



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance

---

**File Number: O-2007-0007**

**Final Action:**

Ordinance to repeal and recreate Section 13.215 of the Revised Municipal Code relative to a new sign code for the Central Business District.

By Safety and Development Committee

WHEREAS, the City of West Allis Central Business District, located on W. Greenfield Avenue, between South 70th and 76th Streets, is the historic “downtown” area of the City. The District’s built environment addresses W. Greenfield Avenue and is comprised of high density buildings that sustain a variety of multi-tenant and mixed uses (commercial uses on the first story and residential dwelling units on the second story) within a building. The District’s rich history and downtown atmosphere continues to be a source of community identity and civic pride. If the historic and unique character of the downtown is to be preserved and enhanced and its long-term economic stability assured, then preservation and revitalization efforts must be initiated, including enactment of the sign regulations set forth herein.

WHEREAS, the proliferation in number, the increase in size, and the use of special effects in message presentation of signs can distract operators of motor vehicles and cause confusion with traffic light, signs, or signals, and therefore, can increase the risks to the safety of pedestrians, cyclists, and motorists; however, appropriate signs can also assuage these problems by helping motorists with way finding; and

WHEREAS, excessive and inadequately controlled signs endanger the unique character and scenic beauty of West Allis, harm the appearance of neighborhoods, and reduce property values of neighboring property owners; and

WHEREAS, tourism and commerce from both residents and non-residents is an essential part of the economy of West Allis and economic development will suffer if the visual attractiveness of the roadways and community are damaged by excessive signage; and

Whereas, adequate signage is important to business for identification and advertising and therefore needs to be provided for; and

WHEREAS, West Allis has a governmental interest in protecting the aesthetic value and safety of the community; and

WHEREAS, the needs of business and community need to be balanced through the least restrictive means possible; and

WHEREAS, standardized logo signs provided by the Wisconsin Department of Transportation, information centers, on-premise signs, and other media offer local businesses ample opportunity to promote their goods and services to both residents and visitors; and

WHEREAS, businesses, individuals, and institutions need be afforded a reasonable opportunity to use signs as an effective means of communication, in recognition of the constitutional right to free speech, including commercial speech.

NOW THEREFORE, The Common Council of the City of West Allis do ordain as follows:

PART I. Repeal Section 13.215 of the Revised Municipal Code.

PART II. Recreate Section 13.215 of the Revised Municipal Code of the City of West Allis is recreated to read as follows:

13.215 Central Business District (Downtown) Sign Code

- (1) Purpose
- (2) Definitions
- (3) Requirement of Conformity
- (4) Conformity of Legal Nonconforming Signs
- (5) Procedures
- (6) Permits, Inspections and Revocations
- (7) Sign Construction Standards
- (8) Maintenance
- (9) Variance to Sign Code
- (10) Prohibited Signs, Lighting and Movement
- (11) Signs in the Public Right of Way
- (12) Temporary Signs
- (13) Awnings
- (14) Projecting Signs
- (15) Wall Signs
- (16) Window Signs
- (17) Sandwich Board Signs
- (18) Illumination
- (19) Changeable Copy Signs and Electronic Message Centers
- (20) Tenant Directory Boards
- (21) Directional Signs
- (22) Informational Signs
- (23) Creative Signs
- (24) Violation, Penalties and Injunctive Action
- (25) Severability

(1) **Purpose.**

It is declared that the regulation of signs within the Central Business District (Downtown) is necessary and in the public interest to:

- (a) Preserve the unique and historic character of the Downtown and protect property values within the City;

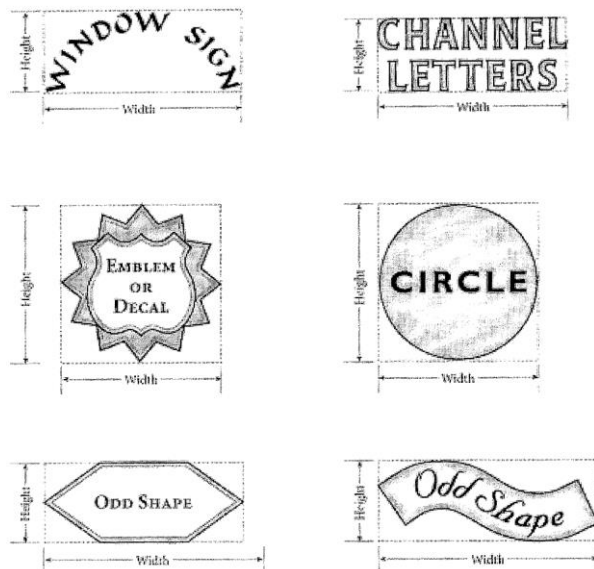
- (b) Reduce visual clutter, establish and promote a clean and attractive environment and stimulate economic growth and stability;
- (c) Promote a healthy and properly designed business environment by aesthetically complementing the development, which a sign identifies;
- (d) Provide for the expression of both commercial and non-commercial speech;
- (e) Provide for the identification and advertising needs of businesses;
- (f) Safeguard the general public from damage and injury, which may be caused by the faulty and uncontrolled construction of signs within the City;
- (g) Protect against hazards to vehicular traffic movement through improper placement of signs;
- (h) Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City;
- (i) No regulation of sign content is intended to result from the application of this sign code.

(2) **Definitions.** As used in this section:

"Abandoned sign" means a sign or portion of a sign structure located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more, any sign or structure which pertains to a time, event or purpose which no longer applies or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

"Area of sign" means that area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters

MEASUREMENT OF DISPLAY AREA



together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign. As shown:

"Awning" means a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

"Awning sign" means a sign attached to an awning.

"Banner " means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar flexible material of any kind. A "flag" shall not be considered a banner.

"Building front foot" means the maximum building width measured at grade level with the street.

"Bus shelter" means a structure, which protects public transit system passengers from the climate while they wait for the arrival of their busses.

"Business front foot" means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

"Central Business District" means Downtown West Allis more specifically described as the C-1 Zoning District W. Greenfield Avenue between S. 70<sup>th</sup> Street and S. 76<sup>th</sup> Street.

