

## Chapter 40 SIGNS

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### **40.01 Purpose and intent.**

The purpose of this chapter is to create the legal framework to regulate, administer and enforce outdoor sign advertising and display within the Village of Lake Delton. This chapter recognizes the need to protect the public's safety and welfare, the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication. This chapter authorizes the use of signs visible from public rights-of-way, provided the signs are:

- A.** Compatible with the zoning regulations.
- B.** Designed, constructed, installed and maintained in such a manner so as to not endanger public safety or traffic safety.
- C.** Legible, readable and visible in the circumstances in which they are used.
- D.** Respectful of the reasonable rights of other advertisers whose messages are displayed.

#### 40.02 Findings.

The Village Board finds that due to the tourist industry, which comprises the majority of the local economy, there is intense competition for signage advertising for local businesses and attractions. The result of this is an overwhelming presence of signage concentrated along US Highway Twelve and State Highway 23 in the Village. There are currently more than eight hundred (800) licensed signs in the Village, with the vast majority located along these corridors. The result is an unattractive, counterproductive clutter of signs, which is distracting to drivers and often confusing to visitors. The Village Board recognizes that these signs are vital to the local businesses and serve a valuable purpose in aiding customers in locating their particular destination. Rapid growth within the Village only exacerbates the demands for additional signage. Therefore, the Village Board finds that regulation of signage is necessary to ensure that each business receives a full and fair opportunity to advertise its services.

#### 40.03 Definitions.

For the purposes of this chapter, the following definitions shall apply.

- A. **Abandoned sign.** A sign that no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
- B. **Amusement park.** A business or group of businesses planned and developed as a single unit sharing off-street parking and whose principal activity involves games, arcades, sporting or other recreational activities in which the customer or patron participates.
- C. **Area of copy.** The entire area within a single, continuous perimeter that encloses the limits of an advertising message or announcement; or the decoration of a wall sign.
- D. **Area of sign.** The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section, or module, all areas will be totaled. Any irregularly-shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.
- E. **Awning.** A movable or fixed shelter supported entirely from the exterior wall of a building and composed of rigid or non-rigid materials except for the supporting framework.
- F. **Banner.** Any sign printed or displayed upon cloth or other flexible material, with or without frames.
- G. **Beacon.** A stationary or revolving light that flashes or projects illumination, single color or multi-colored, in any manner that is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device that is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.
- H. **Canopy (or marquee).** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic.
- I. **Changeable Copy sign.** A sign such as a manual, electronic or electric-controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes, including variable message signs. Any sign may be, or include as part of it, a changeable copy sign.

- J. Directional signs.** A sign not exceeding eight (8) square feet in size that contains no message other than the word “Enter,” “Exit,” or “Drive-in” and is located within five (5) feet of a driveway.
- K. Display surface area.** The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, display surface area shall not include the structural supports for freestanding signs; provided further, that only one (1) face of a double-faced sign as defined shall be considered in determining the display surface area.
- L. Double-faced sign.** A sign with copy on two (2) faces that are back to back or V-shaped facing in generally opposite directions.
- M. Electric sign.** Any sign containing internal electric wiring that is attached to or intended to be attached to an electrical energy source.
- N. Flashing sign.** An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
- O. Freestanding sign.** Any sign that stands alone not attached to any structure and erected on one (1) or more free standing supports or uprights, whether portable or attached to real estate.
- P. Frontage.** The length of the property line on any one (1) premises parallel to and along the primary public right-of-way it borders. For properties with frontage on more than one (1) right of way, the owner shall designate the frontage on the application for the sign permit.
- Q. Ground sign.** See freestanding sign.
- R. Nonconforming sign.** A sign that does not meet code regulations.
- S. Parcel.** A lot, tax parcel or combination of lots or tax parcels under common ownership or operation.
- T. Portable sign.** Any sign not permanently attached to the ground or a building.
- U. Premises.** Premises shall be the tax parcel(s) of the property. When circumstances warrant, premises may, due to unity of ownership or use, constitute more than a single tax parcel.
- V. Off-premises sign.** A sign that advertises goods, products, facilities or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.
- W. Off-premises directional sign.** A sign that directs pedestrian or vehicular traffic to businesses or locations located elsewhere and tells the location of or route to such business or location.
- X. Off-premises directional sign structure.** A sign structure supporting directional signs.
- Y. On-premises sign.** Any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained. All roof, projecting, canopy and wall signs shall be on-premises signs. For purposes of this definition, a free standing sign advertising a business that is located on a parcel that is part of a common commercial shopping development is considered to be an on-premises sign provided that the business is located within the common commercial shopping development. For purposes of this section a “common commercial shopping development” means a shopping center established in accordance with an approved plan for development and located adjacent to Interstate Highway 90/94. . (40.03 (Y) Amended 8-17-2013)
- Z. Projecting sign.** A sign attached to and projects from a building.
- AA. Roof sign.** Any sign wholly erected, constructed or maintained on, or suspended above, the roof structure or parapet wall of any building.

- BB. Shopping center.** A group of three (3) or more commercial uses characterized by any one (1) or more of the following:
1. Uses that are designed as a single commercial group, whether located on the same parcel.
  2. Contiguous uses occupying premises that are under common ownership or management.
  3. Uses that are connected by party walls, partitions, canopies or other structural members to form one (1) continuous structure.
  4. Uses that are located in separate buildings but are interconnected by walkways, driveways or parking areas that facilitate customer interchange between the uses.
  5. Uses that share a common parking area.
  6. Uses that otherwise present the appearance of a single, continuous commercial development.
- CC. Shoreland Sign.** Any sign designed or placed so it is visible from a lake or stream at any time of the year.
- DD. Sign.** A device that is intended, designed, or used for advertising display, identification, announcements or related purposes, including signs, screens, billboards and other advertising devices of any type. Logos, trademarks, insignias and similar emblems shall be considered as signs. Devices and or structures that are designed to attract attention to the subject matter of its copy or image shall be deemed to be a sign. Devices and structures which have no wording or are not directly a solicitation for business or other activity, including but not limited to decorative landscaping, registered motor vehicles, artificial waterfalls, and art forms that are not intended to identify or advertise a product or solicit business shall not be considered as a sign but shall not be placed so as to violate the lighting, spacing, size or vision triangle requirements of this Chapter or any pertinent building code or other village ordinance and shall have to meet the criteria that would apply as to granting a sign permit before granting such building permit. For purposes of removal, signs shall also include all sign structures. Further, flags or emblems of the United States of America, State of Wisconsin, or state political subdivision shall not be subject to regulation under this Chapter. (40.03 (DD) Amended 4-30-2011)
- EE. Sign structure.** Any device or material that supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.
- FF. Sign visible from interstate highway.** Any sign containing an advertising message readable by a person with normal visual acuity traveling on the interstate highway.
- GG. Unified sign.** A multiple business identification sign specially permitted by the Village Board.
- HH. Variable message sign.** An outdoor advertising sign, display or device, using LCD, LED or plasma displays or other similar technology for displaying moving images, static images animation or changing the message. The display area of a variable message sign consists of that portion of the overall sign displaying these electronic images. Variable message signs include but are not limited to Commercial Electronic Variable Message Signs (CEVMS), animated signs, dynamic displays and changeable copy signs.
- II. Wall sign.** A sign attached to the wall or a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.
- JJ. Wayfinding sign.** A sign approved by the Village Board that is designed to identify specific locations or zones within the Village and neighboring areas.

**KK. Specialty Signs.** Any device or structure, or any combination thereof, that is designed to attract attention to a property or product that does not meet the definition of a specific sign classification, including but not limited to statues, landmarks, unique building structures and facades and other man-made features designed to attract attention to a business or commercial activity. (40.03 (KK) Amended 4-30-2011)

**LL. Outdoor advertising display:** Any outdoor advertising device including but not limited to banners, balloons, kites, decorative displays made of cloth, vinyl, plastic, or other flexible material, with or without frames and tethered or attached to the ground, pole, building, vehicle, device, object or another structure. (40.03 (LL) Amended 4-4-2012)

#### **40.04 Signs prohibited in conservancy and residential zoning districts.**

All signs are prohibited in the conservancy (CON) and residential zoning districts (R-1, R-2), except the following:

- A. Signs not requiring a permit.
- B. Signs over a window or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- C. Agricultural signs pertaining to the sale of agricultural products on a farm. Any such sign must be located upon the farm it advertises and shall not exceed thirty-two (32) square feet in area on all sides for any one farm.

#### **40.05 Signs permitted.**

Outdoor advertising displays such as banners, balloons, kites, decorative displays or other advertising devices are prohibited unless permitted under s. 40.09 regulating Special Exception Permits. (40.05 Amended 4-4-2012)

#### **40.06 Classifications of Signs.** Signs shall be classified as follows:

- A. Freestanding signs
- B. Mobile signs
- C. On-premises signs
- D. Off-premises signs
- E. Prohibited signs
- F. Projecting signs
- G. Portable signs
- H. Roof signs
- I. Shoreland signs
- J. Specialty signs
- K. Unified signs
- L. Variable message signs
- M. Wall signs
- N. Wayfinding signs (40.06 Recreated 4-30-2011)

#### **40.07 Sign Regulations.**

Each sign shall be subject to the following regulations based upon its classification:

- A. Wall signs shall be on-premises signs and shall not extend more than eighteen (18) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area for any one (1) premises, and shall not exceed twenty (20) feet in height.
- B. Roof signs shall display only the name of the business and/or business logo and shall not exceed two hundred (200) square feet in area per facing and shall not extend more than thirty-five (35) feet from the ground. (Modified & Amended 15-008 40.07 (B) Passed: 7/13/2015 Published: 7/18/2015)
- C. Projecting signs fastened to, suspended from or supported by structures shall be on-premises signs and shall not exceed two hundred (200) square feet in area per facing.
- D. Canopy signs shall be on-premises signs and the area of copy shall not exceed two hundred (200) square feet.
- E. Freestanding signs shall not exceed six hundred (600) square feet in area per facing for on-premises signs, and shall not exceed three hundred (300) square feet in area per facing for off-premises signs. Premises qualifying for more than one freestanding sign are limited to one (1) freestanding sign of six hundred (600) square feet in area per facing. Any additional signs may not exceed three hundred (300) square feet in area.
- F. Unified signs shall be freestanding signs and shall not exceed six hundred (600) square feet in area per facing.
- G. All shoreland signs visible to lake or stream users at any time of the year shall be on-premises signs and shall not exceed one hundred (100) square feet per facing in area on each side. Only one (1) shoreland sign shall be placed on any single parcel.
- H. **Mobile Advertising.** All advertising vehicles, mobile billboards or motor vehicles designed to display and displaying changeable copy advertising within the Village is required to obtain a sign permit. No mobile advertising sign shall receive a license unless all of the following criteria are met:
  - 1. The area of copy shall not exceed two hundred (200) square feet.
  - 2. No moving flashing lights or graphics.
  - 3. No licensee shall operate between the hours of 8:00 am and 12:00 pm, 4:00 pm and 8:00 pm, or on weekends or holidays.
  - 4. This section does not apply to advertising mounted on mass transit vehicles.
- I. **Off-premises directional signs.** In addition to any other sign permitted by this chapter, an off-premises directional or way-finding sign structure may be installed within the public right-of-way pursuant to the Village Board's authorization. Directional signs shall meet the following requirements:
  - 1. A directional sign shall provide only the names and/or logos of the subject businesses or locations.
  - 2. A directional sign structure may be erected within fifty (50) feet of an intersection to direct traffic to businesses or locations otherwise not readily visible from the street.
  - 3. The dimensions of a directional sign structure including all directional signs attached thereto shall be established by the Village Board and shall not exceed two hundred (200) square feet in area.
  - 4. Directional sign structure and directional signs shall be governed by the provisions of this subparagraph J.
  - 5. Qualified businesses or locations wishing to be identified on a directional sign shall apply to the Village sign inspector. For purposes of this subparagraph (J), a

qualified business or location shall be a business or location reasonably located in proximity to the sign. The Village Board shall determine in its discretion whether a particular business or location is qualified for inclusion on a directional sign. Placement of a directional sign shall be based upon available space on the directional sign structure.

6. Directional sign structures and directional signs shall be constructed, installed and maintained by the Village of Lake Delton or as otherwise directed.
7. The Village Board shall establish the fees for installing and maintaining a directional sign.

**J. Prohibited signs.** The following signs are prohibited in the Village:

- (a) Portable signs not expressly permitted.
- (b) Banners.
- (c) Balloons, kites, inflatable objects, or other such non-permanent devices.

**K.** No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal, or other traffic device; nor shall any sign make use of the words STOP, LOOK, DRIVE-IN, DANGER, ENTER, EXIT, OPEN, or in any other word, phrase or symbol or character in such a manner as to interfere with, mislead or confuse traffic. Enter, Exit, and Drive-in signs may be allowed by permit of the Village Board for use where such signs significantly aid the flow of traffic and provided further that the business for which said signs are requested shall have separate entrance and exit drives with curb cuts for each separated by a minimum distance of ten (10) feet.

**L.** No sign shall be placed upon or over any public way or right-of-way provided, however, that this paragraph shall not be construed to prohibit direction or placement of any authorized traffic sign, traffic signal or other traffic device.

**M.** All advertising vehicles, mobile billboards or vehicles designed to carry changeable copy advertising are required to obtain a sign permit issued pursuant to s. 40.14.

**N.** Portable signs shall not be displayed in the Commercial districts without a permit and are subject to the following requirements:

1. The maximum area of the portable signs, including all supporting structures, shall be no greater than eight (8) square feet on a side, with a maximum of two (2) faces. Sign copy shall not be displayed on more than two (2) sides or faces and shall not extend beyond the outer edges of the sign structure.
2. A maximum of one (1) portable sign per street frontage and two (2) per parcel may be displayed.
3. The portable sign shall not be displayed when the business or organization is closed.
4. A portable sign shall be free-standing, self-supportive and constructed of substantial materials so as to withstand moderate wind velocity and otherwise not create a hazard.
5. No portable sign shall obstruct any entryway or exit that is required to remain unobstructed by any applicable ordinance, state or federal law.
6. Portable signs shall not be illuminated.
7. The following portable signs are not required to obtain a permit.
  - a. A portable sign of less than four (4) square feet on any one (1) side and located more than fifty (50) feet from any lot line.

- b. A portable sign greater than four (4) square feet and less than eight (8) square feet on any one (1) side and located more than one hundred (100) feet from any lot line.
- O. Off-premises signs on developed parcels. Off-premises signs are not permitted on developed parcels.
- P. Specialty Sign. No person shall construct, install or maintain a Specialty Sign without a Special Exception Permit issued pursuant to the provisions of s. 40.09 below.  
(40.07 (N) (O), (P) Recreated 4-30-2011)
- Q. The area limitations provided in subparagraphs A, C and D notwithstanding, the maximum aggregate area of such signs shall not exceed two hundred (200) square feet or fifteen percent (15%) of the total wall area of the side to which the signs are attached, whichever is greatest. (Modified & Amended 15-008 40.07 (Q) Passed: 7/13/2015 Published: 7/18/2015)
- R. **Noncommercial messages.** Noncommercial messages may be displayed on any sign subject to regulation under this Chapter. (Modified & Amended 16-001 40.07 (R) Passed: 2/22/2016 Published: 2/27/2016)

**40.08 Variable Message Signs.** In addition to the regulations imposed by this chapter, variable message signs are subject to the following restrictions:

- (a) Only free-standing signs may be Variable Message Signs.
- (b) Variable Message Signs may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.
- (c) No message may be displayed at intervals of less than 6 seconds.
- (d) No segmented or traveling message may last longer than 10 seconds.
- (e) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
- (f) Display areas may be illuminated only to a degree of brightness that is reasonably necessary for adequate visibility. The Building Inspector or his designee shall be responsible for determining compliance with this requirement. Signs found to be brighter than reasonably necessary shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the Village Sign Inspector.
- (g) The brightness level of all messages must be uniform.
- (h) Intervals between messages must be black.
- (i) Flashing, intermittent or moving light or lights are prohibited, except those giving public service information, such as time, date, temperature, weather or similar information.
- (j) Lights that are directed at any part of the highway or that interfere with or obscure an official traffic device, sign or signal are prohibited.

(k) For properties with less than 150 feet of frontage the maximum sign area shall be 300 square feet per facing.

(l) For properties with more than 150 feet of frontage the maximum sign area shall be 600 square feet per facing.

(m) The display area shall exceed not 50 % of the total area of the sign.

**40.09 Special Exception Permits.** Any owner of an existing or proposed on-premises sign, outdoor advertising device, or specialty sign, may apply for a special exception permit to allow the installation, reconstruction, relocation or replacement of a sign or outdoor advertising device when the sign or outdoor advertising device does not comply with the conditions imposed by this chapter. (40.09 Amended 4-4-2012)

**A.** Purpose. The Village Board recognizes that there are certain circumstances in which the strict enforcement of the requirements of this Chapter may result in the imposition of an undue hardship on property owners advertising their business. Due to the rapidly changing marketplace, it is necessary for local businesses to upgrade their properties in order to compete for business. These upgrades include the need for improved signage advertising their business. Due to changes in the set-back requirements in §40.11, many formerly legal on-premises signs have become legal non-conforming signs. This can result in an undue hardship as changes to building layout, traffic pattern and parking requirements may be necessary. When such circumstances exist, the Village Board recognizes that the intent of this ordinance can be achieved by granting a Special Exception Permit for on-premises signs. It is the intent of the Village Board that Special Exception Permits should only be issued upon a showing by the property owner that compliance with this Chapter results in an undue burden. Furthermore, it is the intent of the Village Board that the granting of a Special Exception Permit should include specific conditions to minimize the scope of the special exception and to uphold the intent of this Chapter.

**B.** Procedure. Any person seeking a Special Exception Permit for an on-premises sign or outdoor advertising device shall file an application with the Building Inspector. The Building Inspector shall provide each applicant a form and instructions for filing the application. The applicant shall provide information and documentation in support of the application as requested by the Building Inspector including but not limited to the following:

1. A site plan showing the location of the sign or outdoor advertising device, buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping of the subject parcel as well as neighboring parcels within five hundred (500) feet on the same side of the road.
2. A statement in writing by the applicant explaining why the Special Exception Permit should be granted.
3. Supporting documentation.
4. A photograph or other depiction of the new sign or outdoor advertising device with sample copy.
5. Photographs of the parcel and each direction of travel from the perspective of vehicles approaching the subject parcel.

6. Additional information as requested by the Building Inspector. (40.09 Amended 4-4-2012)
- C. Building Inspector Review. The Building Inspector shall review the application and supporting materials and determine whether or not the application is complete. After review of the application, the Building Inspector shall prepare and submit a report and recommendation to the Village Board. The Building Inspector shall send a copy of the report and recommendation to the applicant.
- D. Staff Review. Prior to submitting the report and recommendation to the Village Board, the Building Inspector may submit the application to the Village staff. In the event that the Village staff advises against issuance of the Special Exception Permit, the Building Inspector shall approve request changes to the application or deny the application.
- E. Notice of Hearing on Application. Upon receipt of the application and report from the Building Inspector, or in the event of an appeal of a decision denying the application, the Village clerk shall schedule the matter for a public hearing within thirty (30) days. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing. Applications for a permit for outdoor advertising displays are not subject to the requirements of this paragraph.
- F. Conduct of Hearing. In reviewing an application for a Special Exception Permit, the Village Board shall review the application and supporting documents, as well as the Building Inspectors report and staff report. The applicant may introduce additional information, call witnesses and provide additional information supporting the application. The hearing may be recorded or transcribed at the option of the Board or the applicant. In reviewing the application for a Special Exception Permit, the Village Board may take into consideration some or all of the factors set forth in §66.149 VMC, as well as the following factors:
1. The size and placement of the sign.
  2. The extent of any interference with, or obstruction of, the view of neighboring signs and businesses.
  3. The impact of the proposed sign on traffic and neighboring properties.
  4. The aesthetic qualities of the sign.
  5. Such other factors the Board deems appropriate under the circumstances. (40.09 Recreated 4-30-2011)
- G. Specialty Permits for Outdoor Advertising Displays. In addition to the requirements of paragraph (B) above, Outdoor Advertising Displays are subject to the following requirements:
1. The display shall be used exclusively for special events occurring on the property.
  2. The display shall not advertise off-premises goods, products, facilities or services.
  3. The display shall not be used for more than seven (7) consecutive days unless otherwise authorized by the Village Board.
  4. The display shall be installed and maintained in a neat and orderly manner.

5. The display shall not unduly distract traffic or obstruct the view of neighboring properties.
6. The owner or operator of the property shall not be found to have violated a specialty permit within the previous three(3)years. (40.09 Amended 4-4-2012)

H. Factors considered for Outdoor Advertising Displays. In reviewing the application for a Special Exception Permit, the Village Board may take into consideration some or all of the factors set forth in §66.149 VMC, the criteria set forth in paragraphs (B) and (G) above, and the following factors:

1. The size, nature and placement of the display.
2. The extent of any interference with, or obstruction of, the view of neighboring signs and businesses.
3. The impact of the proposed display on traffic and neighboring properties.
4. The aesthetic qualities of the display.
5. The proposed duration of the display. (40.09 Recreated 4-30-2011)
6. Previous experiences with the applicant regarding compliance with village permits.
7. Such other factors the Board deems appropriate under the circumstances. (40.09 Amended 4-4-2012)

**40.10 Village Exemption.** All signs owned by the Village are exempt from the requirements of this Chapter. (40.10 Creation 8-17-2013)

**40.11 Setbacks and Spacing of signs.**

Setback and spacing requirements shall be applied to all signs governed by this chapter as follows:

- A. Except as otherwise provided all developed parcels may only have one on-premise sign. Developed parcels of more than five hundred (500) feet of frontage may have additional on-premise freestanding signs provided that no sign shall be placed within 400 feet of another free-standing sign. Undeveloped parcels may have one free standing off premises signs. Undeveloped parcels with more than 500 feet of frontage may have additional free-standing off-premises signs provided that no sign shall be within 400 feet of another free-standing sign.
- B. All signs, other than way-finding signs, shall be set back a minimum of fifty (50) feet from side property lines. If the parcel is one hundred (100) feet width or less, then the setback shall be a minimum of twenty (20) feet.
- C. A sign structure may have displays back-to-back, side-by-side, decked, or in V-type construction with no more than two (2) displays to each facing, and each sign structure shall be considered one (1) sign provided the greatest distance between faces on V-type constructed signs shall not exceed the width of the sign and all V and back-to-back signs have at least one (1) point where the distance between facings does not exceed six (6) feet.
- D. No sign shall be so illuminated so as to create or cause a hazard to vehicles or other traffic; unduly disturb neighboring properties, or obscure an official device, sign or signal.
- E. **Lighting hotel, motel and resort signs.**
  1. In this subsection HOTEL, MOTEL and RESORT are defined as in the Ordinance 8-97-320 (room tax ordinance Ch. 11 Article III) definition: A building or group of buildings in which the public may obtain accommodations for a consideration, including without limitation, such establishments as inns, rooming houses, summer camps, apartment hotels, resorts, lodges, cabins, condominiums and any other

buildings or group of buildings in which accommodations are available to the public.

2. Each operator, whether a person, firm or corporation, of a hotel, motel or resort within the Village of Lake Delton, shall have lit an electric or phosphorescent sign of reasonable proportions, but in no event less than three (3) feet, by three (3) feet that shall be readable from sunset until 3:30 a.m. Said sign shall contain the name of the hotel, motel or resort which shall be easily readable to motorists.
  3. This subsection shall apply to only those times when a hotel, motel or resort shall be in operation.
  4. Each violation of this subsection shall be punishable by forfeiture not exceeding twenty-five dollars (\$25.00). Each day of violation of this subsection shall constitute separate offense and separate violation.
- F.** On-premises signs shall not be placed in such a way that they will unreasonably obstruct the view of existing signs, except when necessary due to site limitations.
- G.** Off-premises signs shall not be placed in such a way as to unreasonably obstruct the view of existing on-premises signs or businesses. The size restrictions of off-premises signs may be reduced in order to comply with this section.
- H.** In determining whether or not a sign complies with the provisions of paragraphs (F) or (G) above, the Village Board shall take into consideration the size and placement of the sign, the size and location of neighboring signs and businesses, the extent of any obstruction of the view of neighboring signs and businesses, and such other factors the Board deems appropriate under the circumstances.
- I.** In the event the Board finds that a proposed sign would not comply with the requirements of paragraphs (F) or (G), the Board may place conditions for issuance of a sign permit to comply with the requirements of paragraphs (F) and (G).
- J.** Any electric sign shall comply with the National Electric Code as amended and adopted by the state of Wisconsin.

#### **40.12 Change of sign class.**

No on-premises freestanding sign may be converted to an off-premises sign.

#### **40.13 Interstate signs.**

Signs visible from interstate highways shall be regulated, in addition to the other provisions of this section, in the following manner:

- A. Site eligibility.** The land off-premises advertising signs will occupy shall be such as has been zoned business, industrial, manufacturing, commercial or shopping in accordance with the Village's normal zoning practices and land use planning. Land with zoning other than one of the foregoing shall not be eligible to accommodate an off-premises advertising sign.
- B. Size.** Notwithstanding other provisions of this chapter, signs located within an area zoned commercial or industrial, visible from the interstate highway, and located within one hundred (100) feet of the right-of-way of said interstate highway may be permitted with size up to one thousand two hundred (1,200) square feet.
- C. Illumination.** Flashing, intermittent or moving light or lights are prohibited, except those giving public service information, such as time, date, temperature, weather or similar

information. Lights that are directed at any part of the highway or that interfere with or obscure an official traffic device, sign or signal are prohibited.

- D. **Spacing.** No two (2) off-premises advertising signs visible from the interstate shall be located so as to be visible in traffic at any one (1) time within the same block. Block shall be defined as space between cross streets or every five hundred (500) feet, whichever is less.
- E. Any sign readable or designed to be readable from a through travel lane of an interstate highway is also subject to the permit and sign criteria requirements administered by the Wisconsin Department of Transportation pursuant to s. 84.30, Wis. Stats. Accordingly, no permit for any sign readable or designed to be readable from a traveled lane of an interstate highway will be granted under this chapter until the applicant has filed with the Village Clerk a copy of a permit from the said state department that is in effect at the time of the filing.

#### 40.14 Permits.

- A. No sign of any type or class, unless specifically exempted, shall be erected, changed, repaired, restructured, refaced, moved or changed in classification regardless of the extent or cost involved therein, unless an application for a permit shall have been submitted to the Village sign inspector.
- B. Application for a permit shall be filed with the sign inspector upon forms provided and shall contain the following information:
  - 1. The name, address, and telephone number of the sign owner, property owner of the land where the sign is or will be located, and the sign contractor for the proposed sign.
  - 2. a site plan showing the location of the sign, buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping of the subject parcel as well as neighboring parcels within 500 feet on the same side of the road abutting road.
  - 3. A photograph or picture of the sign with sample copy
  - 4. Photographs of the parcel and each direction of travel from the perspective of vehicles approaching the subject parcel.
  - 5. Such other information as the sign inspector may require showing full compliance with this chapter and this and all other applicable laws of the Village of Lake Delton.
  - 6. A sworn statement of the replacement cost of said sign, along with a complete copy of any lease agreement for said sign.
  - 7. Applicant's signature.
  - 8. Payment for all required fees.
- C. No sign shall be installed prior to the issuance of a sign permit. In the event a sign permit is granted for signs installed before a sign permit is issued, the fees shall be doubled.
- D. No sign permit shall be granted except upon review and action by the Village Board after the sign inspector's recommendation.
- E. A Notice of Change shall be filed with the Building Inspector whenever there is a change of messages on off-premises signs. There is no fee for filing the Notice of Change. Failure to file the Notice of Change within fifteen (15) calendar days of the date the change occurred is subject to a one hundred dollar (\$100.00) late filing fee. (40.14 E. Amended 4-4-2012)

- F.** No permit shall be granted nor shall any copy be allowed on existing signs when the content of said sign or copy in the Village Board's judgment is untruthful, misleading, obscene or advertises any activity or business that is illegal under federal, state or municipal law.
- G.** No permit shall be required for the following types and classes of signs:
1. Construction signs. Construction signs with the principal purpose of identifying contractors, subcontractors or suppliers on a construction site shall be allowed without permits provided there shall not be more than one sign per construction site. No such sign shall be larger than sixteen (16) square feet, and no sign shall remain for more than sixty (60) days.
  2. Government signs. Government signs to control traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, and aids to service or safety that are erected by or on the order of a public officer in the performance of his public duty.
  3. Home occupation signs. