

Chapter 447

SIGNS

[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as Ch. 23 of the 1985 Code. Amendments where noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 550.

§ 447-1. Purpose.

The purpose of these sign regulations is as follows:

- A. To encourage the effective use of signs as a means of communication in the Village and to maintain and enhance the beauty and unique character and enhance the aesthetic environment of the Village by eliminating visual blight.
- B. To enhance the Village's ability to attract sources of economic development and growth.
- C. To protect pedestrians and motorists of the Village from damage and injury caused or partially attributable to the distractions and obstructions which are hereby declared to be caused by improperly sized or situated signs.
- D. To minimize the possible adverse effect of signs on nearby public and private property.
- E. To promote the public safety, welfare and convenience and enjoyment of travel and the free flow of traffic within the Village.
- F. To provide uniform sign regulations among the Village, the City of Stevens Point and Portage County.

§ 447-2. Compliance required; intent.

A sign may be erected, placed, established, painted, created or maintained in the Village only in conformance with the standards, procedures, exemptions and other requirements of this chapter. In addition, this chapter is intended to:

- A. Establish a permit system to allow a variety of types of signs in commercial and manufacturing zoning districts, and a limited variety of signs in other zoning districts, subject to the standards and permit procedures of this chapter.¹
- B. Allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this chapter, but without a requirement for permits.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Prohibit all signs not expressly permitted in this chapter.
- D. Provide for the enforcement of the provisions of this chapter.

§ 447-3. Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Chapter 550, Zoning, shall be given the meanings set forth in Chapter 550.

ABANDONED SIGN — A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

ANIMATED SIGN — Any sign which uses movement, reflection or changing of lighting to depict action or to create a special effect or scene (compare to "flashing sign").

AREA — See "sign, area of."

AWNING — Canvas, cloth or other nonrigid structures supported above windows or door openings.

BANNER SIGN — A sign made of fabric or any nonrigid material with no enclosing framework.

BILLBOARD — See "off-premises sign."

BUSINESS SIGN — A sign which directs attention to a business, profession, commodity, service or entertainment that is sold or offered upon the premises where such sign is located or to which it is attached.

CANOPY SIGN — Any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area.

CHANGEABLE COPY SIGN (AUTOMATIC) — A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

CHANGEABLE COPY SIGN (MANUAL) — A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

CONSTRUCTION SIGN — A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

COPY — The wording and/or symbols on a sign surface in either permanent or removable letter form.

DIRECTIONAL/INFORMATIONAL SIGN — An on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy. Examples include parking or exit signs.

DOUBLE-FACED SIGN — A sign with two faces.

ELECTRICAL SIGN — A sign or sign structure in which electrical wiring, connections or fixtures are used.

ELECTRONIC MESSAGE CENTER — See "changeable copy sign (automatic)."

FACADE — The entire front or any other face of a building, including the parapet.

FACE OF SIGN — The area of a sign on which copy is placed.

FESTOON — A string of balloons, ribbons, tinsel, small flags or pinwheels.

FLAG — Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a business, corporation, government, political subdivision or other entity.

FLASHING SIGN — A sign which contains an intermittent or sequential flashing light source, primarily to attract attention. It does not include changeable copy signs, animated signs or signs which, through reflection and/or other means, create an illusion of flashing or intermittent light. (Compare with "animated sign" and "changeable copy sign.")

FREESTANDING SIGN — Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

GOVERNMENT SIGN — Any temporary or permanent sign erected and maintained by the Village, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, public service, property or facility.

GROUND SIGN — A freestanding sign that is less than six feet in height.

HEIGHT OF SIGN — The vertical distance measured from the highest point of the sign to the surface grade beneath the sign.

IDENTIFICATION SIGN — A sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.

ILLEGAL SIGN — A sign which does not meet the requirements of this chapter and is constructed after the effective date of this chapter.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN — A sign emblem or decal informing the public of goods, facilities or services available on the premises, e.g., credit card sign or sign indicating hours of business. "Incidental sign" shall include signs placed on items for sale.

LOT — A parcel of land legally defined by the Portage County Land Description Office on a subdivision map recorded with the Portage County Register of Deeds or a parcel of land defined by a legal record or survey map.

MAINTENANCE — For the purpose of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

MARQUEE — A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of the building.

NAMEPLATE — A nonelectric, on-premises sign giving only the name and/or address of an occupant.

NONCONFORMING SIGN — A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g., billboards or outdoor advertising.

ON-PREMISES SIGN — A sign which pertains to the use of the premises on which it is located.

OWNER — For the purpose of this chapter, the owner of the sign is presumed to be the person recorded as the owner of the sign on official records, such as the sign permit, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Community Development Manager, e.g., a sign leased from a sign company.

PARAPET — The extension of a false front or wall above a roofline.

POLITICAL SIGN — A message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.²

PORTABLE SIGN — A sign mounted on a frame or chassis, designed to be easily relocated and not meant to be permanently affixed to buildings, poles or the ground.

PROJECTING SIGN — A sign, normally double-faced, other than a flat wall sign, which is attached to and projects more than 18 inches from a building facade. A projecting sign is not a canopy sign.

REAL ESTATE SIGN — A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

ROOF SIGN — Any sign erected over the soffit or eave line of a building.

ROTATING SIGN — A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

SHOPPING CENTER — Refers to a concentration of retail stores and/or service establishments that are located within one or more structures under the ownership and management of one or more businesses, developers or corporations and usually located on one parcel.

SIDEWALK SIGN — A temporary sign placed on the sidewalk during regular business hours.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location, by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, AREA OF — Freestanding sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign's message. Where a sign has two display faces, back to back, the area of only one face should be considered the sign face area. Where a sign has more than one display face, the

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

maximum area that can be viewed simultaneously from any point should be considered the sign face area. In the case of a freestanding or wall sign whose message is applied to a background which provides no border or frame, sign area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message. In the case of wall signs whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.

SNIPE SIGN — A temporary sign or poster affixed to a tree, fence, utility pole, etc.

STREET FRONTAGE — The length of the property line of any one premises along a public right-of-way. The longer of the street frontages may be used to determine allowable freestanding signage on corner lots.

SUBDIVISION IDENTIFICATION SIGN — A sign identifying a recognized subdivision, condominium complex or residential development. Subdivision signs which are temporary in nature (advertising lots for sale) may be displayed for a period not to exceed two years. Annual extensions may be granted for the temporary subdivision signs upon approval by the Community Development Manager.

TEMPORARY SIGN — A sign or advertising display that is used only temporarily and is not permanently mounted. Rummage/garage sale signs and retailers' signs temporarily displayed for the purpose of informing the public of a special event, grand opening, sale or special offer are considered temporary signs. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary. A portable sign shall not be considered a temporary sign.

VILLAGE — Unless the context clearly discloses a contrary intent, the word "Village" shall mean the Village of Plover.

VISION OBSTRUCTION — Refers to the placement of a sign that would prevent a full view of both pedestrian and vehicular traffic. Sign placement will be reviewed so as not to create a vision obstruction adjacent to street intersections, rights-of-way, alleys, sidewalks and/or adjacent access points (public or private driveways). Such an area is established as provided in Chapter 550, Zoning, § 550-43E. No sign in excess of three feet above curb grade nor support pole larger than 12 inches in diameter may be installed in this area. Freestanding signs must have at least 10 feet of clearance between the bottom of the sign and the grade at the right-of-way line.³

WALL SIGN — A sign attached to or mounted on a building facade or other vertical building surface that does not project more than 18 inches from the building surface. A roof sign shall not be considered a wall sign.

WINDOW SIGN — A sign installed inside a window and intended to be viewed from the outside.

§ 447-4. General sign regulations.

- A. Wall sign limitations. Wall signs shall not project higher than the building soffit or eave height and shall not extend beyond the edge of any wall or other surface to which they are mounted. (This does not refer to projecting signs.)

