

PROPOSED AMENDMENT TO TOWN OF WYOMING SIGN ORDINANCE

Add the following new subsection to

Section 9.0 Signs exempt from regulation under this ordinance.

- (j) Seasonal agricultural product signs. In order to be exempt from permit approval requirements, such signs shall comply with the following conditions:
- (1) The sign area shall not exceed sixteen (16) square feet.
 - (2) There is no more than one sign on the property facing each direction of travel, for each roadway from which the sign is visible.
 - (3) The sign must be stationary, unlighted, and temporary.
 - (4) The sign shall advertise only agricultural products grown on the property in which they are located.
 - (5) The sign is not erected in a location where it constitutes a traffic hazard.
 - (6) The sign shall be in place no more than 6 months of any year.

Add the following definition to Section 2.0

Seasonal agricultural products sign: A sign offering agricultural products grown on the premises for sale, where the sign is erected for less than 6 months each year.

enacted Sept, 1998.

TOWN of WYOMING

SIGN ORDINANCE



53588

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PUBLISHED 9/18/91

SIGN ORDINANCE

to be incorporated into the
LAND USE POLICY PLAN for the TOWN OF WYOMING, WISCONSIN

1.0 AUTHORITY AND PURPOSE

1.0 AUTHORITY

WHEREAS, the Town Board has been authorized by resolution pursuant to s.60.10(2)(3), dated December 7, 1985, to exercise powers of a village board under s.60.22(3); and if authorized under s.60.10(3); and

WHEREAS, s.60.22(3) provides Town Boards with authority, if authorized under s.60.10(2)(c), to exercise powers relating to villages and conferred on village boards under Chapter 61 of the Wisconsin Statutes; and

WHEREAS, s.61.34(1) provides that village boards shall have the power to act for the government in good order of the village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by regulation, fine and other necessary or convenient means;

THE WYOMING TOWN BOARD HEREBY ADOPTS the following sign code as an implementation measure for its Land Use Policy Plan.

1.2 PURPOSE

The purpose of the ordinance is to create the legal framework for a comprehensive and balanced system of signs to facilitate an easy and pleasant communication between people and their environment and to avoid visual clutter. One of the most readily apparent aspects of Town character is signage. Since signs are intended to be highly visible and attract attention, they often produce a lasting impression on visitors and provide an indication of the commercial health of an area. Many residents of the Town of Wyoming, including business people, are aware of the highly significant role signage plays in the image the Town presents to residents and visitors alike. This sign code has been enacted in order to improve the visual appearance of the Town while maintaining its unique character and heritage.

The Town of Wyoming is part of the southwestern Wisconsin driftless area, one of the unique and most beautiful parts of the midwestern United States landscape. The character of the Township begins with hills and valleys, slopes rock outcroppings, small well-kept farms, and simple buildings at a small scale creating an overall pastoral atmosphere. The influence of Frank Lloyd Wright and his associates appears through noteworthy sites and structures. The combination of extraordinary lands and architectural heritage embodying excellence of design and respect for the landscape in the design, placement, and maintenance of man-

made buildings and structures attracts people to the Town. The Town's attractiveness supports businesses which themselves attract visitors. Businesses and other destination sites must make their presence known. Visitors must have help in way finding. Signs are a necessary means of communication in this situation.

The issue underlying this ordinance is how to accommodate the communication needs while avoiding the following negative effects, none of which can be tolerated if the unique values of the Town of Wyoming are to be protected:

* Sign clutter; excesses in numbers, size, colors, or materials that do not blend with the surroundings, producing visual chaos and destruction.

* Extraneous signage; the beauty and character of the Town of Wyoming cannot co-exist with signage that is not directly relevant to way finding.

* Preponderance of signage; as a matter of land use, the primary use of lands is agriculture, business, residential, or open space, and the commercialized atmosphere that results when signs become dominant land uses must be avoided.

With this in mind, it is the intent of this ordinance to regulate signage in the Town in order to:

(a) promote the safety, comfort, and well being of the users of streets, roads, and highways in the Town;

(b) reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;

(c) discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public;

(d) preserve an attractive environment for tourists and business interests;

(e) preserve or enhance Town character by requiring new and replacement signage which is:

- * compatible with the surroundings
- * appropriate to the type of activity to which it pertains
- * expressive of the identity of individual proprietors or of the community as a whole; and
- * appropriately sized in its context

(f) enable the fair and consistent enforcement of these sign restrictions.

2.0 DEFINITIONS

Agriculture Sign: Any sign located in a district zoned for agriculture use that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

Agricultural Test Plot Sign: A sign used to mark test plot areas on a farm and includes a sign identifying the manufacturer of the seed being tested.

Awning: Any non-rigid material such as fabric or flexible plastic or sheet metal that is supported by or stretched over a frame that is attached to and projecting from an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is constructed of, mounted on, or attached to a non-rigid surface such as cloth, fabric, or paper. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: Any free-standing sign or wall sign larger than thirty-five (35) square feet in gross area.

Building Marker: Any sign indicating the name of a building, the date and incidental information about its construction, or historical data, and which sign is cut or etched into a masonry surface or made of bronze or other permanent material.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other business (including non-profit business) activity.

Commercial Sign: Any sign containing a commercial message. If the primary use of the premises is residential or agricultural, however, such sign shall be treated as a residential sign.

Construction Sign: An on-premises sign identifying the names of the project developers, contractors, architects, engineers, and/or financial institutions which is located on a site being developed or improved.

Electronic Sign: An outdoor advertising sign, display, or device whose message may be changed by electronic process, and includes the device known in the outdoor advertising industry as a commercial electronic variable message sign.

Facade: The exterior of a building.

Flashing Sign: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation.

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, including pole and monument signs, and billboards.

Incidental Sign: A directional or informational sign located on the premises and visible from a public road or right-of-way, giving directions, instructions, or facility information, such as "parking," "no parking," "entrance," "loading only," "telephone," and other similar directives. Such sign may contain the name or logo of an establishment but no other commercial message or advertising copy.

Illegal Sign: Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this ordinance. A sign which was not erected or maintained in conformance with a preceding ordinance, but which was approved by a legal variance is not an illegal sign.

Illuminated Sign: Any sign illuminated in any manner by an artificial light source, whether internally or externally lit, including (by) electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

Landmark Sign: A sign of artistic or historical merit, uniqueness, or extraordinary significance to the Town, and which is consistent with the purpose of the ordinance.

Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Monument Sign: A freestanding sign anchored to the ground with a solid base or support structure affixed to the ground which measures at least two-thirds the horizontal length of the sign or constructed and placed so that the entire bottom of the sign is in contact with or in very close proximity to the ground with no air between the ground and the sign.

Nameplate/Address: A non-electric identification sign giving only the name of a building, address, or name and occupation of an occupant or group of occupants.

Non-conforming Sign: A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a non-conforming sign.

Off-Premises Sign: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or local government or their public agencies.

On-Premises Sign: Any sign that advertises, calls attention to, or identifies the occupant, object, product, institution, organization, business, service, event or location that is located on the lot upon which the sign is located, or advertises the property itself or any part thereof as for sale or rent.

Pole Sign: A freestanding sign supported from the ground by one or more poles, posts, or similar support structures of narrow width and otherwise separated from the ground by air.

Political Sign: A sign erected for the purpose of soliciting support for or opposition to a candidate for a political party or relating to a referendum question in an election held under the laws of this state.

Portable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs attached to, part of, or converted to A- or T-Frames; inflatable signs or umbrellas used for advertising; balloons used as signs; menu and sandwich board signs; and signs attached to or painted on vehicles parked and visible from

the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting Sign: A sign that is fixed to a building, wall, tree, or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

Residential Sign: Any sign located in a district zoned for residential or agriculture uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

Roof Sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building or which is painted on or fastened to a roof.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign: Any object, device, fixture, placard, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, announce the purpose of, or attract attention to an object, person, institution, organization, business, product, service, event or location, either on the lot or on any other premises, by any means, including words, letters, figures, designs, or graphics, symbols, fixtures, colors, illumination, or projected images, and which is visible from any place on the main-traveled way of any highway, street, road, or other vehicular right-of-way.

Sign Plan: A plan developed by an individual or business detailing the locations and purpose of all signs related to or to be erected by that individual or business.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Real Estate Sign: A sign advertising the sale or lease of land upon which the sign is located or of a building on that land.

Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.

Visual Clearance Triangle: The land adjoining a road intersection that is kept clear of visual obstructions, as defined in Section 6.2 of the Iowa County Zoning Ordinance.

Wall Sign: Any sign which is painted on, incorporated into, or affixed parallel to the exterior wall of a building or upon the window panes or glass and is visible from the exterior of the window, and which is confined within the limits of the outside wall of any building or structure, displays only one sign surface, and extends not more than six (6) inches from the surface of that building.

3.0 SIGN CLASSIFICATION: Permitted and Prohibited Signs

3.1 Permitted Signs

(a) Signs shall be allowed on private property in the Town only in accordance with Table 1.

(b) Permits will be granted for off-premises signs determined by the Town Board to be reasonably necessary and approved as a part of a Sign Plan pursuant to Section 6.2

3.2 Prohibited Signs

(a) Billboard signs

(b) Animated and moving signs. Includes but is not limited to streamers, pennants, ribbons, spinners, banners, flags with commercial messages, propellers, and discs.

(c) Flashing signs, electronic signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight.

(d) Inflatable signs and objects. Including but not limited to balloons.

(e) Roof signs.

(f) Portable signs. Including any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs.

(g) Simulated traffic signs and obstructions. No sign shall use the words "stop," "caution," or "danger," or shall resemble "stop" or "yield" signs in shape or color. No sign shall obstruct the visual clearance triangle at any street intersection or extend into the public right-of-way.

(h) Strings of lights not permanently mounted to a rigid background, except those exempt under Section 9.

TABLE 1 SIGN SPECIFICATIONS SUMMARY

SIGN TYPE	Maximum Sign Area (sq. ft.)	Maximum Overall Height	Number of Signs Allowed	Permit Status
<u>Pole</u>				
Agriculture	24	6	1	P
Commercial	24	12	3*	P
Residential	6	6	1	P
Incidental	6	6	2	A
Nameplate/Address	2	6	1	A
<u>Monument</u>				
Agriculture	24	6	1	P
Commercial	24	12	3*	P
Residential	20	6	1	P
<u>Building</u>				
Agriculture	24 ⁴	NA	1	P
Commercial	24	NA	3*	P
Residential	6	6	1	P
Awning/Canopy	16	not above roof	1	P
Building Marker	4	6	1	A
Incidental	6	6	2	A
Nameplate/Address	4	6	1	A
Projecting	24	Vertical clearance 9'	1	P
Roof	N	N	N	N
Suspended	N	N	N	N
<u>Wall</u>				
Agriculture	24	NA	1	P
Commercial	24	NA	3*	P
Residential	6	NA	1	P
<u>Miscellaneous</u>				
Banner	N	N	N	N
Portable	N	N	N	N

NOTES TO TABLE 1

- A Allowed without sign permit
- P Allowed only with sign permit
- N Sign not allowed
- NA Not applicable

The supporting framework of any sign shall be in proportion to the size of the sign; total face area of a three-dimensional sign shall not exceed 48 square feet.

- * Commercial signs are limited to three signs. One on premises and two off-premises (pursuant to 6.2) signs may be erected for the purpose of giving directional information from two different roadside locations. This does not include the directional pointer signs approved by the Wisconsin Department of Transportation on the public right-of-way. All signs within 660 ft. of federal and primary highway systems remain subject to 84.30 Wisconsin state statutes unless such statutes are amended or deleted.

4.0 GENERAL INFORMATION

4.1 Computations

(a) Determination of Area of Individual Signs

(1) Sign measurement shall be based upon the entire face of the sign (one side only), with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

(2) Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or the sign face whichever is larger.

(3) For a sign painted on or applied to a wall or building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any material or color forming an integral part of the background of the sign or used to differentiate the sign from the backdrop or structure.

(4) The area of supporting framework (for example: brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.

(5) When a sign has two or more faces, the area of all faces visible from any one point shall be included in determining the area. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of only one of the faces.

(b) Determination of the Height of Individual Signs

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot.

4.2 Standards for Number of Signs Permitted

(a) A commercial lot, whether single or multi-tenant, shall be allowed only two (2) off-premises signs (per section 3.0, Table 1 and 6.2) and one (1) freestanding on-premises sign (per section 3.00 and 5.2).

(b) More than one building sign is permissible for each premises, however any combination of awning, canopy, projecting, or wall signs shall not have a total sign area greater than twenty-four (24) square feet.

4.3 Illumination Standards

(a) Signs shall use only direct, shielded lighting.