"Change of Use" is deemed to have occurred whenever the type of business changes or when the occupant changes.

"Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

"City" means the City of West Allis.

"Construction sign" means any sign giving the name or names of principal contractors, subcontractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

"Creative sign" means any sign of unique design that exhibits a high degree of thoughtfulness, imagination, inventiveness and spirit, and that makes a positive visual contribution to the overall image of the City.

"Development sign" means any sign used to identify future residential or nonresidential development or such a development under construction.

"Directional sign" means any sign used to identify a certain location on a premises.

"Electronic message center sign" means a type of changeable copy sign upon which message or display is presented with patterns of lights or other means.

“Façade” means the exterior face of a building.

"Fascia" means a flat board, band, or face, used sometimes by itself but usually in combination with moldings, often located at the outer face of the cornice.

"Flag" means any national flag, flag of political subdivisions and symbolic insignia of any institution or business.

"Flashing sign" means a type of changeable copy sign upon which a message or display is presented more frequently than for 3-second intervals.

"Freestanding sign" means any sign, which is supported by structures or supports in or upon the ground and independent from any building. Except for directional and sandwich board signs freestanding signs are not permitted in the C-1, Downtown District.

"Grand opening sign" means a sign, which calls attention to a new business or the announcement of a change in ownership of a business.

"Height of sign" means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the top of the sign and/or supporting structure of the sign to the ground.

"Holders of permit" means, collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains.

"Illegal sign" means any sign, except the following:

1. A sign allowed by this section and not requiring a permit;
2. A sign allowed by this section carrying a valid permit;
3. A legal nonconforming sign.

“Illuminated Sign” means a type of sign in which the source of illumination is an integral part of the sign either internally or externally.

"Informational sign" means a sign that indicates separate buildings or services on premises.

"Legal nonconforming sign" means a sign that met code regulations when it was originally erected, either by adherence to a previous sign code or by a variance granted to that code, but which does not comply with all the present regulations of this section.

"Maintenance" means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of the copy.

"Master sign program" means the establishment of an identification program for any multi-tenant operation within the City, including, but not limited to, office buildings and multi-tenant office and retail buildings, and buildings over 25,000 sq. ft. of area. The intent of a master sign program is to give a uniform theme of size, color and style to signs in such a development.

"Mobile sign" means a sign mounted on a frame or chassis designed to be easily relocated or portable. This definition does not apply to signs mounted on trucks, taxicabs or other motor vehicles as an incidental use of such motor vehicles.

"Parapet wall" means a wall extending above the plate line of the building.

"Pennant" means a tapered or dovetailed banner, sign, or streamer, with or without any representation or writing thereon.

"Permanent sign" means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

"Planned development" means a collection of like-use buildings, residential, office or industrial in nature, designed contemporaneously and in close proximity to each other as part of a single integrated project, including, but not limited to, residential subdivisions and office or industrial parks.

"Plate line" means the point at which any part of the main roof structure first touches or bears upon an external wall.

"Political sign" means a sign supporting a candidate for office or urging action on any other matter or social issue.

"Portable sign" means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including, but not limited to, signs on trailers.

“Projecting sign” means any sign attached to the side of a building or structure and which extends outward (generally perpendicular) from the exterior wall of the building or structure no more than 12 inches but not more than four feet.

"Roof line" means the highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

"Roof sign" means a sign extending above the roofline or located on the roof.

"Sale, lease and rent sign" means a temporary sign, which indicates that some premises or vacant land are for sale, lease or rent.

"Sandwich board sign" means a two-sided freestanding sign constructed of wood, metal or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

"Seasonal sign" means a temporary sign for seasonal commercial establishments, including, but not limited to, garden centers, Christmas tree lots and fruit and vegetable stands.

"Shingle sign" means a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch or open lattice walkway.

"Sign" any device, structure, fixture, banner or placard using graphics, symbols, and /or written copy for the primary purpose of identifying or advertising any establishment, product, goods or services. The term "sign" shall not include any flag.

"Sign value" means the amount reported on the sign permit, which includes the costs of design, materials, construction, and installation.

"Snipe sign" means any sign attached to public property or erected in or over the public right of way. This does not include a sign projecting into the public right of way for which a grant of privilege has been obtained or signs installed by City, county, state or federal government.

"Streamer" means the same as pennant, as defined in this subsection.

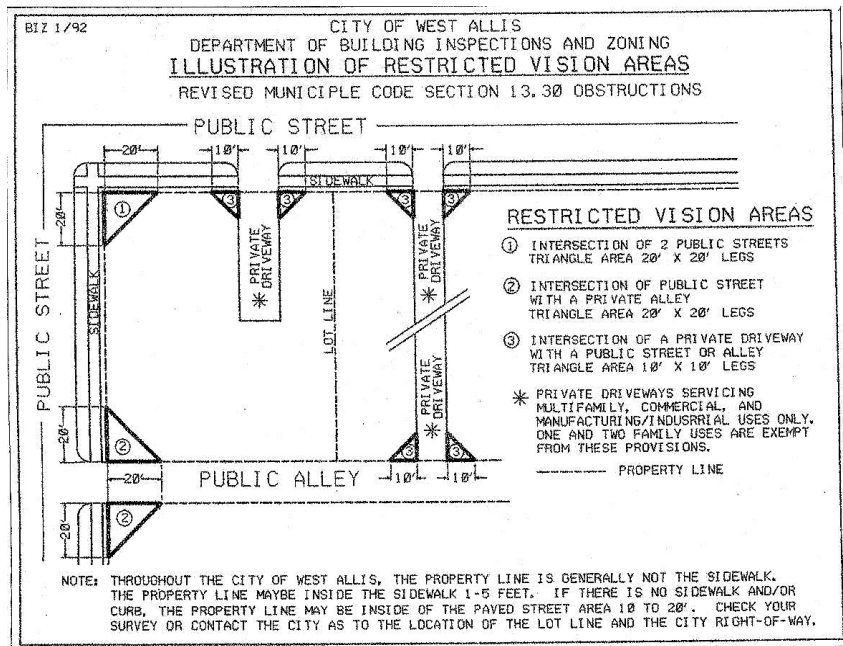
"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only.

