

ORDINANCE NO. _____

Ordinance to repeal Sections 13.21, 13.22, 13.23, and 13.24,
and recreate Section 13.21 of the Revised Municipal Code relative to a revised sign code

By Safety and Development Committee

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 Sections 13.21, 13.22, 13.23, and 13.24.

PART II. Section 13.21 of the Revised Municipal Code of the City of West Allis is recreated to read as follows:

13.21 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) Master Sign Program
- (14) Freestanding Signs
- (15) Wall Signs
- (16) Projecting Signs
- (17) Awnings
- (18) Window Signs
- (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 City is necessary and in the public interest to:

- (a) Protect property values within the City;
- (b) Preserve the beauty and the unique character of the City by aesthetically complementing the development, which a sign identifies;
- (c) Promote a healthy and properly designed business environment;
- (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;

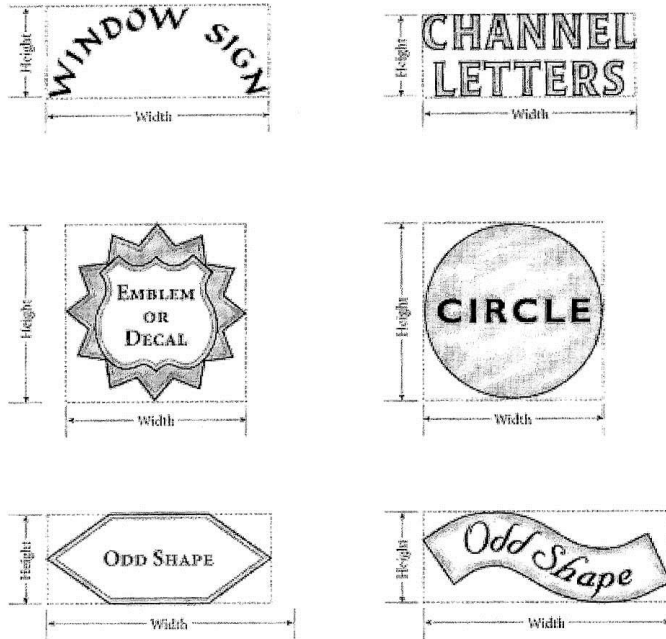
(i) No regulation of sign content is intended to result from the application of this sign code.

(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 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 below:

MEASUREMENT OF DISPLAY AREA



"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.

"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.

"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.

"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.

"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.

"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 parks, industrial 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.

"Multiple tenant commercial building (MTCB)" means a commercial development, which includes 3 or more tenants, or a building area of 25,000 sq. ft. or more, or buildings with frontage along an Interstate highway.

"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 a sign attached to a wall and projecting away from the wall more than 12 inches but not more than four feet.

"Residential corridor" means a geographic area which predominately features homes.

"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 portable 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.

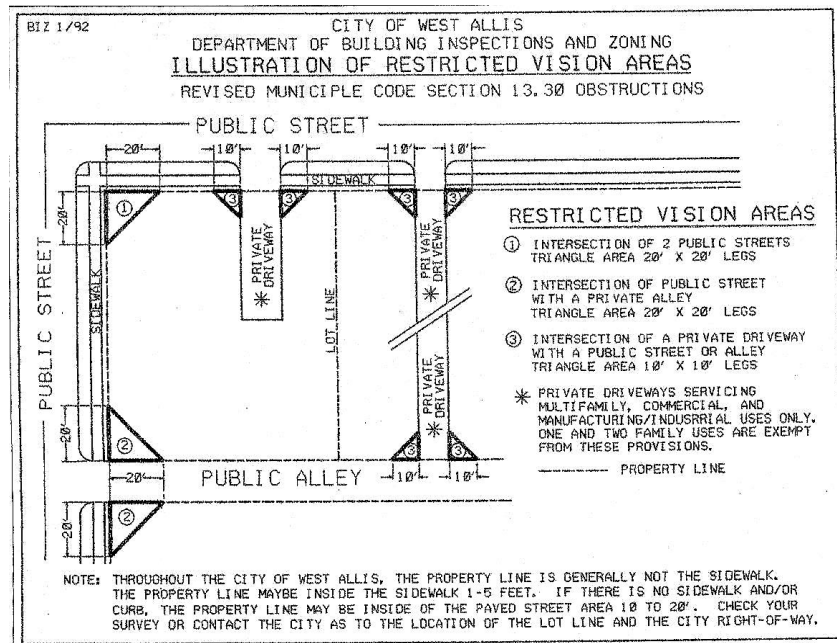
"Temporary sign" means a sign constructed of, but not limited to, cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, or any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited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

"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 flat (parallel) to a building wall or structure, 12 inches or less from the wall.

"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 shall not apply to signs located in the C-1 Central Business District of the City.

(4) **Conformity of Legal Nonconforming Signs.**

(a) Unless a determination is made by the Department of Development that there is substantial compliance with the requirements of this section, any sign which is legal nonconforming as of the date of the adoption of this Code (Date) nonconforming being defined in s. 13.21(2) of this chapter, other than those described in this subsection of this chapter, shall conform to this section upon the occurrence of one of the following conditions or events:

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 exterior alteration to the building that requires a building permit;
4. When there is a change in occupancy, deemed to take place whenever the type of usage changes or whenever the occupant changes;
5. When any existing sign, sign structure, awning, canopy, or other advertising structure requires repairs at any one time in excess of 50% of the original value of the sign;

(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. 13.21(6) of this section, temporary signs as described in s. 13.21(12), and Master Signage Program signs under s. 13.21(13) of this section, which shall be reviewed and approved by the Plan Commission. 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. 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.

3. 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.

4. 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.

5. Multi-tenant applicants, who include buildings of 3 or more tenants, or a building area of 25,000 sq. ft. or more, or buildings with frontage along an Interstate highway, should refer directly to s. 13.21(13) for detailed requirements relative to the Master Sign Program.

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.

e. Signs located in residential corridors may be further regulated by Plan Commission pursuant to s. 13.21(9), such as, but not limited to, lighting operations.

7. 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.

8. 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. 13.21(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. Any 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(18);
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. 13.21(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. 13.21(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. 13.21(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. 13.21(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. 13.21(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 original value of the sign 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.

(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 this section, 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. 13.21(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 projecting 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 32 square feet in area.

3. No more than two (2) banners may be erected per business or occupant per calendar year, with each permit issued allowing a maximum of 30 days for the banner to be posed on the property. Additionally, there may be no more than two banners erected per site at one time.

4. A grand opening banner sign not exceeding 32 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 32 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. 13.21(12)(d)(4). The Notice to remove non-complying signs shall be in accordance with the procedures outlined in s. 13.21(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. 13.21(6).

(e) **Political Signs.**

1. The sign area of a political campaign sign displayed in other than residential zoning districts shall not exceed 32 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) **Master Sign Program.**

(a) The purpose of the Master Sign Program is to advertise a center and its individual tenants and to allow qualified buildings and/or centers greater flexibility and increased signage area to the specific requirements as hereafter stated.

(b) An application for a Master Sign Program must first be filed with the Department of Development. The Plan Commission shall review all Master Sign Program applications and proposals. The Plan Commission may approve, deny or request changes to a sign, based on the architecture of that sign.

(c) The Plan Commission, in its discretion, will consider the type and location of the building site, the proposed tenant mix, the size of the development and such other factors as it deems appropriate in evaluating a Master Sign Program.

(d) Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this section and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or a permission to construct any particular sign under that program. After review and approval by the Department of Development, all applications for permits for such individual signs must be filed with the Building Inspections and Zoning Department.

(e) The following entities may make application for the Master Sign Program:

1. Multi-Tenant Commercial Buildings (MTCB's) or centers of three or more individual tenants or buildings of at least twenty-five thousand (25,000) square feet of building area;
2. Commercial or Industrial uses which abut I-94 and I-894 right of way.

(f) A Master Sign Program, as presented to the Plan Commission, shall include the following components:

1. An aesthetically developed theme on color, size and style;
2. A proposed location of all signs for the building, development or center; where possible, signs shall be centered over tenant spaces;
3. The proposed size of individual signs which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program, but which must be proposed in exact terms when application is made for such individual signs after approval of the program;
4. Type of signage proposed, e.g., individual letters, box, etc.;
5. Blueprints, drawings and written policies governing the color, size, style, location and other features of the proposed signs.

(g) Freestanding signage (Master Sign Program).

1. Multi-Tenant Commercial Buildings, or buildings/centers greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted one freestanding sign of no more than seventy-five (75) square feet in area, 10 feet in height, and subject to Plan Commission approval.

2. Buildings/centers greater than fifty thousand (50,000) and less than one hundred thousand (100,000) square feet of building area may be permitted one sign per building/center of one hundred fifty (150) square feet in area, not to exceed 12 feet in height, subject to Plan Commission approval.

3. Buildings/centers greater than one hundred thousand (100,000) and less than three hundred thousand (300,000) square feet of building area may be permitted one freestanding sign per arterial street of one hundred fifty (150) square feet in area each, or one sign per building/center of two hundred twenty-five (225) square feet in area, neither to exceed 15 feet in height, subject to Plan Commission approval.

4. Determination of signage area for buildings or centers greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.

5. Where changeable copy or electronic message center signage is permitted pursuant to s. 13.21(19), the area of the changeable copy sign must be included in the total computation of allowable signage and subject to Plan Commission review.

6. The Department of Development and the Plan Commission shall not approve any Master Sign Plan greater than fifteen (15) feet in height, except for centers over three hundred thousand (300,000) square feet in building area, which height shall be subject to Plan Commission discretion.

(h) Wall Signage (Master Sign Program).

1. Multi-Tenant Commercial Buildings.

a. Area. The maximum allowable area of wall signs for eligible Multi-Tenant Commercial Buildings shall be computed as 1.5 square feet per lineal foot of each tenant's frontage.

(1) If applying the area formula above [s. 13.21(13)(h)(1)(a)] results in a sign area greater than 200 square feet, the individual tenant wall signs, when submitted to the Department of Development in conjunction with a Master Sign Program, shall be permitted an aggregate maximum area of 200 square feet, subject to Plan Commission approval.

(2) Where other wall-mounted signage (e.g. projecting signage) is permitted pursuant to s. 13.21(16), the area of the sign must be included in the total computation of allowable signage and subject to Plan Commission review.

b. Number. Total number of wall signage permitted for a building or center or Multi-Tenant Commercial Building may be apportioned over two building facades, but no more than one sign per façade. Wall signage must be placed on an exterior wall of the business in which the sign identifies.

c. Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.

(1) A wall sign may not project more than twelve (12) inches from the wall surface.

(2) No part of a wall sign shall extend more than four feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.

2. Buildings greater than twenty-five thousand (25,000) square feet of building area.

a. Area. Buildings greater than twenty-five thousand (25,000) and less than fifty thousand (50,000) square feet of building area may be permitted wall signage no greater than two hundred (200) square feet in area, and subject to Plan Commission approval.

b. Area. Buildings greater than fifty thousand (50,000) square feet and less than three hundred thousand (300,000) square feet of building area shall be permitted four hundred (400) square feet in wall sign area, plus additional signage area computed by the following formula:

0.5 square feet times the setback length of the building
from the street frontage.

c. Number. Buildings greater than twenty-five thousand (25,000) and less than one hundred thousand (100,000) square feet of building area may be permitted two (2) wall signs on an exterior wall of the business in which the sign identifies.

d. Number. Buildings greater than one hundred thousand (100,000) square feet and less than three hundred thousand (300,000) square feet of building area may be permitted three (3) wall signs on an exterior wall of the business in which the sign identifies.

e. Placement. A wall sign must be placed on an exterior wall of the tenant's space, which the sign identifies.

(1) A wall sign may not project more than twelve (12) inches from the wall surface.

(2) No part of a wall sign shall extend more than four feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline.

3. Determination of wall signage area for buildings greater than three hundred thousand (300,000) square feet of building area shall be determined by the Plan Commission.

(14) **Freestanding Signs.**

(a) Architecture and Landscaping.

1. Freestanding signs must be architecturally integrated with the principal building on the property. The base, sides, and top of the sign shall be constructed of masonry or other approved durable materials. The tone and texture of the base, sides, and top shall reflect the principal building construction as close as possible or shall enhance the exterior architecture of the principal building. The base of the sign shall be a minimum of two feet in height.