(b) No light shall be allowed to shine on adjacent property, at approaching cars, or otherwise create a nuisance to residents near the illuminated sign.

(c) Signs that constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination are prohibited.

(d) No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which the sign is located is open for business.

(e) The display of portable internally illuminated plastic signs with dark-colored letters shall be strictly prohibited in the Town. Signs of this nature, existing on the effective date of this bylaw, shall be permanently removed within twelve (12) months of the date of this bylaw.

(f) Internal neon windows signs may be permitted, case by case.

4.4 Placement Standards

All signs shall comply with the following placement standards:

(a) All outdoor signs shall be made of wood, metal, or stone. Signs should complement the architectural design and materials of the building(s). The limited use of plastic may sometimes be appropriate on a case-by-case basis.

(b) "Day-Glow" colors on signs are prohibited. Sign colors should complement, not clash with the facade color of the building.

(c) No person may erect a permanent sign that is affixed to a fence, utility pole or structure, or tree, shrub, rock, or other natural object.

(d) No projecting sign shall extend into a vehicular public way, or be less than ten (10) feet above a pedestrian way.

(e) No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.

4.5 Construction, Maintenance, and Safety Standards

(a) Except for flags and temporary signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to a rigid wall, frame, or structure.

(b) Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in a secure and safe condition. All signs shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind.

(c) The Town board shall possess the authority to order the painting, repair, or alteration of a sign which constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. If the Town Board through its agents finds that a sign is not secure, safe, or in a good state of repair, notice of this fact shall be given to the person responsible for the maintenance of the sign by personal or registered mail, return receipt requested. If the defect in the sign is not corrected within thirty (30) days, the Town Board shall possess the authority to revoke the sign permit and take possession of the permit until the owner pays the cost of removal, thus placing the sign owner in violation of the sign ordinance and liable for a fine as specified in Section 8.

(d) The immediate premises around a sign shall be kept free from debris. However, no person may damage, trim, destroy, or remove any trees, shrubs, or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign. Nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

(e) Any sign permitted under this ordinance must comply with any applicable requirements of the building code, the electric safety code, and other applicable state or local codes.

5.0 ADDITIONAL STANDARDS FOR SPECIFIC SIGN TYPES THAT REQUIRE A PERMIT

5.1 Landmark Signs

The character of such signs warrants their preservation in original condition or their restoration. A sign permit shall be required.

5.2 Multiple Signs

A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex.

(a) The display board shall be of an integrated and uniform design.

(b) The maximum sign area permitted shall be thirty-two (32) square feet.

5.3 Painted Wall Signs

A message painted directly onto a building surface requires a sign permit and will comply with the dimensional requirements of a wall sign.

5.4 Construction Signs

(a) Each construction site shall be limited to one construction sign which shall require a permit. Such a sign shall not exceed thirty-two (32) square feet in area, and shall set back at least ten (10) feet from the street lot line, or one-half the building set-back distance, whichever is less.

(b) Such a sign may be maintained on the building or property for the interim of construction only.

5.5 Agricultural Test Plot Signs

Such sign displays shall require a sign permit and shall be subject to the following requirements:

(a) One permit shall cover all the signs in an agricultural test plot sign display.

(b) The sign area for each test plot sign shall not exceed thirty-two (32) square feet.

(c) Signs must be stationary, unlighted, and temporary.

(d) Signs shall be permitted only during the growing season and shall be removed within seven (7) days after harvest of the test plot crop is completed and in any event shall be removed prior to November 1 of each year.

(e) The sign(s) must be located within fifty (50) feet of the test plot it identifies.

5.6 Temporary Signs (on private property)

Temporary signs shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

(a) The permit shall allow the use of a temporary sign only for a specified thirty (30) day period.

(b) A temporary sign shall be allowed only in accordance with the requirements as set forth in Table 1, Section 3.

6.0 ADMINISTRATION

6.1 Permits Required

(a) No sign which is permitted under Section 3 shall be placed, erected, displayed, altered, or enlarged until an application has been filed and until a permit for such action has been issued in accordance with the requirements of this Section.

(b) Applications shall be accompanied by a relevant Sign Plan and by detailed drawings specifying design, dimensions, materials, illumination, letter sizes, colors, support systems, and locations on land or buildings, with all relevant measurements. Such drawings shall also indicate the extent that such details are not contained on a Sign Plan then in effect for the lot. The application shall also include the name and address of the owner and the person or company responsible for maintenance of the sign.

(c) Permits shall be issued only if the Town Board determines the sign complies or will comply with all applicable provisions of this code. Such application may be filed by the owner of the land or building or any person who has the authority to erect a sign on the premises.

(d) The Town Board shall cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier time as the owner may request. If the construction is not substantially complete, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance, the inspector shall make a record of such fact indicating the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the inspector will so indicate.

(e) A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the Town to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

6.2 Signage Plan for Off-Premises Signs

(a) Purpose and Intent

Some business and other destinations have legitimate needs to make their presence known on roads and at intersections other than at the site of the business or destination. Drivers need to know what roads to take and what corners to turn to find a destination. The Town of Wyoming recognizes also that destinations outside the Town of Wyoming may need to convey information to persons driving on roads in the Town. This section allows these information needs to be accomplished through off-premises signage while maintaining consistency with the purposes of the Town of Wyoming sign code. All signs within 660 feet of federal and primary highway systems remain subject to 84.30 Wisconsin state statutes unless such statutes are amended or deleted.

(b) Sign Plans

A party proposing to establish off-premises signs shall apply to the Town Board with a written explanation of need for such off-premises signs and a sign plan for all of the signs that the applicant proposes to establish or has

established in the Town of Wyoming. The Town shall meet with the individual (or representative) before deciding whether to approve, approve with modifications, or disapprove the application. Off-premises signs shall comply with the dimensional standards for signs in Table 1.

(c) **Criteria for Decision**

(1) **Need**

The application must demonstrate and the Board must find needs in facts such as the following: The fact that the location of the business or destination proposed to be advertised through off-premises signs requires motorists to maneuver from main highways through intervening roads and intersections; or that the line of sight to the destination from the roadway on which the property fronts is obscured.

(2) **Content**

The commercial content of the off-premises signs shall be strictly limited to identifying the destination and the directions and/or the distance. Space devoted to logo, brand name, or services/products available shall be less than one-half the sign space.

6.3 Permit Procedures

(a) All applications for sign permits shall be submitted to the Town Board in accordance with the requirements set out in Sections 6.1 and 6.2. Within thirty (30) days of receiving the application for a sign permit, the Town Board shall review for completeness. If it is found to be complete, the application shall then be processed. If it is found to be incomplete, a notice shall be sent to the applicant indicating the specific reasons it is deficient. The Town Board shall act within thirty (30) days of receipt of the completed application.

(b) Each application for a sign permit shall be accompanied by the applicable fees, which shall be established and amended from time to time by the Town Board by resolution.

7.0 NON-CONFORMING SIGNS AND SIGNS WITH PERMITS

7.1 General

(a) Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign.

(b) Any sign that was in existence on (effective date of ordinance) and was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which is not in conformance with the requirements of this ordinance by reason of its type, size, height, location, design, or construction, is declared non-conforming. The eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety and public welfare as is the regulation of new signs.

7.2 Non-conforming Existing Signs, Permits, and Terms

(a) Any non-conforming sign located in the Town of Wyoming shall be made to conform to all provisions of this ordinance or be removed within one (1) year after the enactment of this ordinance.

(b) Any non-conforming signs located within 660 feet of the federal and primary highway system remain subject to ss. 84.30 and 86.19, Was. Stats., and Chapter Trans 201 of the Wisconsin Administrative Code until and unless such statutes are amended or deleted.

(c) Any sign located in the Town of Wyoming that does not conform at the end of the one (1) year period shall be considered an illegal sign and must be removed by the owner at that time. Any sign not removed after such time period shall be deemed a public nuisance and shall be removed by the Town of Wyoming if the sign owner or property owner fails to do so after being ordered by the Town Board. Costs of said removal shall be borne by the sign and/or property owner(s) and may be recovered by the Town, if necessary, in an action of contract in the District Court, or by placing a lien, in accordance with state law, on the property from which the sign has been removed.