"Tenant directory board" means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other multi-tenant commercial buildings.

"Time and temperature signs" means a sign, which conveys the time and/or temperature.

"Traffic directional sign" means a sign designed and located solely for the purpose of relieving traffic congestion and directing and promoting the safe flow of traffic.

"Vision triangle" means a restricted vision area at the intersection of two public streets, a public street and a private alley, and a private driveway and a public street or alley. Private driveways servicing one and two family uses are exempt from the vision triangle restriction.



"Wall sign" means a type of sign the back of which is attached (parallel) to a building wall or structure, 12 inches or less from the wall.

"Window" means an opening in the wall of a building for admission of light and air that is usually framed by casements or sashes containing transparent material (usu. glass).

"Window area" means the transparent portion of a window within a frame.

"Window display" means any merchandise, pictures, artwork or models of products or services viewable in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

"Window sign" means any sign painted upon or attached to or displayed in a window or door in such a manner as to permit viewing from the exterior of the building or structure.

### (3) Requirement of Conformity.

It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the City, except as provided in this section.



(a) All signs constructed or maintained contrary to the provisions of this section are declared to be illegal.

(b) Any person or entity violating any provisions of this section or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law.

(c) This section of the ordinance shall apply to signs located in the C-1, Central Business District of the City.

**(4) Conformity of nonconforming signs.**

(a) Any and all signs on a parcel which are nonconforming as of the date of the adoption of this Code (Date) nonconforming being defined in s. 13.215(2) of this chapter and § 62.23(7)(h), shall conform to this section:

1. When there is any alteration to a sign that requires a permit;
2. When an electrical permit for a sign is required;
3. When there is any alteration to a building or site or structure that requires Plan Commission review;
4. When the total structural repairs or alterations in a nonconforming building, premises, structure, or fixture exceeds 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use; or,
5. When the nonconforming use of the building, premises, structure, or fixture is discontinued for a period of 12 months.

(b) All signs subject to the conformity requirements of this section will have twelve (12) months from issuance of permit for change of occupancy or date of exterior alteration to meet the requirements. An extension of this time limitation may be granted by the Plan Commission in accordance with the following criteria:

1. The applicant requesting the extension shall complete a signage application available from the Department of Development and shall submit a \$250.00 extension fee.
2. A written explanation for the extension of time shall accompany the signage application along with a timeline/schedule for obtaining necessary permits and a target date for construction start;
3. The request for extension shall be submitted within sixty (60) days of the expiration of the conformity requirements;
4. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not

commenced within six (6) months from and after the extension has been granted, the extension of time grant shall become null and void.

(5) **Procedures**

(a) Sign Application Review and Permitting Process

1. Sign review applications are available through the Department of Development. All signs will be reviewed for approval pursuant to the administrative procedures as set by the Department of Development except for signs which do not require a permit under s. 13.215(6) of this section, and temporary signs as described in s. 13.215(12). Permits are granted from the Building Inspections and Zoning Department and will only be granted after approval from the Department of Development or Plan Commission.

2. All signs for which a permit must be obtained are subject to review and approval by the West Allis Business Improvement District Design Review Committee. Recommendations of the Committee will be forwarded to the Department of Development.

3. The Department of Development decision on an application shall be issued within thirty (30) days of filing of the application with the office of the City Planner unless the applicant has agreed in writing to an extension.

4. Permits are granted from the Building Inspections and Zoning Department and will only be granted after approval from the Department of Development or Plan Commission.

5. All applicants must submit five (5) color copies of sign proposals along with a signage review fee (see Chapter 12 of the Revised Municipal Code) to the Department of Development. Such submissions shall detail the size of the sign, the method of attachment or support, the location(s) of the proposed sign(s), any other sign(s) located on the premises, the materials to be used, and any other information deemed necessary to properly review the proposal.

6. Guidelines for Approval.

a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area;

b. The proposed sign conforms to the location, size and style and other requirements set forth in this section;

c. The proposed sign conforms to the City's long range planning for the area as set forth in the City's master plan as that term is defined in Chapter 62.23(3), Wisconsin Statutes, or relevant portions thereof;

d. The proposed sign shares similar architectural or building material features of the principal building.

8. The Business Improvement District in cooperation with the Department of Development may establish guidelines, which further define and interpret this section. Those guidelines, if any, shall be made available to all sign applicants.

9. Any signage proposals that are denied by the Department of Development may be appealed to the Plan Commission in accordance with the variance procedure as stated in s. 13.215(9).

**(6) Permits, Inspections and Revocations**

(a) A permit shall not be required for the following signs or activities; provided, however, that such signs or activities shall be subject to any and all applicable provisions of this section:

1. One non-illuminated sign six square feet or less in area unless otherwise specifically required by this section;

2. Maintenance, including repainting or replacing faces of signs, or minor nonstructural repairs of signs (except electrical repair);

3. Political signs;

4. Window signs only as permitted under s. 13.21(16);

5. Rental, sale and lease signs six square feet or less in area, and;

6. Address markers/signs, and;

7. Flags.

(b) A permit shall not be required for the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the City or other public authorities, or the posting of notices required by law or for other signs as approved by the Board of Public Works. See s. 13.215(11).

(c) No person, firm or corporation shall erect, replace, construct, enlarge, alter, move, relocate or maintain any sign as governed by this section without first obtaining a sign permit from the Building Inspections and Zoning Department, except as said forth in s. 13.215(6)(a)(b) above. Before a sign permit may be issued it shall first be approved by the Department of Development in accordance with the procedure in s. 13.215(5), and conform to the requirements of this code, and the applicant shall pay the required fees. See Chapters 12 and 13 of the Revised Municipal Code for a fee schedule.

1. Any owner of a premise or agent for the owner shall file an application for a sign permit on a form furnished for such purpose. Each application shall additionally include sufficient information to issue a permit to include plans and drawings detailing sign location information and sign construction information that indicates conformance with the construction standards of s. 13.215(7).