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Location requirements. All signs, banners, flags, hangings, canopies and other displays shall not be located or overhang any right-of-way, including alleys and sidewalks, except as permitted in §§ 447-6, 447-8E and 447-9E of this chapter. All signs shall be set back a minimum of 10 feet from the right-of-way or future right-of-way as shown on the Official Map, except that all signs located in the area highlighted in Exhibits 1 and 2 below⁴ shall be set back a minimum of five feet from the right-of-way. [Amended by Ord. No. 15-97; Ord. No. 21-00]
- C. Vision obstructions. All signs, banners, flags, hangings, canopies and other displays shall not create any vision obstructions onto a public right-of-way, alley, sidewalk, adjacent drive or private drive entering onto a street or alley.
- D. Landscaping requirements. All freestanding signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and complement the sign.
- E. Construction signs. Construction signs shall only be displayed at the start of construction of a building until such building is occupied.
- F. Subdivision identification signs. Subdivision identification signs which are temporary in nature may be displayed for a period of not to exceed two years. Annual extensions may be granted for temporary subdivision signs upon approval by the Community Development Manager.
- G. Lighting. Unless otherwise specified by this chapter, all signs may be illuminated. Underground wiring is required on all signs which utilize electricity. In no instance shall an exterior lighting fixture be oriented so that the lighting element or transparent shield is visible from the right-of-way or from adjacent residential zoning districts. Signs regulated by this chapter may not utilize any revolving beacon light.
- H. Changeable copy. Unless otherwise specified by this chapter, any sign herein permitted may use manual or automatic changeable copy.
- I. Real estate/for sale or lease signs. Real estate/for sale or lease signs may be up to 10 square feet in area in the R-1, R-2, R-3 and R-4 Residential Districts. Real estate/for sale or lease signs may be up to 32 square feet in area in all remaining zoning districts.⁵

§ 447-5. Prohibited signs.

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs.
- B. Flashing signs.
- C. Portable signs.

4. Editor's Note: Exhibits 1 and 2 are included at the end of this chapter.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 23.04(10), which immediately followed this subsection, was repealed by Ord. No. 15-97.

- D. Roof signs.
- E. Rotating signs.
- F. Searchlights.
- G. Snipe signs.
- H. Inflatable signs, except as permitted in § 447-10G of this chapter.
- I. Signs imitating or resembling official traffic or government signs or signals.
- J. Signs placed on vehicles or trailers which are permanently parked or located for the primary purpose of displaying said signs.

§ 447-6. Permitted signs.

The following types of signs are permitted in all zoning districts.

- A. One flag per government, political subdivision, business and corporation.
- B. Government signs, holiday decorations or noncommercial special events signs.
- C. Public signs or notices or any sign relating to an emergency.
- D. Political signs. (Note: Political signs may only be displayed beginning the first day for circulating of nomination papers for candidates or a question submitted to the electorate and ending one week after the election or referendum is held.)⁶

§ 447-7. Conservancy District.

Within the Conservancy District, one nonilluminated freestanding sign may be displayed per parcel. The maximum height permitted for such sign is five feet above ground level. The maximum area for such sign is 32 square feet. Off-premises signs are prohibited in the Conservancy District.

§ 447-8. R-1, R-2, R-3, R-4 and R-5 Districts.

- A. Prohibited signs. Off-premises signs are prohibited.
- B. Total number of freestanding signs allowed. Either one nonilluminated freestanding or one nonilluminated wall sign may be displayed per parcel. In addition, one nameplate or identification sign is permitted per parcel.
- C. Height limitations. Freestanding signs shall be limited to five feet in height.
- D. Area requirements.
 - (1) Wall signs shall not exceed four square feet in sign area.
 - (2) Freestanding signs shall not exceed four square feet in sign area, except for construction signs which shall not exceed 32 square feet.

⁶. Editor's Note: See § 12.04, Communication of political messages, Wis. Stats.

- E. Subdivision identification sign requirements. Subdivision identification signs may be placed within the right-of-way, subject to approval by the Community Development Manager. No sign shall project into an adjacent property. Signs shall not be located within required clear vision triangles. Subdivision identification signs shall not exceed 32 square feet. Subdivision signs shall not create vision obstructions.
- F. Requirements for nonresidential identification signs.
 - (1) One freestanding identification sign, not to exceed 20 square feet in area, is permitted for churches, schools, hospitals, sanitariums, clubs, libraries or similar public and institutional uses. Such sign may be used for the purpose of displaying the name of the institution and its activities or services. Such sign may be illuminated but not flashing.
 - (2) In addition, one wall identification sign is permitted and shall not exceed 20 square feet in area. Such sign may be illuminated but not flashing.
- G. Garage and rummage sale signs. Garage and rummage sale signs are permitted. Garage and rummage sale signs cannot be placed on government property, such as parks, and cannot be placed in road medians. Garage and rummage sale signs must be removed one day after the sale is over.

