for the circumstances in which they are used.
  - (4) Respectful of the reasonable rights of other advertisers.
  - (5) Not covering any major architectural detail.

#### SEC. 15-5-2 ADMINISTRATION OF CHAPTER.

- (a) ~~Design Review Board~~ Landmarks Commission. ~~The Design Review Board shall be appointed pursuant to Section 2-4-7 of this Code of Ordinances. The Design Review Board~~ Landmarks Commission shall examine all applications ~~(Historical District Included)~~ for the erection of signs located within the Historic Preservation District,

recommend permits, denials or continued use of signs which conform with requirements of this Chapter to the Building Inspector or his authorized agent. The ~~Design Review Board~~ Landmarks Commission shall meet no less than twice a month, unless there are no sign applications pending.

(b) **Building Inspector.** The City-appointed Building Inspector or his authorized agent shall examine all applications for the erection of signs located outside the Historic Preservation District and shall approve, deny or permit the continued use of signs which conform with the requirements of this Chapter. The Building Inspector or his authorized agent shall record and file all applications for permits with any accompanying plans and documents, ~~as recommended by the Design Review Board,~~ make inspections of signs in the City of Cedarburg and make such reports as the City may require.

(c) **Sign Inspection.**

- (1) The Building Inspector or his authorized agent and/or Electrical Inspector may inspect every sign.
- (2) If any such sign is found to be unsafe or in any way not in compliance with the terms of this Chapter, the Building Inspector or his authorized agent shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened.
- (3) If the sign is not made to comply within thirty (30) days after such notice, it may be removed or altered to comply at the expense of the holder of the permit by the Building Inspector or his authorized agent and/or Electrical Inspector. The Building Inspector or his authorized agent and/or Electrical Inspector may cause a sign to be removed summarily and without notice whenever public safety requires this to be done immediately.
- (4) The fee for such an inspection is set forth in Section ~~15-5-3(d)~~ 15-1-101(d). If the fee is not paid within thirty (30) days of the inspection, such fee shall be doubled and a second invoice shall be sent to the owner of the sign by certified mail. If such invoice is not paid within thirty (30) days, appropriate action shall be initiated by the Building Inspector to cause the removal of the sign in question.

### **SEC. 15-5-3 SIGN PERMIT APPLICATION.**

(a) **Application.**

- (1) If the sign is located in the Historic Preservation District a sign permit application shall be filed with the Building Inspector or his authorized agent Building Inspection Department at least a minimum of six (6) Eight (8) working days prior to a scheduled meeting of the Design Review Board Landmarks Commission. The Design Review Board Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District shall review the physical site and message requirements of the sign application and shall approve or deny the application in writing at that time. Upon approval of the Design Review Board Landmarks Commission if the sign is located in the Historic Preservation District, the Building Inspector or his authorized agent shall issue the permit. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. Only the person who has submitted the sign application and paid the necessary fee is authorized to

erect the sign; such permit may be taken out on behalf of the owner by an insured sign installer.

- (2) Permits are not required for normal maintenance and repair of the sign and sign structure as long as it is maintained as originally approved.

(b) **Required Information.** The sign permit application shall require and contain the following information. Failure to provide this information to the Building Inspector and/or the ~~Design Review Board~~ Landmarks Commission could result in the application being tabled until the next scheduled meeting date.

- (1) Name, address and telephone number of the applicant and location of the building, structure, lot or property to which or upon which the sign is to be attached or erected.
- (2) Name of person, firm, corporation or association constructing and erecting the sign.
- (3) Written consent of the owner or lessee, if different from the applicant, of the building, structure or land to which or upon which the sign is to be affixed or erected.
- (4) A scale drawing of such sign indicating the dimensions, the materials to be used, lettering, colors and type of illumination, if any, and the method of construction and attachment.
- (5) Submission of one (1) set of color chips which will remain with the Building Inspection Department.
- (6) A scale site drawing indicating the location and position of lot lines, existing buildings, existing signs, location of the proposed sign, photographs of the building and/or site of the proposed sign including adjoining properties.
- (7) Information (or type of information, message and/or images) to be displayed on the face(s) of the sign.
- (8) Calculations or evidence showing the structure and design meet the requirements of this Chapter. (See Sections 15-5-8 and 15-5-9.)
- (9) Evidence of insurance or bond as required herein.
- (10) Payment of fee(s) as set forth in this Section.

(c) **Temporary Sign Permit.** A temporary sign permit for an on premise sign ~~less than twelve (12) square feet~~ may be issued by the Building Inspector provided the sign conforms to the conditions set forth in this Chapter. ~~a temporary sign permit may be issued for certain signs upon application to and approval by the Design Review Board~~ Such signs are outlined in Section 15-5-13.

(d) **Permit Fees.**

- (1) The permit fee for a permanent sign shall be per Section 15-1-101(d). There shall be no charge for resubmitted applications if within ninety (90) days of first application.
- (2) The permit fee for a temporary sign shall be per Section 15-1-101(d) per application. There shall be no charge for temporary sign permits for over-the-street banners erected by or in support of a civic, educational or nonprofit organizations and issued pursuant to Section 15-5-13(c)(2).
- (3) The permit fee for a temporary sign shall be per Section 15-1-101(d).
- (4) The safety inspection fee for electrical and projecting signs shall be per Section 15-1-101 per inspection as applicable.

- (5) Double fees shall be charged to any applicant who erects or installs a sign prior to issuance of a permit. [See Sec. 15-5-3(h)].
- (6) Mirrored image signage on fascia's, etc. shall be counted as one sign and charged one sign permit fee.
- (e) **Permit Issuance and Denial.** The Building Inspector or his authorized agent shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign within the City when the permit application has been approved by the Building Inspector himself, or Landmarks Commission if the sign is located in the Historic Preservation District or, in the case of a temporary sign, if it conforms to the requirements set forth in Section 15-5-13. If the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District denies a sign permit application, the applicant shall be given written notice of the reasons for denial. ~~by the Design Review Board.~~ The Building Inspector or his authorized agent may deny an application for a sign permit if the application fails to satisfy the requirements of this Chapter. Only applications, which satisfy the basic requirements of this Chapter, will be reviewed by the Building Inspector or forwarded to the Design Review Board Landmarks Commission.
- (f) **Appeals.** Appeals of the decisions of the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District under this Chapter shall be made to the City Plan Commission. Further appeal of the ruling of any such decision by the City Plan Commission shall be to the Common Council.
- (g) **Revision without permit.** Any changes or alterations to a sign previously approved by the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District in regards to colors, type-style, shape and/or size must have approval from the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District before proceeding with the change. Any violations of this shall be governed by Section 15-5-16.
- (h) Any owner and/or sign contractor erecting a sign without obtaining a City sign permit and prior approval from the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District shall remove the sign within three (3) working days at their expense upon written notification by the Building Inspector. Any owner who fails to comply with this Section shall be subject to the following: The Building Inspector may cause the illegal sign to be removed and the cost of such removal shall become a lien as provided in Sec. 66.60(15), Wis. Stats., and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate shall apply.