2. In addition to a sign permit, an electrical permit is also required for electrically-operated signs.

3. As a condition of the issuance of a sign permit, the sign owner and owner of the premises upon which the sign is located agree to allow inspectors on the property for inspection of the installation and maintenance and further agree to promptly remove the sign should it become unsafe, inadequately maintained, dilapidated, abandoned, in nonconformance with this section, or if prescribed fees are not paid.

(d) Unless waived by the Building Inspections and Zoning Department, all signs for which a permit is required shall be subject to the following inspections:

1. Electrical inspection on all electrically-operated signs;

2. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit;

3. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained.

(e) Permit Revocation and Sign Removal

1. The Building Inspections and Zoning Department shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this section.

2. In revoking any sign permit and requiring the removal of any illegal sign, the Building Inspections and Zoning Department shall give a written compliance order to the owner(s) of the premises on which such sign is located and/or to the occupant(s) of the premises to which such sign pertains.

The order shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged, if any. Such order shall specify what repairs, if any, will make the sign conform to the requirements of this section, specify that the sign must be removed or made to conform with the provisions of this section within the compliance period provided below and further state the appeals process provided below. A sign with an expired permit is an illegal sign and therefore does not require revocation of the permit.

3. Compliance Period for Removal.

a. The compliance period for removal for permanent signs shall be thirty (30) days.

b. The compliance period for removal of temporary signs shall be forty-eight (48) hours.

4. The decision of the Building Inspections and Zoning Department to revoke the permit may be appealed to the Plan Commission. A written appeal must be filed within thirty (30) days from the date when the order was served. The Plan Commission shall consider this appeal at its next regularly scheduled meeting. The decision of the Plan Commission shall be the final determination as set forth in section 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to section 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

5. If no appeal has been filed within the thirty (30) day appeal period, or if the Plan Commission has upheld the decision of the Building Inspections and Zoning Department on appeal, the permit is deemed revoked and the sign is deemed illegal. The Building Inspections and Zoning Department then shall initiate the procedure for the removal of the illegal sign.

6. If after service of order the owner(s) and/or occupant(s) of the premises upon which the sign is located have not removed the sign or brought the sign into compliance with the provisions of the section by the end of the compliance period, the Building Inspections and Zoning Department shall take such legal action as deemed appropriate.

7. Removal. The Building Inspections and Zoning Department is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the Building Inspections and Zoning Department shall be charged against the owner of the property and maybe entered as a special assessment against such premises to be collected in all respects like other taxes upon the real estate, as provided in Chapter 66.615(3)(f) of the Wisconsin Statutes, except in the case of snipe signage in the public right of way.

8. Re-erection of any sign or any substantially similar sign on the same premises after a compliance order has been issued shall be deemed a continuance of the original violation.

**(7) Sign Construction Standards**

All signs shall be designed and constructed to comply with the provision of this code for use of materials, loads and stress as required by the International Building Code (IBC), in the most current edition as published by the International Code Council, Inc.

(a) Signs shall be designed and constructed to withstand wind pressure as provided in IBC Chapter 16.

(b) Signs shall be designed and constructed with the allowable working stress conforming to IBC Chapter 16. The working stress of wire rope and its fastening shall not exceed 25% of the ultimate strength of the rope or fasteners.

Exceptions:

1. The allowable working stress for steel and wood shall be in accordance with IBC Chapters 22 and 23.

2. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel.

(c) Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. All ferrous chain, wire ropes, guy rods and their fastenings and anchor bolts shall be galvanized or be of other approved equivalent protection. Wood blocks shall not be used for anchorage, except in the case of signs attached to buildings with wood walls. Signs shall not be supported by anchors secured to an unbraced parapet wall. Minimum anchorage for wall signs is 3/8-inch diameter embedded at least 5 inches. Minimum anchorage for projecting signs is 5/8-inch and turnbuckles shall be placed in chains, guys or steel rods supporting projecting signs.

(d) All ferrous parts of signs subject to corrosion shall be protected and maintained free of corrosion.

(e) Wood, approved plastic or other materials of combustible characteristic used as facings or in molding, cappings, nailing blocks, letters and latticing shall comply with 1-4 below, and shall not be used for other ornamental features of signs, unless approved.

1. All signs greater than forty (40) sq. ft. shall be constructed of metal or other approved non-combustible materials.

2. Plastic and other materials which burn at a rate no faster than 2.5 inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastic and can be used as the display surface material and for letters, decorations and facings on signs and outdoor display structures.

3. The area of individual plastic facings of electric signs is limited by the area allowed for that type of sign but shall not exceed 200 square feet. If the total area of display surfaces exceeds 200 square feet, the area occupied or covered by approved plastics shall be limited to 200 square feet plus 50% of the difference between 200 square feet and the area of the display surface. The area of plastic on the display surface shall not exceed 1,100 square feet

4. Letters and decorations mounted on approved plastic facing or display surface can be made of approved plastics.

(f) No sign shall be illuminated by other than electrical means. Any open spark or flame design is not permitted unless specifically approved.

(g) Signs that require electrical service shall comply with Chapter 14, Electrical Code.

(h) All internally illuminated signs shall bear the label of the manufacturer and approved testing agency and the listing number shall be reported on the sign permit application.

(i) Signs shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door. A sign shall not be attached in any form shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for ventilation.

(8) **Maintenance.**

(a) All signs and sign support structures, together with all parts to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.

(b) The Building Inspections and Zoning Department shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. The Building Inspections and Zoning Department shall follow the procedure of notification concerning such maintenance or removal as outlined in s. 13.215(6).

(c) When any sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure shall not be re-erected, re-constructed, rebuilt, or relocated, except in conformity with the regulations of this Section. Additionally, any existing sign, sign structure, awning,

canopy, or other advertising structure requiring repairs at any one time in excess of 50% of the sign's original value shall not be repaired unless made to conform to the requirements of this Section.