§ 447-9. R-6 and R-7 Districts.

- A. Prohibited signs. Off-premises signs are prohibited.
- B. Total number of freestanding signs allowed.
 - (1) Residential uses. Either one nonilluminated freestanding or one nonilluminated wall sign may be displayed per parcel. In addition, one nameplate or identification sign is permitted per parcel.
 - (2) Office and commercial uses. One freestanding sign is permitted on each street frontage per lot of record, provided that a minimum separation distance of 200 feet, measured along the frontage, is maintained between such signs. A freestanding sign may be a ground or pole sign and may be illuminated.
- C. Height limitations for freestanding signs. Freestanding signs shall be limited to eight feet in height.
- D. Area requirements.
 - (1) Wall signs shall not exceed 32 square feet in sign area.
 - (2) Freestanding signs shall not exceed 32 square feet in area.
- E. Subdivision identification sign requirements. Subdivision identification signs shall not exceed 32 square feet in area. Subdivision signs for multiple-family dwelling units shall be permitted two square feet of sign area per dwelling unit and shall not exceed 32 square feet in area. Subdivision identification signs may be placed within the right-of-way, subject to approval by the Community Development Manager. No sign shall project into an adjacent property. Signs shall not create any vision obstructions.

- F. Requirements for nonresidential identification signs.
- (1) One freestanding identification sign, not to exceed 32 square feet in area, is permitted for churches, schools, hospitals, sanitariums, clubs, libraries or similar public and institutional uses. Such sign shall be for the purpose of displaying the name of the institution and its activities or services. Such sign may be illuminated but not flashing.
 - (2) In addition, one wall identification sign is permitted and should not exceed 32 square feet in area. Such sign may be illuminated but not flashing.

§ 447-10. B-1, B-2, B-3, B-4, M-1, M-2 and M-3 Districts. ⁷

- A. Total number of freestanding signs allowed. One freestanding or ground sign is permitted on each street frontage per lot of record, provided that a minimum separation distance of 200 feet, measured along the frontage, is maintained between such signs. A freestanding sign may be a ground or pole sign.
- B. Height limitations for freestanding signs. Freestanding signs shall be limited to 20 feet in height.
- C. Projecting sign requirements. Projecting signs are permitted when the sign is to be attached to a building that has a setback of 10 feet or less from the street right-of-way. Such projecting signs shall not overhang the right-of-way.
- D. Area requirements for freestanding signs. The table below shall be used to determine the maximum square footage permitted per freestanding sign:

Zoning District	Street Frontage (feet)	Maximum Area Permitted (square feet)
B-1	NA	50
B-2	NA	100
B-2, B-3, B-4, M-1, M-2, M-3	0 to 200	100
B-2, B-3, B-4, M-1, M-2, M-3	201 or over	150

NA = Not applicable.

Bonus for ground signs: when a ground sign is used, the permitted square footage of the ground sign may be increased by 25 square feet or the permitted square footage of wall signage may be increased by 50 square feet.

- E. Area requirements for wall signs.
 - (1) Wall signs shall not exceed one square foot of sign area per linear foot of street frontage. The maximum area of wall signage permitted is 500 square feet. Wall signs shall not be placed on more than two walls without Plan Commission approval.

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(2) Construction signs shall not exceed 32 square feet in area.

F. Shopping center requirements.

(1) In a shopping center under single ownership or control, one freestanding multiple tenant sign may be erected on each street frontage, provided that a minimum separation distance of 200 feet, measured along the frontage, is maintained between such signs. Multiple tenant signs shall not exceed 150 square feet in sign area.

(2) Only one wall sign not to exceed 100 square feet is permitted per tenant in a shopping center. A tenant's request for more than one wall sign or for a wall sign that is greater than 100 square feet shall require Plan Commission approval.

(3) A shopping center may display one wall sign that is an identification sign in addition to the permitted wall sign, provided that the square footage of such sign does not exceed 100 square feet.

G. Special provisions for temporary signs.

(1) Only two temporary signs shall be displayed on a property at any one time, except as provided below. Festoons, inflatable signs and portable signs are not permitted as temporary signs in this instance.

(2) When a new commercial establishment opens for business, temporary signs displayed for the purpose of informing the public that this new business is open may erect temporary signage not to exceed 45 days. The new business opening must take place on the parcel where the temporary signage is to be erected. Banners and festoons are permitted in this instance.

(3) Retailer signs temporarily displayed for the purpose of informing the public of a grand opening or special commercial event may be erected four times a year, not to exceed 15 days per event, and shall be removed following the event. In addition, the grand opening or special commercial event signage must directly involve an event that is to take place on the parcel on which the temporary signage is located. Banners, festoons and inflatable signs are permitted in this instance.

§ 447-11. Off-premises signs. [Added by Ord. No. 15-97]

A. Location requirements. Off-premises signs shall only be allowed in the B-2, B-3, B-4, M-1 and M-2 Zoning Districts.

B. Total number of freestanding signs allowed. Either one on-premises or off-premises sign is permitted on each street frontage per lot of record, provided that a minimum separation distance of 200 feet, measured along the frontage, is maintained between such signs. In addition, only one off-premises sign is allowed per business.

C. Height limitations. Off-premises signs shall be limited to six feet in height.

D. Area requirements. Off-premises signs shall not exceed 24 square feet in area.

E. Extent of authority. Any off-premises sign approved under the provisions of this section shall conform to all applicable ordinances and regulations of the Village.

§ 447-12. Sign permit.

- A. Required. Unless otherwise provided by this chapter, all signs shall require a permit and payment of fees as described below. No permit is required for the maintenance of a sign or for a change of copy on changeable copy signs. No signs shall be erected, displayed, altered or enlarged until an application has been filed and until a permit for such action has been issued. Permits shall be issued only if the Community Development Manager determines that the sign complies or will comply with all applicable provisions of this chapter.
- B. Permit applications. Application for a permit for the erection, alteration or relocation of a sign shall be made to the Community Development Manager upon a form provided by the Village and shall include the following information:
 - (1) Name, address and telephone number of the owner of the sign.
 - (2) Street address or location of the property on which the sign is to be located along with the name, address and telephone number of the property owner.
 - (3) The type of sign or sign structure as defined in this chapter.
 - (4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing or proposed signs on the same premises. Nearby signs located on adjacent properties shall also be shown on the site plan.
 - (5) Clear and legible specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.
 - (6) Certificate of insurance pursuant to § 447-14 of this chapter.
 - (7) Such other information as the Community Development Manager may require to show full compliance with this chapter and all other applicable ordinances of the Village.
 - (8) Signature of applicant.
 - (9) Payment of a fee as provided in Chapter 212, Building Construction, § 212-5G of this Code.⁸
- C. Temporary signs. A sign permit shall be obtained prior to the erection or construction of temporary signage used for business openings, grand openings or special commercial events. The applicant shall submit information as to the type, size, height and location of all proposed temporary signage.

§ 447-13. Signs exempt from permit requirement.

The following types of signs are exempt from permit requirements but shall be in conformance with all other requirements of this chapter:

- A. Constructional signs.
- B. Directional/information signs.

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- C. Holiday decorations or noncommercial special events.
- D. Incidental signs.
- E. Nameplates.
- F. Public signs or notices or any sign relating to an emergency.
- G. Political signs.
- H. Real estate signs.
- I. Window signs.
- J. Temporary signs that are not used for business openings, grand openings or social commercial events.

§ 447-14. Indemnification and insurance.

- A. All persons involved in the maintenance, installation, alteration or relocation of any sign shall agree to hold harmless and indemnify the Village and its officers, agents and employees against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.
- B. Every sign contractor shall maintain all required insurance and shall file with the Village a satisfactory certificate of insurance to indemnify the Village against any form of liability with a minimum of \$300,000 per occurrence and aggregate with regard to bodily injury and property damage.

§ 447-15. Maintenance required; removal of abandoned or dilapidated signs.

- A. Maintenance and repair of signs. Every sign for which permits are required, including Village signs, shall be maintained in a safe, presentable and good structural condition at all times, including painting, repainting, cleaning, replacement of defective parts and other acts required for maintenance of said sign. The Community Development Manager shall require compliance with all standards of this chapter and shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated. [Amended by Ord. No. 15-97]
- B. Abandoned signs. All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which the abandoned sign is located or within 30 days of written notice by the Community Development Manager. Upon failure to comply with this notice, the Village may cause the abandoned sign to be removed, the expense of which shall be charged to the tax roll of the property on which the abandoned sign is located.⁹
- C. Deteriorated or dilapidated signs. The Community Development Manager shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats. [Amended by Ord. No. 15-97]

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 447-16. Enforcement.

It shall be the duty of the Community Development Manager or his agent to enforce the provisions of this chapter.

§ 447-17. Nonconforming signs.

- A. Legal nonconforming sign criteria. Any sign located within the Village corporate limits as of the date of the adoption of this chapter or located within an area annexed to the Village hereafter which does not conform to the provisions of this chapter is a legal nonconforming sign and is permitted, provided that it also meets the following requirements:
- (1) The sign is 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 ordinances on the date of the adoption of this chapter.
 - (3) The sign is not a portable sign.
- B. Loss of legal nonconforming status.
- (1) A sign loses its legal nonconforming status if one or more of the following occur:
 - (a) The nonconforming sign is relocated.
 - (b) The sign is structurally altered in any way which makes or tends to make the sign less compliant with the requirements of this chapter than it was before alteration, except for normal maintenance or repair.
 - (c) The sign is damaged to such an extent that the cost to repair or reconstruct said sign exceeds 50% of the value of the sign. A nonconforming sign damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.¹⁰
 - (d) The sign, except for copy on a changeable copy sign, is replaced and such replacement results in an improvement of more than 50% of the actual value of the sign at the date of the commencement of the improvement. For purposes of this section, "replacement" shall mean the alteration, addition or improvement to a sign, its structure and/or bracing but shall not include the value of any building or other permanent improvement to which the sign may be attached.
 - (e) The sign fails to conform to this chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
 - (2) On the date of occurrence of any of the above, the sign shall be brought into compliance with this chapter and a new permit secured within 60 days or it shall be removed.

¹⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) Portable signs lose their legal nonconforming status five years after this chapter is adopted by the Village Board. All portable signs shall be removed no later than December 31, 2000.
- (4) Temporary signs lose their legal nonconforming status 30 days after this chapter is adopted by the Village Board. All nonconforming temporary signs shall be removed no later than 60 days after adoption of this chapter.
- (5) A sign whose sole nonconformity involves setback from the right-of-way shall be considered a legal conforming sign and shall not be identified as a legal nonconforming sign; however, such sign may not overhang the right-of-way nor create a vision obstruction.¹¹

C. Legal nonconforming sign maintenance and repair.

- (1) Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it lose its legal nonconforming status as outlined in Subsection B above.
- (2) The Community Development Manager may declare any sign unlawful if it endangers public safety by reason of inadequate maintenance, dilapidation or abandonment. Any such declaration shall be in writing and shall state the reasons of the Community Development Manager as to why any sign owned, kept, displayed or maintained by any person within the Village is in violation of this chapter.

§ 447-18. Violations and penalties. ¹²

It shall be unlawful to construct or use any land, engage in any development activity or construct or use any structure on land in violation of any of the provisions of this chapter or otherwise neglect, refuse or fail to comply with any provisions of this chapter. Any person who violates or fails to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 550, Zoning, of this Code and, in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved. Each day a violation exists or continues shall constitute a separate offense.

§ 447-19. Variances.

- A. In obtaining a permit, the applicant may submit an appeal to the Plan Commission for a variance from certain requirements of this chapter. A variance may be granted by the Plan Commission where the literal interpretation of this chapter would create a substantial hardship for the sign user and the following criteria are met:
- (1) A literal application of this chapter would result in a demonstrated practical difficulty

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- or necessary hardship to the property.
- (2) The granting of the requested variance would not be materially detrimental to the owners in the vicinity.
 - (3) Hardship caused the sign user under a literal interpretation of this chapter is due to conditions unique to that property and does not apply generally to the Village.
 - (4) The granting of the variance would not be contrary to the general objectives of this chapter.
- B. In granting a variance, the Plan Commission may attach additional requirements necessary to carry out the spirit and purposes of this chapter in the public interest.