#### **SEC. 15-5-4 INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE.**

Any person who installs or maintains a sign(s) which involves, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work shall agree to hold harmless and indemnify the City of Cedarburg, its officers, agents and employees from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of this sign or any other sign work insofar as this Chapter has not specifically directed the placement of the sign.

## SEC. 15-5-5 INSURANCE

Every sign contractor shall file with the Building Inspector or his authorized agent a certificate of insurance as prescribed by the City's Schedule of Insurance Requirements. Such insurance shall not be canceled or reduced without the insured first giving a thirty (30) day notice to the City of Cedarburg of such cancellation or reduction.

## SEC. 15-5-6 LIABILITY.

The acceptance of fees as provided herein shall not be deemed as assumption of liability by the City. The owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to persons or property thereby.

## SEC. 15-5-7 GENERAL PHYSICAL REQUIREMENTS.

All business signs shall be considered to be pylon signs, wall signs, awning/canopy signs, projecting signs, or freestanding/ground signs which are located on or attached to a structure on the premises being served or on established easements of record and are subject to the conditions set forth in this Chapter.

- (a) **Pylon Signs.** Pylon signs shall not exceed twenty (20) feet in height including any type of base. For determining permissible sign height, pylon signs shall be set back one (1) foot from the property line for each one (1) foot of the sign's height, and located entirely on private property.
- (b) **Wall Signs.** Wall signs shall be limited to one (1) (thirty-two (32) square foot maximum) per building side and shall be allowed only when the property line on said side of the building is contiguous to and faces a public street or alley right-of-way.
- (c) **Projecting Signs.** Projecting signs shall be limited to the requirements of the applicable zoning district, as prescribed in Section 15-5-14. Projecting signs shall in no case be closer than five (5) feet to a curb or have less than eight (8) feet clearance, measured from grade level to the bottom of the sign. Projecting signs providing less than eight (8) feet from grade level to the bottom of the sign may be permitted at the discretion of the ~~Design Review Board~~ Building Inspector, or Landmarks Commission if the sign is located in the Historic Preservation District. Signs must be mounted firmly, and no component may swing, rotate, or move freely.
- (d) **Freestanding/Ground Signs.** Freestanding signs shall be less than eight (8) feet in total height.
- (e) **Awning/Canopy Signs.** Awning/canopy signs shall provide no less than eight (8) feet vertical clearance between the bottom of the sign and the ground (finished surface) directly beneath the awning/canopy. Canopies installed over a public right-of-way must also be approved by the Plan Commission. Landmarks Commission approval is also required if located in a historic district.
- (f) **Signs Above Roofs.** No sign shall be located on nor extend above the roof, wall, mansard or parapet of the building or structure to which it is attached.
- (g) **Signs by Intersection.** Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection within a right-of-way, shall either maintain a minimum clearance of eight (8)

feet between the bottom of the sign and the elevation of the top of curb nearest the sign, or shall be not more than three (3) feet in height above the finished ground level.

- (h) **Intersection Vision Setback.** Vision setback lines at the intersections of public streets, or of a street with a railroad, where the grade therefore is not separated, shall be established as defined in Section 13-1-80 (a) of the City Zoning Code and all zoning districts.
- (i) **No Right-of-Way Location.** No sign may extend closer than five (5) feet from the vertical plane of the street curb or, if no curb exists, not more than six (6) feet beyond the vertical plane of the property line. No private sign structure may be located in the right-of-way, except as otherwise provided.
- (j) **Gross Surface Area.**
  - (1) For all signs, ~~except dimensional letter and/or logo signs,~~ the surface area shall include the area within a single continuous perimeter enclosing the extreme outer limits of its display area.
  - (2) ~~The surface area of a dimensional letter sign shall conform with the architectural space allowed and as determined by the Design Review Board~~
  - (3) The total gross surface area shall include each sign face or display area used for advertising or identification purposes. The maximum allowed gross surface area is described under the restrictions listed in Section 15-5-14 according to each zoning district.
- (k) **Illuminated Signs.**
  - (1) Externally illuminated signs, including flood lighting and internally illuminated signs, shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light upon adjacent public or private property.
  - (2) The Building Inspector or his authorized agent shall have the power to alter or readjust the illumination intensity of any sign lighting after installation.
  - (3) Where signs face a residential zone, the illumination should cease at 11:00 p.m. or after business closing, whichever comes first.
  - (4) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited. All sign lighting shall be so designed located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky.
  - (5) Neon window signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the building's architectural character and where their color has been selected to harmonize with the building's exterior colors. Such lighting shall be subject to review and approval of the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District.
- (l) ~~**Dimensional Letter Signs.** Dimensional letter signs shall be limited to one (1) such sign for each business for each public street or alley right-of-way or public parking lot which it faces.~~
- (m) **Directional Signs.** Directional signs for use of nonprofit organizations shall be twelve (12) inches wide and eighteen (18) inches high, with white Goudy Old Style lettering on a gray background, and may be posted at no more than two (2) intersections upon approval of the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission

if the sign is located in the Historic Preservation District. Multiple directional signs at an intersection shall be made to conform to one another.

- (fm) **Customer Parking Signs.** Customer parking signs, which identify privately owned off-street parking lots, shall conform to the City's master design and may be mounted to utility poles as designed by the Building Inspector or his authorized agent, if authorized also by the Cedarburg Light and Water Commission.
- (en) **Directional and Instructional Non-Electric Signs.** Directional and non-electric signs which provide instruction or direction do not exceed (8) square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, entrances and exits, and parking areas [except as may be identified by "Customer Parking" signs as more fully described and regulated in Sections 15-5-7(m) and (n)].
- (po) **Design and Placement.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to and egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (ep) **Landscaping Standards.**
  - (1) In the case of any pole or ground mounted freestanding signs, a landscape area shall extend a minimum of five (5) feet from the base of the sign in all directions.
  - (2) Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscape plantings shall be of the type as will ensure effective year-long screening.