(d) An abandoned sign is prohibited and shall be made to conform to this code or removed by the owner of the sign or owner of the premises. See page 3,(2) "Abandoned sign."

(e) Any sign which is located on a premises which becomes vacant or unoccupied for a period of six months or more is considered abandoned and shall be removed.

(f) If a business on a property is suspended because of business or property ownership or management change, for more than six months, any signage associated is considered abandoned and shall be removed.

(g) The Building Inspector may grant up to a six-month extension of time for the removal or intended compliance of a sign, to the sign owner, under the provisions of this subsection. A written request for an extension of time shall be submitted to the Building Inspections and Zoning Department.

(h) All signs, awnings, canopies, and other advertising structures projecting into the City right of way may be inspected yearly for maintenance and conformance with this Code. An annual maintenance inspection fee shall be charged to the sign owner or property owner of each sign in place on January 1st and is due and shall be paid by March 15th of each year following original installation. The fee shall be in accordance with the fee schedule.

(i) All signs, as designated in the Building Inspections and Zoning Department fee schedule, may be inspected yearly for maintenance and conformance with the code. An annual maintenance inspection fee shall be charged to the sign owner of each sign and is due and shall be paid by March 15th of each year the sign exists. The fee shall be in accordance with the fee schedule.

(9) **Variance to sign code.**

(a) Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling the purpose of this ordinance. Variance from specific regulations of this section may be granted by the Plan Commission, where, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship; provided, that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's master plan or relevant portions thereof.

(b) Procedure.



1. Any person may request a variance from any provision or requirement of Section 13.21 of the Revised Municipal Code, by submitting a written request to the Department of Development not less than 20 days before the next regularly scheduled Plan Commission meeting. A fee shall be required of the applicant at the time that a request for a hearing is made in accordance with Development Review Fees in Chapter 12 of the Revised Municipal Code.

2. The Plan Commission shall review such requests for variances using the following criteria:

a. The sign as proposed will not result in an undue concentration of signage, which renders it difficult or confusing to read existing signs.

b. The proposed sign is unique and of exceptional design or style so as to enhance the area.

c. Site Difficulties: unusual site factors preclude the construction of a sign in accordance with this section, which would be visible to the roadway adjacent to the site frontage.

3. Should the Plan Commission find that a variance should be granted, the application will be forwarded to the Building Inspections and Zoning Department with directions to issue a permit in accordance with its decision. If the Plan Commission finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing within thirty days of the date of such decision. The decision of the Plan Commission shall be the final determination as set forth in section 68.12 of the Wisconsin Statutes. The final determination may be appealed pursuant to section 68.13 of the Wisconsin Statutes and the notice of the Plan Commission's decision shall inform the parties of the right and time to appeal.

**(10) Prohibited Signs, Lighting and Movement.**

(a) Lighting. Bare light bulbs shall not be permitted. No flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs other than for time and temperature signs. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the Building Inspections and Zoning Department.

(b) Prohibited Signs. It is unlawful to erect or maintain the following signs:

1. Flashing signs;
2. Portable signs;
3. Pennants or streamers;
4. Abandoned signs/structures;

5. Snipe signs—signs in, on or over public property; excluding those regulated in s. 13.215(11);
6. Signs that interfere with traffic;
7. All prohibited signs not mentioned in this section.

(11) **Signs in the Public Right of Way.**

(a) No sign, pennant, flag or banner shall be erected, placed, located or maintained within the limits of any street or highway unless allowed as hereafter stated. Street or highway limits include all the dedicated rights of way, encompassing the traveled portion of the highway, shoulders, sidewalks, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.

1. Failure to comply with the provisions of this section shall be a violation of Section 86.19, Wisconsin Statutes, which is hereby adopted, as well as this section.

2. Any sign in violation of this section shall be removed without notice by the Building Inspections and Zoning Department, the Police Department, or the Public Works Department.

3. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in Section 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes, bus shelters, or to banners, signs, pennants, flags or other related decorations hung over streets attached to public property as authorized by the Board of Public Works in which case these will not require a permit under this section.

4. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "look," "danger" or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(b) **Signs on Public Property.** No person shall erect, place or locate any sign in or on public property, with the exception of awning, projecting and sandwich board signs, which are only allowed in the public right of way with a Grant of Privilege from the Board of Public Works.

(12) **Temporary Signs.**

(a) **Permit, Maintenance and Removal.**

1. The Building Inspections and Zoning Department may issue a temporary sign permit as stated in this subsection. After permit application, a

temporary sign permit may be issued for a time period specified unless as otherwise noted in this subsection.

2. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Building Inspector with or without notice.

3. All temporary signs shall be maintained in good condition and removed promptly upon expiration of the permit or as ordered by the Building Inspector.

(b) Banners.

1. Application for a banner sign shall include information and/or plans indicating the size of the sign, the advertising or copy on the sign, the location of the sign on the property, sign material type, and information regarding installation (attachment and/or support).

2. Each banner allowed may not exceed 15 square feet in area.

3. No more than one (1) banner may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of 60 days for the banner to be posed on the property.

4. A grand opening banner sign not exceeding 20 square feet may be allowed for a new business for a period of 30 days in addition to other banners allowed.

5. Seasonal signs may be posed for the term of the season as stated on the issued permit.

6. The Director of the Building Inspections and Zoning Department may allow a temporary sign to remain in place for up to 90 days with one 90-day extension of time, while a business or property owner pursues a permanent sign.

(c) Construction and Development Signs.

1. Construction and development signs are allowed to indicate the new business, development, contractor, subcontractor, architect or leading instruction.

2. Application for each construction or development sign shall include information and/or plans indicating the size of the sign, copy on the sign, sign material type, the location of the sign on the property, whether single or double faced, and sign attachment and/or support information.

3. One development sign is allowed per street frontage and may not exceed 32 square feet in area.

4. Two construction signs are allowed per street frontage and each sign may not exceed 32 square feet in area.

5. Construction and development sign permits shall expire 10 days after the first occupancy and shall be removed promptly upon expiration.