(d) Any sign or sign structure removed by the Town shall be held not less than thirty (30) days by the Town during which period it may be recovered by the owner upon paying the Town for the costs of removal and storage, and upon payment of any imposed fine. If not recovered within the thirty (30) day period, the sign or structure is hereby declared abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

(e) During the amortization period for signs located in the Town of Wyoming, a non-conforming sign may be continued and shall be maintained in good condition. A change in the information on the face of the sign is allowed. However, any such non-conforming sign shall either be eliminated or made to conform with the requirements of this ordinance if:

- (1) changed or replaced for another conforming sign;
- (2) structurally altered so as to prolong its life;
- (3) expanded to a larger size or greater height;
- (4) re-established after it has been discontinued for ninety (90) days or more; or
- (5) re-established after damage and destruction to its support structure, except for acts of vandalism.

(f) A non-conforming sign or sign structure located in the Town of Wyoming shall be removed within thirty (30) days if the building containing the use to which the sign is attached is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

(g) A sign which refers to a business which is no longer in operation or existence shall be non-conforming.

8.0 VIOLATIONS AND ENFORCEMENT

8.1 Violations

Any of the following shall be violations of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance and by state law:

To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign;

To install, create, erect, or maintain any sign requiring a permit without such a permit;

To fail to remove any sign that is installed, created, erected or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation. Each such day of a continued violation shall be a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

8.2 Enforcement and Remedies

(a) The Town Board is hereby authorized to enforce this ordinance by ordering or seeking enforcement through judicial action and by utilizing remedies including injunctions and forfeitures.

(b) The permit application form and the sign permit document shall contain an acknowledgement by the applicant that the Town may direct action to remove and/or cover any signs not conforming with the terms of this ordinance or conditions established for a particular permit or any signs judged dangerous or in disrepair, and any Town expenses in doing same shall be billed to the property owner and shall, if not paid, be placed as a special charge upon the property tax bill.

8.3 Penalties

Violations of any provisions of this ordinance or any lawful order of the Town shall be subject to a fine of not more than \$100 (one hundred dollars) per offense. Each day that such violation continues shall constitute a separate offense.

9.0 SIGNS EXEMPT FROM REGULATION UNDER THIS ORDINANCE

(a) Art work. Works of art that do not include any commercial messages or references, and are not intended to draw attention or patronage to a commercial establishment or enterprise.

(b) Decals. Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.

(c) Flags, emblems, and insignia of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single lot shall fly more than two such flags. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, or insignia shall be limited to one per lot and shall not exceed forty (40) square feet in area. The flag of the United States and the State of Wisconsin are exempt from the foregoing.

(d) Holiday lights and decorations with no commercial message, but only lit between November 1 and February 1.

(e) Signs erected or posted and maintained for public safety and welfare required by federal, state, or local law, regulation or ordinance.

(f) "Private Drive" signs. On-premises "private drive" signs limited to one per driveway entrance, containing no advertising material where display area does not exceed three (3) square feet or extend higher than four (4) feet above ground level and where language is limited to the

words "private drive" and the address of any residences utilizing the private roadway. Such sign will conform in all respects with the requirements of this code.

(g) Security and warning signs. On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting," and "no soliciting" not exceeding two (2) square feet in area.

(h) Political signs. In order to be exempt from permit approval requirements, such must comply with all of the following conditions:

- (1) Sign area shall not exceed thirty-two (32) square feet.
- (2) The sign must be erected on private property with the property owner's consent.
- (3) The sign must be stationary, unlighted, and temporary.
- (4) The sign is erected less than forty-five (45) days before the election for which it is intended and is removed within seven (7) days after the election except that a sign erected before a primary election may remain in place until seven (7) days after the next following general election if the sign solicits support for a candidate, political party, or referendum question that is before the electorate in both the primary and general elections.
- (5) The sign is not erected in a location where it constitutes a traffic hazard.

(i) Real estate signs. In order to be exempt from permit approval requirements, such signs shall comply with the following conditions:

- (1) The sign area shall not exceed sixteen (16) square feet.
- (2) There is no more than one sign on the property facing each direction of travel for each roadway from which a sign on the property is visible.
- (3) The sign must be stationary, unlighted, and temporary.

- (4) Such signs shall advertise only the property in which they are located, shall not be erected until the property is offered for sale or lease, and shall be removed by the owner or agent within thirty (30) days of sale, rent, or lease of the property.
- (5) The sign is not erected in a location where it constitutes a traffic hazard.

10.0 PROTECTION UNDER THE FIRST AMENDMENT RIGHTS

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other requirements of this ordinance.

11.0 SEPARABILITY AND CONFLICT

11.1 Separability

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

11.2 Conflict

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