#### **SEC. 15-5-8 CONSTRUCTION SPECIFICATIONS.**

- (a) **Wind Pressure and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and shall be constructed to receive dead loads as required in the City of Cedarburg Building Code or other ordinances.
- (b) **Supporting Members or Braces.** Supporting members or braces of all projecting or wall signs shall be constructed of galvanized iron, properly treated steel, copper, brass or other noncorrosive, noncombustible material. All projecting signs, if placed at right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable or other metal attachments as shall insure permanent and safe construction and shall be maintained from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Building Inspector or his authorized agent determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector or his authorized agent.
- (c) **Improper Braces.** No signs or any part thereof or sign anchors, braces or guide rods shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe and no such sign or any part of any such sign or any anchor, brace or guide rod shall be erected,

put up or maintained so as to hinder or prevent ingress or egress through such door, doorway or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the City of Cedarburg.

- (d) **Plans.** At the time of permit application, plans shall be filed with the Building Inspector for footings for signs eight (8) feet to twenty (20) feet in height, methods of attachment of projecting signs, and engineering specifications and calculations as required by the Building Inspector.

#### **SEC. 15-5-9 INSTALLATION AND MAINTENANCE.**

- (a) **Safety.** All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This Chapter recognizes that one of the greatest perils to the public safety is improper performance of sign contractors in the use of adequate equipment. As such, the Building Inspector or his authorized agent may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Building Inspector or his authorized agent may also cite the sign contractor for a violation of this Chapter if he fails to use proper equipment in the maintenance of signs.
- (b) **Electrical Signs.** This Chapter recognizes that electric signs are controlled under the special equipment provisions of the City of Cedarburg Electrical Code. An electrical permit shall first be obtained before an electrical sign is installed. Electrical signs shall comply with City, State and N.E.C. electrical codes. It also recognizes that electric sign contractors have developed a specialized trade in high voltage discharge electric sign installation and maintenance to properly install and service high-voltage electric signs. Electric sign contractors and their employees are hereby authorized to perform the following tasks:
- (1) Install exterior electric signs, ballasts or high-voltage transformers to sockets or outline lighting tubes, and may connect said signs to primary branch circuit, if said circuit already exists outside the building.
  - (2) Install interior electric signs, but may not connect said signs to primary branch circuit.
  - (3) Maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. This Chapter prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the Electrical Code of the City of Cedarburg.
  - (4) Electric service to all signs shall be concealed.
- (c) **Maintenance and Repair.** Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign. In addition, the premises on which the sign is erected shall be kept in a clean, sanitary and inoffensive condition, free and clear of all noxious substances. The Building Inspector or his authorized agent requires compliance with all standards of this Chapter. If the sign is not modified to comply with safety standards outlined in this Chapter, the Building Inspector or his authorized agent, shall require its removal in accordance with this Section or the

sign shall be removed under the authority of the Building Inspector or his authorized agent, and costs incurred shall be paid by the owner of the premise on which such sign is located. Signs removed for maintenance and repair for over thirty (30) days shall be required to reapply for a sign permit before re-erecting the sign, unless the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District has first granted an extension of time.

- (d) **Protection of the Public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off or otherwise isolated.

#### **SEC. 15-5-10 ABANDONED SIGNS.**

All signs or sign messages and all associated electrical and related structural components and apparatuses shall be removed by the owner or lessee to the premises upon which a sign is located when the business it advertises is no longer conducted. If the owner or lessee fails to remove the sign, the Building Inspector or his authorized agent shall give the owner a thirty (30) day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Building Inspector shall, by certified mail, send a second notice giving the owner an additional forty-eight (48) hours to remove the sign. Upon failure to comply with the second notice, the City of Cedarburg shall cause removal to be executed, the expenses of which shall become a lien against the property as provided in Sec. 66.60(15), Wis. Stats., on the property on which said sign is located as of the date of the removal of the sign and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply.

#### **SEC. 15-5-11 PROHIBITED SIGNS.**

The following signs shall be prohibited within all zoning districts in the City of Cedarburg:

- (a) **Abandoned Signs.** See Section 15-5-10.
- (b) **Flashing, Alternating, Rotating or Swinging Signs.** Flashing, alternating, rotating or swinging signs or devices, whether illuminated or not, visible from the public right-of-way.
- (c) **Changeable Copy and Electronic Message Signs.** Changeable copy and electronic message signs, fixed or moveable, except for schools, churches, public service, gas stations and theater.
- (d) **Floodlighted Signs.** Floodlighted signs or reflection-illuminated signs whose light source is positioned so that its light source is visible from a public right-of-way by vehicular traffic or whose light source is visible from adjoining property and signs which violate Section 15-5-7(k).
- (e) **Unclassified Signs.**
- (1) Which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
  - (2) Which is a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property.
  - (3) Which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.

- (f) **Off-Premise and Inflatable Advertising Devices or Signs.** Off-premise sign which advertises goods, products, facilities or services not located on the premises where the sign is installed and maintained.
- (g) **Billboards.** Signs larger than one hundred (100) square feet per face.
- (h) **Painted Wall Signs.** Painted wall signs which are painted directly on the surface of the building.
- (i) **Business Signs.** Signs, which display telephone numbers or Web addresses except for real estate developments (temporarily until development lots are sold), residential rental properties, and storage rental properties (only when units are available for rent).
- (j) **Advertising Vehicles.** Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (k) **Illegal Placement.** Signs, which are attached or otherwise affixed to rocks, trees or other living vegetation.
- (l) **Strobes and Lasers.** Strobes and lasers are not allowed.
- (m) **Flags.** Flags that advertise any product are not allowed.
- (n) **Searchlights or Balloons.** Searchlights or balloons (exceeding a diameter of two (2) feet) may not be used on a permanent basis. A permit for such an advertising device may be issued for up to three (3) days and may not exceed a total of fifteen (15) days or five (5) permits per year.
- (o) **Permanent Subdivision Signs.** Permanent subdivision identification signs are not allowed. (See Section 15-5-13 for temporary signage.)

#### **SEC. 15-5-12 SIGNS NOT REQUIRING A PERMIT (UNRESTRICTED SIGNS).**

The following signs are permitted in all zoning districts of the City of Cedarburg without a sign permit provided they comply with the restrictions and specifications set forth in this Section and in this Chapter:

- (a) **Governmental Signs.** Signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- (b) **House Numbers and Nameplates.** House numbers and nameplates indicating the occupant name and/or address not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- (c) **Interior Signs.** Interior signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs and Plaques.** Memorial signs and tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
- (e) **No Trespassing and No Dumping Signs.** No trespassing and no dumping signs shall be a standard eighteen (18) inches by twenty-four (24) inches.