(d) Sale, Lease and Rent Signs

1. Vacant land and land being developed may have a temporary sale, lease, and rent sign posted on each street which the land abuts. The sign shall be placed on the property being sold, leased or rented in accordance with this subsection.

2. Residential use properties are allowed a sale, lease, or rent sign, not greater than six (6) square feet in area and may be double faced. Freestanding signs shall not be greater than five (5) feet in height. No permit is required and the sign shall be removed upon sale, lease or renting of the use advertised.

3. Non-residential use properties are allowed one (1) temporary sale, lease, or rent sign, which may be single or double-faced and shall not exceed 12 square feet in area. Freestanding signs shall not be greater than five (5) feet in height. A permit is required for each sign in excess of six (6) sq. ft. Each sign shall be removed upon sale, lease, or renting of the use advertised, except as stated in s. 13.215(12)(d)(4). The Notice to remove non-complying signs shall be in accordance with the procedures outlined in s. 13.215(6).

4. For new non-residential developments, a temporary sale, lease, or rent sign permit may be issued for 180 days and may be renewed for 90-day periods until the development's units are 90 percent occupied or when 2,000 square feet of area or less remains to be sold, leased, or rented. The Notice to remove non-complying signs shall be in accordance with the procedures outlined in s. 13.215(6).

(e) Political Signs.

1. The sign area of a political campaign sign displayed in other than residential zoning districts shall not exceed 20 square feet in area. The sign area of such signs displayed in residential zoning districts shall not exceed six (6) square feet in area. In any zoning district, such signs may be freestanding and shall not exceed six (6) feet in height.

2. No permit shall be required for political signs.

**(13) Awnings.** Awning signs are permitted subject to the following regulations:

(a) A Grant of Privilege is required for awnings over the right of way (see s. 13.215(11)).

(b) Area. The area of sign copy shall not exceed twenty-five (25) percent of the face of the awning/canopy to which the sign is to be affixed (see Figure 2 below).

(c) Location.

1. Projection. The sign may be affixed to any awning/canopy. An awning shall not project closer than two (2) feet to the edge of street curb.

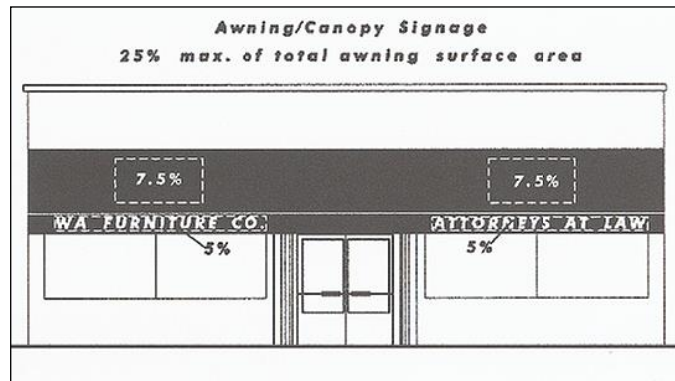


Figure 2: Awning Signage

2. Clearance. The lowest part of the awning structure shall not be less than seven (7) feet above the adjacent street grade or walk area below. The height of the awning fringe shall not be less than six feet nine inches (6'9") above the adjacent grade.

(d) Materials. Plastic/vinyl awning materials are not permitted.

(e) Illumination: Awnings may be illuminated.

**(14) Projecting Signs.** Projecting signs are permitted subject to the following regulations:

(a) Architecture and Design.

1. Architecture. Projecting signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.

2. Design. Projecting signs shall be a minimum of 1 inch in thickness. Decorative non-corrosive metal, or other approved durable material support arms are required. Signs with borders shall be constructed with a 2 inch minimum border thickness. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are required.

(b) Materials.

1. Acceptable materials. Wood, Aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, non-corrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).

2. Non-acceptable materials. Exclusively painted flat laminated wood products (plywood, MDO, OSB, particle board or wood chip panels).

(c) Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design Review Committee. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(d) Size Requirements and Location.

1. Number. One projecting sign is permitted per street frontage for each tenant. A Grant of Privilege will be required for signs over the right of way (see s. 13.215(11)).

2. Area. The gross surface area of the sign shall be limited to a maximum of sixteen (16) square feet for single and multi-tenant buildings. Buildings over one-story are permitted an additional sixteen (16) square feet for each additional level to a maximum of 100 square feet in area.

3. Projection. The sign shall not project more than four (4) feet from the wall to which it is attached.

4. Clearance. No part of the sign shall be lower than eight (8) feet above the walk or surface below.

5. Height. Projecting signs height shall not exceed a height, or encroach, within 4 ft. of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached.

**(15) Wall Signs.** Wall signs are permitted subject to the following regulations:

(a) Architecture and Design.

1. Architecture. Wall signs must be architecturally integrated with the principal building on the property. The tone and texture of the sign shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building.

2. Design. Artistic qualities, design relief and articulation of signage including raised letters, framing, insets/off-sets and unique shapes are

required. Surface mounted signs shall be a minimum of 1 inch in thickness and installed with a 1 inch minimum off-set from the building façade. Signs with borders shall be constructed with a 2 inch minimum border thickness.

(b) Materials.

1. Acceptable materials. Wood, Aluminum, masonry, or similar product or polycarbonate or other approved durable materials. Painted wood relief letters, acrylic plastics, non-corrosive prefinished metals, painted laminated wood products clad in approved materials (clear acrylic), approved synthetic materials (fypon, synthetic wood products, foam plastics).

2. Non-acceptable materials. Exclusively painted flat laminated wood products (plywood, MDO, OSB, particle board or wood chip panels).

(c) Review. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design review Committee and the Department of Development. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(d) Size Requirements and Location.

1. Number. One (1) wall sign for each business facade that abuts a street or open space greater than ten (10) feet in width.

2. Area. The maximum sign area of each wall sign on a building's façade(s) (excluding alley elevations) shall be computed as 1.5 square foot x the lineal front foot of the facade, to a maximum of fifty (50) square feet, whichever is less.