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

3. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.), which are part of the architectural makeup of the principal building, shall be incorporated into the sign.

4. 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.

5. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The width of the base of the sign must be equal to or greater than the width of the sign face.

6. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Department of Development may reduce or waive this requirement if it is determined the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

7. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(b) Size Requirements and Location.

1. Number. One freestanding sign shall be permitted. Two freestanding signs are permitted for qualified sites under the Master Sign Program (s. 13.21(13)).

2. Area. The area of a freestanding sign shall be computed by the following formula:

Either .6 square feet times the lineal front foot of the lot line or .8 square feet times the building front foot, whichever is greater, to a maximum of (50) square feet of area, as permitted by the Department of Development. Corner lots may use either the front or side dimensions. Should the Department of Development approve both a freestanding sign and a wall sign for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet. For Multi-tenant Commercial Buildings and buildings over 25,000 sq. ft. in area, see s. 13.21(13).

3. The sign may have multiple faces if so approved.

4. Height. The maximum height of a freestanding sign may not exceed ten (10) feet. The applicant shall provide dimensions of the proposed sign. The height of a freestanding sign shall be regulated and approved by the Department of

Development in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a master sign plan, if any; and such other facts as the Department of Development deems appropriate.

5. Location. An offset of no less than one foot from the ultimate right of way line should be maintained.

a. The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.

b. Site consideration should be given to signs on corner lots, near driveways and/or alleys, etc. Signs are not to obstruct the vision triangle (see Figure 1 below). Signs proposed within the vision triangle shall require Plan Commission approval.

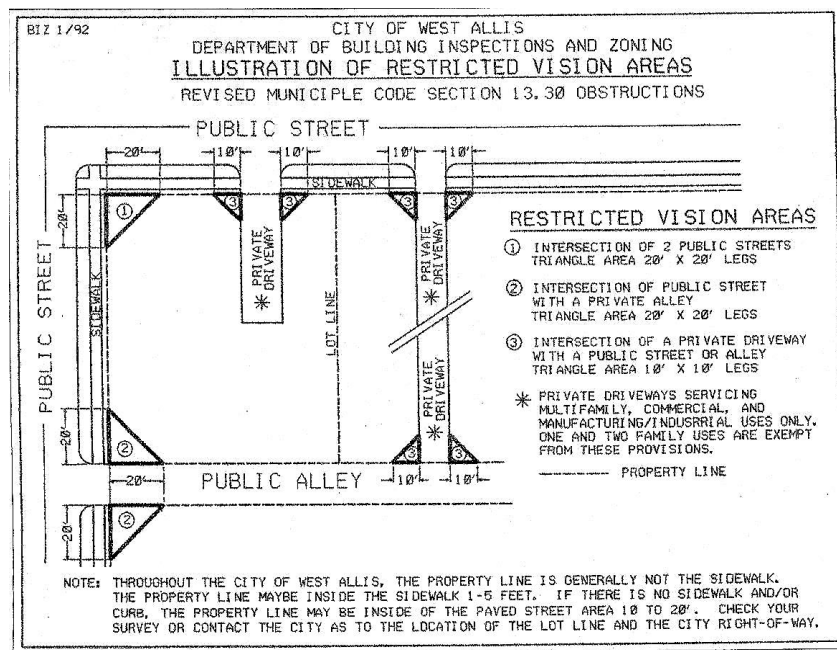


Figure 1: Vision Triangle Restrictions

(15) **Wall Signs.**

(a) Architecture and Landscaping.

1. 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. The color scheme of the sign shall compliment the color scheme of the principal building.

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. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(b) Size Requirements and Location.

1. Number. Two wall signs shall be permitted, OR one wall sign per street frontage, whichever is greater.

2. Area. The area of a wall sign shall be regulated and approved by the Department of Development in consideration of the factors enumerated in this subsection and shall be computed by the following formula:

Either .6 square feet times the lineal front foot of the lot line or .8 square feet times the building front foot, whichever is greater, to a maximum of one hundred twenty-five (125) square feet, as permitted by the Department of Development. Corner lots may use either the front or side dimensions. Should the Department of Development approve both a freestanding sign and a wall sign (or multiple wall signs in the case of a multi-frontage lot) for a given building or center, the area permitted must be apportioned between these signs not to exceed one hundred twenty-five (125) square feet.