- (f) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties.
- (g) **Public Signs.** Signs required as specifically authorized for public purpose by any law, statute or ordinance.
- (h) **Political and Campaign Signs.** Political signs on behalf of candidates for public office or issues on election ballots provided that said signs are subject to the following regulations:
  - (1) Permission shall be obtained from the owners or tenants in possession of the property upon which an election campaign sign is erected. No sign shall be located on public property.
  - (2) Said signs may be erected during the election campaign period and shall be removed within seven (7) days following said election. If the signs are not removed within the seven (7) day period, the Building Inspector or his authorized agent shall cause said signs to be removed without the necessity of giving notice and the cost of such removal shall be chargeable to the owner of the property on which said sign is located.
  - (3) a. In areas zoned other than residential, each sign shall not exceed sixteen (16) square feet in area. In residential areas, no political or campaign signs may be constructed, erected or placed so as to adversely affect traffic or pedestrian safety (maximum four (4) square feet).
  - b. Signs shall have no electrical, mechanical or audio auxiliary.
- (i) **Real Estate Signs.**
  - (1) One (1) real estate sales sign is allowed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not illuminated. Real estate signs may also be placed on private properties where the realtor has specific permission. These signs are allowed only during the open house event. Signs are prohibited on public property or public right of ways.
  - (2) In residential and commercial districts, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after sale, rental or lease has been accomplished.
  - (3) Signs larger than eight (8) square feet advertising For Sale, Rental or Lease require a sign permit.
- (j) ~~**Temporary Window Signs.** In business, commercial and industrial districts, the inside surfaces of any window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed thirty three percent (33%) of the total window area in which the sign(s) is placed and shall not be placed on door windows or other windows needed to be clear for pedestrian safety. Such signs shall be removed within thirty (30) days.~~
- (kj) **Bulletins.** Temporary signs not exceeding four (4) square feet in area pertaining to events of civic, philanthropic, educational and religious organizations, provided such signs are posted no more than fifteen (15) days before said event and removed within fifteen (15) days after the event.
- (lk) **Awnings.** Decorative awnings without lettering or imagery are not considered signs within the definition of this Chapter.
- (ml) **Professional and Business Name Plate Signs.** Professional and business name plate signs shall be located on the premises being served and shall be limited to one (1) such

sign per business. One (1) professional name plate sign shall not exceed two (2) square feet.

- (~~fm~~) **Rummage Sale Signs.** Rummage sale signs used for the purpose of advertising the sale of merchandise at a private residence by at least one (1) occupant of said residence, subject to the following regulations:
  - (1) Such signs shall be posted only on the day(s) of the sale.
  - (2) Rummage sale signs shall be placed only on the property hosting the sale or on other private properties where specific permission is granted. Signs shall not be attached to or displayed on traffic or regulatory signs, light poles, parkway/terrace trees or in public right-of-way.
- (~~en~~) **Governmental Entity Flags.** Governmental entity flags which are the official flags of the United States, State of Wisconsin or City of Cedarburg and which are properly displayed.
- (~~po~~) **Gasoline Price Signs.** Gasoline price signs, as required by law, not larger than twenty (20) square feet total surface area, one or two sided.
- (~~ep~~) **Patriotic Buntings.** Red, white and blue patriotic buntings shall be allowed to be tastefully displayed without time limitation but subject to maintenance provisions as per Sections 15-5-8 and 15-5-9.
- (~~fq~~) **Contractor Signs.** Less than eight (8) square feet and posted no longer than one (1) week after completion. [See Sec 15-5-13 (7)]

#### **SEC. 15-5-13 SIGNS REQUIRING A TEMPORARY PERMIT.**

- (a) **Standards.** There are certain types of signs which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular zoning district or districts, without consideration, in each case, of the impact of those signs upon neighboring land or public facilities. Such signs, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, size and design. Such signs are classified as temporary uses. Such signs may only be erected following the issuance of a temporary use sign permit. Prior to the granting of any temporary use sign permit, the ~~Design Review Board~~ Building Inspector may stipulate such conditions and restrictions upon the establishment, location, size, construction, color, maintenance and operation of the sign as deemed necessary to promote the public health, safety and general welfare of the community. In granting the temporary sign permit the ~~Design Review Board~~ Building Inspector shall consider the following factors:
  - (1) That the establishment, maintenance or operation of the sign will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the sign, and the proposed sign is compatible with the use of adjacent land.

- (3) That the establishment of the sign will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in this district.
- (b) **Temporary Use Sign Permit Required.** The following signs may be allowed with a temporary permit, as provided in Sections 15-5-3(d) and (e), subject to the following conditions:
- (1) **Large Temporary Business Signs.** Large temporary business signs which exceed thirty-three percent (33%) of the total window area in which the sign is placed. Such signs may not exceed seventy-five percent (75%) of the total window area in which the sign is placed and may not be displayed more than fifteen (15) days. Notwithstanding the foregoing, going-out-of-business signs may be displayed for up to forty-five (45) days.
  - (2) **Temporary Wall Signs.** Temporary wall signs may not exceed the lesser of ~~one hundred (100)~~ eighteen (18) square feet or twenty percent (20%) of the area of the wall on which the sign is placed. These may be displayed up to ~~fifteen (15)~~ thirty (30) days and no more than three (3) permits per location may be issued per year.
  - (3) **Electric Directional, Instructional and Neon Signs.** Electric directional and instructional signs whose purpose is the same as those of Section 15-5-13(a) and which have passed inspection by the Building Inspector or his authorized agent and comply with the Electrical Code of the City of Cedarburg.
  - (4) **Advertising Vehicles.** Advertising vehicles may not be parked on any public right-of-way. A permit may be issued for an on-premise advertising vehicle for a period of time not to exceed five (5) days and no more than three (3) permits per location may be issued per year.
  - (5) **Subdivision Development Signs.** Signage, banners and flags erected by the developer for the purpose of marketing a new subdivision are permitted with the follow restrictions:
    - a. Such permits may be issued for a period of two (2) years and may be annually renewed after two (2) years.
    - b. Signs as used in this Section refer to all types of signs except those prohibited by this Chapter.
    - c. The sign must be located on the property being developed, not on the public right-of-way, and must comply with all applicable building setback requirements.
    - d. The sign may not exceed thirty-two (32) square feet for properties less than five (5) acres. More than five (5) acres are a maximum ninety-six (96) square feet, with setback and size to be determined by the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District. [One (1) sign is allowed for each major street adjacent to the subdivision.]
  - (6) **Sale/Lease/Rent Signs.** Larger than eight (8) square feet.
  - (7) **Contractor Signs.** Any sign used for identifying and naming the contractors engaged in construction on the property where the sign is located, provided the sign is larger than eight (8) square feet.
    - a. **Number.** There shall not be more than one (1) temporary construction

sign for each project or development, except that where a project or development abuts two (2) or more streets, one (1) sign may be allowed for each abutting street frontage.