3. Location. No wall sign shall project more than ten (12) inches from the wall to which it is attached, nor shall it extend beyond the ends of the wall to which it is attached. A wall sign must be placed on an exterior wall of the business, which the sign identifies.

4. Height. Wall signage height shall not exceed a height, or encroach, within 4 ft. of the top of the parapet wall or roofline. No sign shall extend above the roof, wall or parapet of the building to which it is attached. Signage may be allowed on canted roof surfaces, but only if the roof surface is within twenty-five (25) degrees of vertical, such as a mansard roof.

5. Alley Entrances. Single or multi-tenant business establishments with alley entrances for customers shall be permitted one shared wall sign to be located over or adjacent to such entrance. Such sign shall be limited to fifteen (15) square feet and shall not encroach into the right-of way.

(17) **Sandwich Board Signs.**

(a) All applications for sandwich board signs shall be filed with the Department of Development for consideration. Applications shall include renderings of the sign and a scaled site plan delineating sign location. Permits, when approved, are valid for 1 year and may be applied for through the Building Inspections and Zoning Department.

(b) The City of West Allis reserves the right to restrict placement of signs during inclement weather, when a snow emergency has been declared, and special events, including, but not limited to, parades.

(c) **General Requirements**

1. Sandwich Board Signs shall not be illuminated or have reflective surfaces. No additional items shall be affixed to the signs (i.e. balloons, streamers, flags, etc.). Signs shall not be located within City planting beds or against street trees and at least 15 feet from a street or alley corner.

2. Sandwich Board Signs shall not be displayed overnight and/or when the business is closed.

3. **Number.** Due to the unique nature of the downtown with many businesses in close proximity to each other, no more than 12 signs shall be permitted within the District.

a. When there is one entrance for multiple tenants, only one sandwich board sign shall be permitted on that property.

4. **Area.** The maximum sign face shall not exceed 10 square feet, with a base not to exceed 2.5 feet wide. Two (2) sign faces are permitted. The total height of the sign shall not exceed four (4) feet.

5. **Term.** Signs must be stored inside overnight or when the business is closed. Signs shall not be displayed during snow emergencies.

6. **Materials.** Durable approved materials shall be used such as wood or metal, which are rigid, and make the sign self-supporting. No cardboard, plastic, or PVC pipe materials are permitted.

(d) **Location—Right of Way.** Sandwich Board Signs may be located in the City's right of way. Sign placement conditions are as follows:

1. If the sign will be located in the public right of way, then a Grant of Privilege is required pursuant to s. 13.215(11). The applicant shall provide an insurance certificate in a form approved by the City Attorney, in the amount of one million dollars, naming the City of West Allis as an insured party in connection with each sign. Furthermore the applicant shall comply with any applicable special conditions in the Grant of Privilege.



2. Signs shall not be located less than six (6) inches from the face of the curb, (unless located on premises). An unobstructed width of 4 feet shall be provided for pedestrian traffic. Signs shall not be located within City planting beds or against street trees and at least 15 feet from a street or alley corner.

3. Signs shall not be located within 10 feet of a fire hydrant nor a building fire department connection;

4. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.

5. Signs must not interfere with the vision clearance at corners and must be placed at least 15 feet from the corner (measured from street curb);

6. Signs shall not be placed more than 10 feet from the business entrance in which the sign advertises, at ground level;

7. The City of West Allis Building Inspections and Zoning Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

(e) Location—Private Property. Sandwich Board Signs may also be permitted on commercially used private property. Sign placement conditions are as follows:

1. Signs shall not be located within 10 feet of a fire hydrant nor a building fire department connection;

2. Signs shall not be placed to impede or obstruct the general public or the exit of building occupants. Signs shall not be placed in the walking or wheelchair pathway areas or private sidewalk pathways.

3. Signs must not interfere with the vision clearance at corners and must be placed at least 15 feet from the corner (measured from street curb);

4. Signs shall not be placed more than 10 feet from the business entrance in which the sign advertises, at ground level;

5. The City of West Allis Building Inspections and Zoning Department shall review sandwich board sign placements and shall not issue a permit for any location that may create a traffic or pedestrian hazard.

(f) Any business that fails to comply with the provisions of this Code, after receiving one written notification from the City of West Allis will lose its privilege to display a Sandwich Board Sign for a one-year period.

(g) **Indemnification.** The West Allis Business Improvement District shall indemnify and hold the City of West Allis harmless from and against any and all liability, loss, cost, damage or expense including reasonable attorney fees arising out of, or incurred in connection with each sign and/or damage to any buildings, properties, vehicles or persons injured from any action or inaction by the Downtown Business Improvement District.

(h) **Fee.** An permit is required for each sign term.

(18) **Window Signs.** Window signs are permitted subject to the following regulations:

(a) **Area.** In no instance may window signs (see Figure 3 below) cover more than twenty (20) percent of the window space. All window signs must be affixed to the interior of the window.

(b) **Number.**

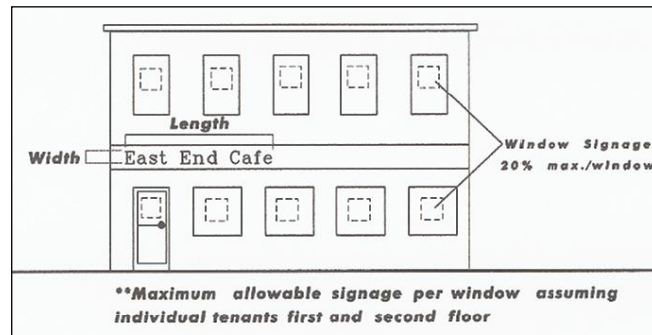


Figure 3: Maximum Window Signage

(19) **Changeable Copy Signs and Electronic Message Centers.** Changeable copy and EMC signs are permitted subject to the following regulations:

(a) **Area.** The computation of sign area for changeable copy signs and electronic message centers shall be included in the total permitted sign area allowed for the building or development where changeable copy signs and electronic message centers are permitted by this section and/or by the Department of Development.