(b) Location.

1. A wall sign may not project more than twelve (12) inches from the wall surface.

2. A wall sign must be placed on an exterior wall of the business, which the sign identifies.

3. No part of a wall sign shall extend more than four feet above the plate line nor shall a wall sign extend above a parapet wall, fascia or roofline. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five (25) degrees of vertical, such as a mansard roof.

(16) **Projecting Signs.**

(a) 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. 13.21(11)).

(b) 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. Multi-story buildings are permitted an additional sixteen (16) square feet for each additional level to a maximum of 100 square feet in area.

(c) Location.

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

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

(d) Height.

1. Signs attached to a one-story building shall not exceed fifteen (15) feet above the walk or surface below, subject to all the above limitations. Signs attached to multi-story buildings shall not extend above the roof, wall or parapet of the building to which it is attached.

(17) **Awnings.**

(a) A Grant of Privilege is required for awnings over the right of way (see s. 13.21(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.

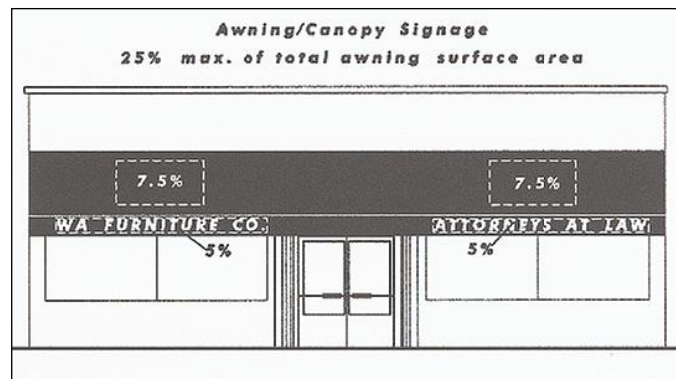


Figure 2: Awning Signage

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.

(18) **Window Signs.**

(a) 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.

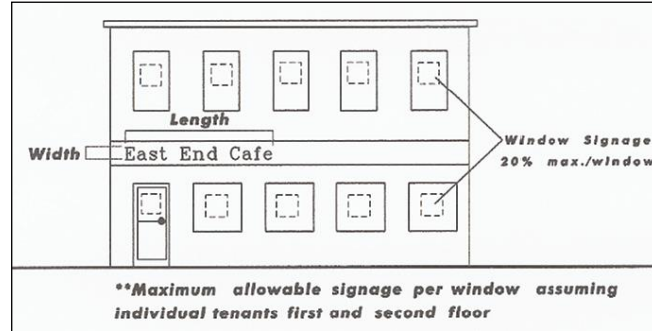


Figure 3: Maximum Window Signage

(19) **Changeable Copy Signs and Electronic Message Centers.**

(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 thirty-five percent (35%) of the sign face, excepting gas stations for the purpose of displaying price.

(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 the freestanding 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.**

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 boards are allowed in addition to wall and freestanding signs, for a Master Sign Program. 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. 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) **Informational Signs.**

(a) Signage developed for purely informational reasons, except menu boards, shall be allowed without the necessity of obtaining a permit, unless illuminated, so long as such signs comply with all other applicable provisions of this section. Such signs must be no greater than six square feet in area. Examples of informational signs are signs indicating separate buildings or services on premises, e.g., body shop, car wash, and drive-up window.

(b) Informational signs consisting of menu boards may exceed six square feet in area, provided, however, that no menu board, regardless of size, may be erected unless first reviewed by the Department of Development and a permit is obtained by the Building Inspections and Zoning Department.

1. Informational 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. The Department of Development may approve, deny or request changes to a sign, based on the architecture of that sign.

(23) **Creative Signs.**

(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. 13.21(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. 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.

(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: _____, 2005

City Administrative Officer, Clerk/Treasurer

APPROVED: _____, 2005

Mayor

ZON-O-511\6-7-05\jmg
q\p\sc\so-f\ksj

cc: Department of Development
Building Inspection