- b. **Nonresidential Areas.** In all nonresidential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area.
  - c. **Location.** Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall be setback/offset a minimum of eight (8) feet from any abutting property line, road right-of-way or driveway.
  - d. **Height.** Temporary construction signs shall not project higher than seven (7) feet, as measured from preconstruction grade at the base of the sign.
  - e. **Special Conditions.** Temporary construction signs shall be permitted only as accessory to an approved building permit for the purpose of identifying a proposed construction project and the names of contractors, engineers, architects, and financial institutions involved in the project development. Temporary construction signs may be erected and maintained for a period not to exceed (30) days prior to the commencement of construction and shall be removed within thirty (30) days of the termination of construction of the project or development.
  - f. **Phone Numbers.** Phone numbers are permitted, but are not to exceed 6" in height.
- (c) The following signs are allowable with a temporary sign permit issued by the Building Inspector or his authorized agent without prior approval of the ~~Design Review Board~~ Landmarks Commission if the sign is located in the Historic Preservation District. A temporary sign permit fee is required per Section 15-5-3:
- (1) ~~**Temporary Sign.** Temporary sign less than twelve (12) square feet which advertises a special event for a civil, philanthropic, educational or religious organization. A permit may be issued for fifteen (15) days. A temporary sign can be displayed for up to two (2) weeks at a time during no more than three (3) different periods per year. Each such two (2) week period requires a new permit and fee. Such temporary signs must be located on private property only and shall not obstruct building exits, unless noted elsewhere in this Section.~~
  - (21) **Over-the-Street Banner.** Unlighted special event non-partisan banners not exceeding one hundred fifty (150) square feet in area. A permit may be issued for twenty (20) days. An extension may be applicable.
  - (32) **Banners and Pennants.** Banners and pennants (devices of paper, fabric, plastic or other flexible materials) for the purpose of advertising items other than community events shall not exceed the lesser of ~~one hundred (100)~~ eighteen (18) square feet or twenty percent (20%) of the area of the wall on which they are placed. There shall be no more than two (2) banners displayed at any time, with each banner requiring a thirty (30) day permit. A business may not have any more than ~~six (6)~~ three (3) permits each year. Banners and pennants for the purpose of promoting a community event may be displayed up to sixty (60) days.
  - (43) Temporary signs are prohibited on all public right-of-way except:

- a. Official street signs, signs used during construction to warn motorists and pedestrians of potential hazards or traffic directions.

#### **SEC. 15-5-14 SIGNS REQUIRING A PERMANENT PERMIT.**

- (a) **General Requirements.** All signs or devices used to attract attention for advertising or identification purposes, whether defined in this Chapter or not, require a permit. Signs for single tenant/use buildings are regulated according to the applicable zoning district and corresponding restrictions listed in this Section. Signs for multi-tenant/use buildings are regulated by Subsection (c) below.
- (b) **Total Gross Signage.** The total allowable gross signage per building shall be equal to the summation of the street-side building width (feet) and average building setback (feet) times 0.3 sq. feet. This does not apply to the B-3 Business District.
- (c) **Multi-tenant/Use Buildings.**
  - (1) **Identification/Advertising Sign.** The property, building or businesses located within a building shall be allowed only one of the following types of signs for common identification or advertising purposes: projecting, pylon, ground/freestanding or wall sign.
  - (2) **Business Identification Signs.** Buildings with common entrances shall be allowed one directory-type sign at each entrance facing a public right-of-way or parking area. The maximum size shall be twenty-four (24) square feet per sign. Buildings with individual entrances facing a public right-of-way or parking area shall be allowed one sign at each entrance. The maximum size of each sign shall be determined by dividing the total gross signage for the building by the number of businesses.
  - (3) **Awning Signs.** Awnings with lettering or imagery are considered signs. The lettering or imagery shall not exceed one-fourth (1/4) of the total surface area of the awning and shall be included as part of the total gross signage.
  - (4) **Temporary Signs.** Temporary and unrestricted signs, are permitted subject to the requirements of the applicable zoning district or type of sign.
- (d) **Zoning District Requirements.**
  - (1) Residential Districts (RS-1, 2, 3, 4, 5, 6, 7, 8; Rd-1; and RM-1, 2, 3).
    - a. All general restrictions for signs provided within this Chapter apply to Residential Districts. All permanent signs require permits.
    - b. House Numbers and Nameplates. House numbers and nameplates indicating the occupant name and/or address not exceeding two (2) square feet in area for each residential building (no permit).
    - c. Signs which face residential districts shall not be illuminated after 11:00 p.m. or after the business closing time, whichever comes first.
    - d. No changeable copy, professional or business name signs or plates are allowed in ~~this~~ these districts.
  - (2) Neighborhood Business and Professional Business District (B-1 and B-4). All general restrictions for signs provided within this Code apply to these districts. All permanent signs require permits. Multi-tenant/Use Buildings in this district must comply with Section 15-5-15.

- a. Total square footage of all signs per building to be determined pursuant to Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.
- b. Projecting signs shall not exceed thirty-two (32) square feet per surface. The minimum height above grade shall be eight (8) feet.
- c. Pylon signs shall not exceed more than thirty-two (32) square feet per surface area and shall be no higher than twenty (20) feet, set back one (1) foot for each foot of height.
- d. Signs which face a residential district shall not be illuminated after 11:00 p.m. or after the business closing time, whichever comes first.
- e. Wall signs shall not exceed thirty-two (32) square feet in area.
- f. Permanent window signs shall not exceed twenty-five percent (25%) of the total window area in which the sign(s) is placed.
- g. Ground/freestanding signs less than eight (8) feet high shall not exceed thirty-two (32) square feet.
- h. Changeable copy and electronic message signs are not allowed in this district.
- i. Awnings with imagery or lettering shall be considered as signs. The area of the imagery or lettering shall not exceed one-fourth (1/4) of the total surface area of the awning.
- j. Illumination shall be external.
- k. Directory signs shall be a maximum of ten (10) square feet limited to one (1) per building side facing a public right-of-way with a maximum of two (2) per building.
- l. Signs can be displayed only in windows in which the business operates. Signs are not allowed in apartment, attic or basement windows.

(3) Business District (B-3).