1. The changeable copy portion of the sign must occupy a secondary position to the name of tenant. The area of changeable copy and electronic message centers shall not exceed twenty-five percent (25%) of the sign face.

(b) **Number.** There shall be only one changeable copy sign or electronic message center on each lot or parcel of land.

(c) **Design.** Changeable copy signs and electronic message centers must be integrated into wall sign or projecting sign for such building or development.

1. Electronic message centers may not change a message or display by an electronic process more frequently than three- (3) second intervals;

2. The sign may be double-faced;
3. Each sign shall be permanently installed or located;
4. Each sign shall be placed in such a manner so as to not interfere with, confuse or present any hazard to traffic.

(20) **Tenant Directory Boards.** Tenant Directory Board signs are permitted subject to the following regulations:

Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a Multi-Tenant Commercial Building or center are allowed, subject to the provisions hereof. Letters on a tenant directory board, identifying occupants, may not exceed three inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into compliance with all of the provisions of this section. Tenant directory boards shall match the color and style of the principal signage for the property and shall be located either within or outside in proximity to the main entrance area of the building. Tenant directory board signs shall be attached to the building. Tenant directory boards are allowed in addition to awning, wall and projecting signs. Tenant directory boards require a permit to be issued by the Building Inspections and Zoning Department.

(21) **Directional Signs.**

(a) **Number.** No more than one single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No directional sign shall be greater than four feet in height.

(b) **Area.** The area of each side of a directional sign shall not exceed six square feet. If a driveway is shared by two or more businesses or premises and each such business or premises would be permitted one directional sign, pursuant to this section, such signs may be incorporated into one eight-square-foot directional sign no greater than four feet in height. The area of a directional sign is not calculated with the total signage area permitted on a site.

1. Twenty-five (25) percent of the area of each side of a directional sign may be used for the business name or logo.

(c) **Location.** An offset of no less than one foot from the ultimate right of way line should be maintained.

(d) **Design.**

1. Directional signs, including the base, must be architecturally integrated with the principal sign on the property. The tone and texture of the sign

shall reflect the principal sign construction as close as possible or shall enhance the exterior architecture of the principal sign.

2. The color scheme of the sign shall compliment the color scheme of the principal sign.

3. The sign face shall be constructed of aluminum, masonry, or similar product or polycarbonate with an opaque background or other approved durable materials. If internally illuminated, the sign face must be constructed of an opaque background.

4. Any signage requests are subject to review and approval of the Downtown West Allis Business Improvement District Design review Committee. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(e) Directional signs may be approved administratively by the Department of Development.

(22) **Creative Signs.** Creative signs are permitted subject to the following regulations:

(a) Purpose. The purpose of the Creative Sign subsection is to establish standards and procedures for the design, review and approval of Creative Signs, such that consideration may be obtained from the Plan Commission to:

1. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit, and;

2. Provide a process for the application of sign regulations in ways that will allow for creatively-designed signs that make a positive visual contribution to the overall image of the City, and in certain instances, a creatively-designed sign may be permitted even though it is larger or unusual in design.

(b) Applicability. An applicant may request approval of a sign permit under s. 13.215(6) to authorize on-site signs that employ standards that differ from the other provisions of this section but comply with the provisions of this subsection.

(c) Design criteria. An application for a Creative Sign must first be filed with the Department of Development. The Plan Commission shall review all Creative Sign applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on design criteria of that sign. In approving an application for a Creative Sign, the Plan Commission shall ensure that a proposed sign meets the following design criteria:

1. Design quality. The sign shall:

a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;

b. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit;

c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.

2. Contextual criteria. The sign shall contain at least one of the following elements:

a. Classic historic design style;

b. Creative image reflecting current or historic character of the City;

c. Public Art, symbols or imagery relating to the entertainment or design industry, or;

d. Inventive representation of the use, name or logo of the structure or business.

3. Architectural criteria. The sign shall:

a. Utilize and/or enhance the architectural elements of the building;

b. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

(23) **Illuminated Signs.** Illuminated signs are permitted subject to the following regulations:

(a) Internal Illumination. Signage background, copy and logos may be translucent.

(b) External Illumination. Signs may be indirectly lit by separate clearly articulated architectural lamps mounted to the exterior of the building, above and/or below the sign.

(c) Neon. The use of neon is permitted provided the signage display and use of color is designed to complement the architectural character of the building to which the sign is affixed.

(d) Glare. All sign lighting shall be designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent streets or properties.

(e) Prohibitions. Flashing light is prohibited. "Flashing sign" means a type of changeable copy sign upon which a message or display is presented more frequently

than for 3-second intervals. Intervals greater than 3 seconds shall not be considered flashing.

**(24) Violations, Penalties and Injunctive Action.**

(a) Violations. It shall be unlawful and a violation for any person, firm, or corporation to violate the order of the Building Inspector or erect, install, construct, enlarge, alter, display, repair, move, convert or maintain any sign, sign structure or sign devise on any building or structure or property in the City contrary to or in violation of any provision of this section, or to cause, permit or support the same to be done.

(b) Penalties. Any person, firm or corporation that shall violate any of the provisions of this Section shall forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be confined in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not in excess of the number of days set forth in Section 800.094(4) of the Wisconsin Statutes. Each and every day during which any such violation continues shall constitute a separate violation.

(c) Injunctive Action. In addition to the penalties provided in this subsection, appropriate legal or equitable action may be commenced to enjoin any person, firm or corporation from violating any of the provisions of this Section.

**(25) Severability.**

If any provision, clause, sentence, paragraph, subsection of part of this code, or application thereof to any person, firm, corporation of circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. It is the intent of the Common Council that this code would have been adopted had any such invalid provision or provisions not been included.

**PART III.** All codes or parts of codes contravening the provisions of this code are hereby repealed.

**PART IV.** This code shall take effect and be in force from and after its passage and publication.

**PASSED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_

\_\_\_\_\_  
Paul M. Ziehlner, City Admin. Officer, Clerk/Treas.

\_\_\_\_\_  
Jeannette Bell, Mayor

cc: Department of Development  
Building Inspection  
ZON-O-607-4-3-07