- a. The ~~Design Review Board~~ Landmarks Commission expects that signs which are allowable under these guidelines and are visible from both the street and the sidewalk will satisfy the legitimate needs of commerce without visual clutter and without obstructing the view of buildings and signs.
  - 1. **Permanent Signs.** All permanent signs require a permit. Total square footage of all signs to be determined ~~in Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c)~~ shall apply. by the Landmarks Commission.
  - 2. **Projecting Signs.** The maximum size of projecting signs shall not exceed twenty-four (24) square feet. The minimum clearance to grade shall be eight (8) feet measured from the lowest part of the sign. A maximum of one (1) projecting sign per building shall be allowed. Projecting signs may extend not more than five (5) feet over the lot line and in no case shall extend to within five (5) feet of the street curb line. Any such sign which is located within ten (10) feet of the front or side lot line shall have its lowest point not less than eight (8) feet above the ground level. They shall be spaced a minimum of twenty-five (25) feet apart except that, in the

B-3 District, projecting signs may be placed no closer than fifteen (15) feet apart and in such instance shall be no larger than two (2) square feet.

3. **Illumination.** Illumination shall be external only.
  4. **Wall Signs.** Wall signs shall not exceed thirty-two (32) square feet per building facade.
  5. **Permanent Window Signs.** Permanent window signs shall not exceed twenty-five percent (25%) of the total area of the window in which the sign(s) is placed.
  6. **Ground/Freestanding Signs.** Ground/freestanding signs less than eight (8) feet high, shall not exceed thirty-two (32) square feet per sign face.
  7. **Changeable Copy Signs.** Changeable copy signs are not allowed in this district.
  8. **Sandwich Board.** Sandwich board signs shall be aesthetically compatible with the Historic District. One sandwich board sign is permitted per business on the sidewalk in front, placed on the business premise standing no more than four (4) feet high and with each sign surface not exceeding eight (8) square feet. Sandwich signs shall not be placed so as to block building entrances, exits, or public right-of-ways and shall where the adjacent building location makes it possible, the sign shall be located entirely on private property. Where the right-of-way extends up to the building, the sign shall be place where it will not interfere with pedestrian traffic.
  9. **Awnings with Lettering.** Awnings with lettering shall be considered as signs. The size of the lettering shall not exceed one-fourth (1/4) of the total surface area of the awning. With this type of awning identifying the business, no other type of sign for business identification shall be allowed.
  10. **Directory Signs.** Maximum ten (10) square feet limited to one (1) per building side facing a public right-of-way with a maximum of two (2) per building.
  11. **Permanent Signs.** All permanent signs require a permit. Total square footage of all signs to be determined ~~in Section 15-5-14(b).~~ Multi-tenant/Use Buildings Section 15-5-14(c) shall apply by the Landmarks Commission.
  12. **Memo Boards.** One allowed per business; address or main entry; maximum size 18" x 24". Must match design of building and/or any signage. Erasable, blackboards, or glass enclosed cases are acceptable.
- (4) Business Districts (B-2, B-5 and B-6).
- a. **All permanent signs require permits.** Total square footage of all signs shall be determined per Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.

- b. **Projecting signs** shall not exceed thirty-two (32) square feet per surface area and shall be no closer than twenty-five (25) feet from another projecting sign. Such sign shall not project into the public right-of-way and shall have its lowest point not less than eight (8) feet above the ground level.
  - c. **Group Directory Signs** shall be a maximum of ten (10) square feet limited to one per building side facing a public right-of-way with a maximum of two (2) per building.
  - d. **External and internal illumination** is permitted provided the restrictions described in Sections 15-5-7(k) and 15-5-9 are adhered to.
  - e. **Ground/freestanding signs** shall not exceed thirty-two (32) square feet in area. One (1) ground/freestanding or pylon sign is allowed per building.
  - f. **Pylon signs** shall not exceed thirty-two (32) square feet per sign face, shall have a twenty (20) foot maximum height, and be set back one (1) foot from the property line for each foot of height.
  - g. **Awnings with lettering** shall be considered as signs. The size of the lettering shall not exceed one-fourth (1/4) of the total surface area of the awning. With this type of awning identifying the business, no other type of sign for business identification shall be allowed.
  - h. **Wall Signs.** Wall signs shall not exceed thirty-two (32) square feet per building facade.
  - i. **Sandwich Board.** One sandwich board sign is permitted, placed on the business premise standing no more than four (4) feet high and with each sign surface not exceeding eight (8) square feet. The dimensions of the sandwich board shall be included on the total calculation form. Sandwich signs shall not be placed so as to block building entrances, exits, or public-right-of-ways and shall be located entirely on private property. These signs can only be displayed during business hours.
  - j. **Memo Boards.** One allowed per business; address or main entry; maximum size 18" x 24". The memo board's area shall be included in the total calculation form if over two (2) square feet. The boards must match design of building and/or any signage. Erasable, blackboards, or glass enclosed cases are acceptable.
- (5) Manufacturing Districts (M-1, M-2 and M-3).
- a. **All permanent signs require a permit.** Total square footage of all signs shall be determined by Section 15-5-14(b). Multi-tenant/Use Buildings Section 15-5-14(c) shall apply.
  - b. **Projecting signs** shall not exceed thirty-two (32) square feet per surface area, be not less than eight (8) feet above the ground level and shall not project into public right-of-way or over the property line.
  - c. **Ground/freestanding signs**, or wall signs shall not exceed thirty-six (36) square feet per surface area.
  - d. **Illumination shall be external only.** (Section 15-5-7)
- (6) Park and Recreation Districts (P-1). The only signs allowed in these zoning districts are government entity, public, directional signs and plaques of not more than twenty-four (24) square feet in area. These signs are restricted in

Section 15-5-12 and do not require a permit, but are required to be reviewed and approved by the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission if the sign is located in the Historic Preservation District.

- (7) Institutional and Public Service Districts (I-1).
- a. **All permanent signs require a permit.**
  - b. **Projecting signs** shall not exceed twenty-four (24) square feet per surface area.
  - c. **Ground/freestanding signs**, or wall signs shall not exceed thirty two (32) square feet per surface area or eight (8) feet in height.
  - d. **Illumination shall be external only.** [Section 15-5-7 (k)]
  - e. **Historical signs, plaques and monuments** less than eight (8) square feet do not require a permit, but their designs should be reviewed by the ~~Design Review Board~~ Building Inspector, or the Landmarks Commission if the sign is located in sign, plaque or monument is located in the Historic Preservation District.
  - f. **The changeable copy signs** for churches and other nonprofit organizations not to exceed twenty (20) square feet and shall be permissible in this district, subject to Section 15-5-11(c).
- (8) Evergreen Business Park Only.
- a. One (1) wall sign may be allowed on the exterior wall of the principal building. The maximum area of such a wall sign shall be 100 square feet. In a multi-tenant building, each tenant may share a portion of the maximum total of 100 square feet of wall signage. On the corner lot, each exterior wall facing a public street may share a portion of the maximum total of the 100 square feet of wall signage.
  - b. One (1) ground-mounted sign may be allowed per premises (not including a pole or pylon sign). The maximum area of such a ground-mounted sign shall be 50 square feet per side or 100 square feet for both sides, and the maximum height shall be eight (8) feet. The color and materials used in structural elements of signage (not including the message area) should be consistent with and related to the building facade materials on the site. The colors used in message areas for all signage on a site should be similar or complementary to create a unified and coordinated appearance.
  - c. On-premises directional signage may be allowed giving directions to areas such as employee or visitor parking, and shipping or loading zones. The maximum size of each such directional sign shall be two (2) square feet per side or four (4) square feet for both sides.
  - d. Temporary construction signs and banners, real estate signs, and election campaign signs shall be permitted in accord with the provision of the City of Cedarburg Sign Code.
  - e. Specifically prohibited signs include billboards, roof signs, pole or pylon signs, and flashing or moving signs or beacons.
- (9) Awnings with Lettering. Awning with lettering shall be considered a sign. Lettering shall be placed on the front flap only and shall be restricted to one business name or building's name, with text to be no taller than four (4) inches.

With this type of awning identifying the business or building, one (1) project or ground/freestanding sign not to exceed twenty (20) square feet can be allowed.

#### SEC. 15-5-15 LEGAL NON-CONFORMING SIGNS.

- (a) ~~**Notification of Non-Conformance.** Within one (1) year after enactment of this Chapter, the Building Inspector or his authorized agent shall survey the City of Cedarburg and inventory all signs. Upon determination that a sign is non-conforming, the Building Inspector or his authorized agent shall use reasonable efforts to so notify in writing the user or owner of the property on which the sign is located of the following:~~
- (1) ~~The non-conformity of the sign.~~
  - (2) ~~Whether the sign is eligible for characterization as a legal non-conforming sign or is unlawful.~~
- (b) ~~**Signs Eligible for Characterization as Legal Non-Conforming.** Any sign located within the City of Cedarburg on February 2, 1994, the date of adoption of the City's previous Sign Code, is eligible for characterization as a legal non-conforming sign and is permitted, providing it also meets the following requirements:~~
- (1) ~~The sign was covered by a proper sign permit prior to the date of adoption of this Chapter.~~
  - (2) ~~If no permit was required under applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law at the time the sign was erected, and has since been maintained in compliance with the applicable ordinances of the City of Cedarburg.~~
- (a) **Existing Legal Nonconforming Signs.** A sign lawfully existing prior to the passage of the sign ordinance or ordinance amendment, which fails to comply with current dimensional standards of the ordinance such as location, size, height, etc. The lawful use of a nonconforming sign existing at the adoption or amendment of this Ordinance may continue unless:
- (c) ~~**Loss of Legal Non-Conforming Status.** A sign loses its legal non-conforming status if one (1) or more of the following occurs:~~
- (1)
    - a. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this Chapter than it was before alteration.
    - b. The sign is damaged to such extent that the cost to repair or reconstruct said sign exceeds fifty percent (50%) of the value of the sign.
    - c. The design, logo or wording of the sign is altered.
  - (2) The sign is relocated.
  - (3) The sign fails to conform to the Chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (4) If a building or place of business is occupied by a new tenant or owner of the business.
  - (5) Within thirty (30) days of occurrence of any of the above, the sign shall be brought in compliance with this Chapter with a new permit secured therefor or shall be removed at the owner's expense.
- (db) **Legal Non-Conforming Sign Maintenance and Repair.** Nothing in this Chapter shall relieve the owner or user of a legal non-conforming sign or the owner of the property in

which the sign is located from the provisions of this Chapter regarding safety, maintenance and repair of signs.

#### **SEC. 15-5-16 PROCEDURES AND PENALTIES FOR ENFORCEMENT OF SIGN CODES.**

- (a) In addition to any other penalty imposed by this Chapter and Section 1-1-7 for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating an illegal sign by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.
- (b) **Penalty.** Any person who shall violate any of the provisions of this Code shall be subject to a penalty, which is as follows:
  - (1) **First Offense -- Penalty.** Any person who violates any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution.
  - (2) **Second and Subsequent Offenses -- Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each such offense, together with costs of prosecution.
- (c) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining an appropriate action to prevent or remove a violation of any provision of this Code.
- (d) **Other Remedies.** The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.
- (e) **Citation Procedure.** All City officers and other City personnel charged with responsibility of enforcing the provisions of this Section are hereby authorized pursuant to Section 66.119(1)(a), Wis. Stats. to issue citations for violations of this Section.

#### **SEC. 15-5-17 DEFINITIONS.**

- (a) The following definitions shall be applicable in this Chapter:
  - (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.
  - (2) **Advertising Vehicle.** Any advertising media attached to or an integral part of a trailer, truck or other vehicle used for sales or promotional purposes.
  - (3) **Approved Combustible Materials.** Wood, combustible plastics or other rigid materials impervious to water.
  - (4) **Approved Combustible Plastics.** Only those combustible plastic materials which, when tested in accordance with the A.S.T.M. Standard Method of Testing for Flammability of Plastics over 0.050 inch in thickness, D635 (Latest Revision),

burn no faster than two and one-half (2-1/2) inches per minute in sheets of 0.060 inch thickness.

- (5) Awning Sign. Any lettering or imagery sewn or painted on the fabric portion of an awning. Decorative awnings without lettering or imagery are not considered signs.
- (6) Banner. A non-illuminated, elongated, fabric sign usually used as a temporary display for the special announcement of a coming event. Can be used with or without frame.
- (7) Base Setback Line. The edge of the established ultimate street right-of-way.
- (8) Beacon. A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention.
- (9) Billboard. Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment or support of printed poster, or other advertising matter and constructed, erected and located on any premises not owned or occupied by the person for whose use such billboard is constructed, erected, located or attached, and when used for purposes other than advertising the business conducted on such premises or in such building or structure. Usually larger than three hundred (300) square feet in area.
- (10) Building Facade. That portion of a building, which is parallel or nearly parallel to the abutting roadway.
- (11) Building Inspector. That person charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Chapter, along with any other duties assigned to him by the City of Cedarburg.
- (12) Bulletin Board. Any sign used for the purpose of identifying a public, charitable or religious institution and information pertaining to its meetings and activities.
- (13) Business Identification Sign. Any sign which promotes the name and type of business only on the premises where it is located. (See Professional Name Plate.)
- (14) Canopy Sign. Any sign attached to or constructed in, on or under a canopy or marquee.
- (15) Changeable Copy/Message Sign. A sign such as a time and temperature sign, message center or reader board, whether electronic, electric or manual, where the copy or message changes.
- (16) Temporary Sign. A permanent or temporary sign that, because of unusual circumstances, would require special conditions attached to the sign for conformance to the Code.
- (17) Directional Sign. Any sign which serves to designate the location of direction of any place or area.
- (18) Double-faced Sign. A sign with copy on two (2) parallel faces that are back to back, facing opposite directions.
- (19) Electric Sign Contractor. A person, partnership or corporation which, in the normal course of business, frequently installs and maintains electric signs.
- (20) Election Campaign Period. In the case of an election for office, the period beginning on the first day on which candidates would circulate nomination papers.

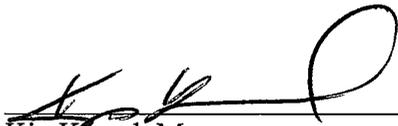
- (21) Election Campaign Signs. Signs which support candidates for public office or issues on an election ballot.
- (22) Externally Illuminated Sign. Any sign in which the source of illumination is not an integral part of the sign.
- (23) Flags or Pennants. Devices generally made of flexible materials, such as cloth, paper or plastic and displayed on strings or wires.
- (24) Flashing Sign. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.
- (25) Flat Sign. (See Wall Sign.)
- (26) Freestanding/Ground Sign. Ground sign less than eight (8) feet in total size.
- (27) Frontage. The length of the property line of any one (1) premise parallel to and along each public right-of-way it borders.
- (28) Governmental Sign. Any sign used for posting legal notices, identification of streets, traffic regulation, notice of danger or other emergencies or the posting of notice of trespassing.
- (29) Ground Sign. A sign which is placed directly on the ground and is not attached to any building. "A" frame and low-profile signs less than eight (8) feet in height shall be considered ground signs.
- (30) Group Directory Sign. Any sign, whose purpose is limited to the group listing and identification of office or business establishments within a single building or structure.
- (31) Gross Surface Area. The area of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign face surface.
- (32) Height of the Sign. The vertical distance measured from the ground (finished surface) at the base of a sign to the highest point of such sign.
- (33) Illegal Sign. Signs which are considered illegal are those which do not meet the standards of the codes at the time they were erected or do not meet the standards of this Chapter.
- (34) Inflatable Sign. Any advertising structure which is filled with a nonflammable gas or air under pressure.
- (35) Institution. Any building used for nonprofit purposes.
- (36) Internally Illuminated Sign. Any sign in which the source of illumination is an integral part of the sign.
- (37) Legal Non-Conforming Sign. A sign that did meet code regulations when it was originally installed but does not meet current code regulations.
- (38) Lot. A parcel of land, held in one (1) ownership, bounded by lines defined on the Official Map of Cedarburg and abutting a public street.
- (39) Memorial Sign and Plaques. Any sign or table used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other noncombustible materials.

- (40) Neon Or Other Gas Tube Illumination. Illumination from a light source consisting of a neon or other gas tube which forms letters, symbols or other shapes.
- (41) Non-Conforming Sign. A sign which does not meet code regulations.
- (42) Off-Premise Sign. A sign which advertises goods, products, facilities or services not located on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (43) On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed.
- (44) Operational Sign. A sign designating an entrance, exit, service area, restroom or other such signs relating to the functional operation of a building or lot without further elaboration of display.
- (45) Permanent Sign. A sign placed, installed or attached to a building or property that will remain for more than thirty (30) days.
- (46) Portable Sign. A sign which is not permanently mounted to the ground or a structure and which is designed to be moved.
- (47) Professional Name Plate. Any flat sign indicating the occupant name and/or address of a professional office and attached to the building.
- (48) Projecting Sign. A sign, normally double-faced, which is attached to and projects from a structure or building fascia more than six (6) inches. The area of projecting signs is calculated on one (1) face only.
- (49) Pylon Sign. A sign which is supported by one (1) or more free-standing uprights or poles, is not attached to any building, and is more than eight (8) feet high.
- (50) Real Estate Sign. Any sign used for the purpose of advertising the sale, rental or lease of the premises upon which said sign is located.
- (51) Residential Name Plate. Any sign indicating the occupant's name and/or address at a residence.
- (52) Restricted Sign. All signs designated in this Chapter for which a sign permit is required.
- (53) Roof Sign. Any sign erected upon, against or above the roof of any building or structure.
- (54) Sandwich Board Sign. A hinged or unhinged A-frame portable sign which is generally temporary in nature. Such a sign is also considered to be a ground sign.
- (55) Setback. The regulated minimum horizontal distance between the base setback line and any structure on a lot.
- (56) Sign. Any structure or device displaying advertising in the form of lettering, pictures, symbols or other media, including all but the supporting structure.
- (57) Sign Contractor. Any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business which the sign advertises.
- (58) Sign Inspector. That person charged with the responsibility to see that the signage in the community is installed and maintained in compliance with this Chapter, along with any other duties assigned to him by the City of Cedarburg.
- (59) Sign Structure. Any device or material which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.

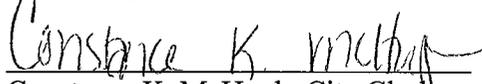
- (60) Subdivision Entrance Sign (or Emblem). Any sign whose purpose is exclusively limited to the identification of a platted subdivision or residential area and which names such subdivision without further elaboration, display or advertisement.
- (61) Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (62) Temporary Sign. A sign for the purpose of promoting or announcing a special event or for special informational purposes permitted for a limited period of time.
- (63) Total Gross Signage. The total square footage of all signage on a property and/or building.
- (64) Unrestricted Sign. All signs designated in this Chapter which do not require a sign permit but are regulated as to location, number and size.
- (65) Wall Sign. Signs attached parallel to the vertical wall of a building.
- (66) Warning Sign. A sign, containing no advertising material, warning the public of the existence of danger.
- (67) Window Sign. A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

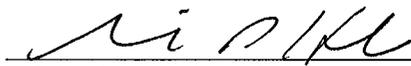
Passed and adopted this 30<sup>th</sup> day of March 2015.

  
\_\_\_\_\_  
Kip Kinzel, Mayor

Countersigned:

  
\_\_\_\_\_  
Constance K. McHugh, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Michael P. Herbrand, City Attorney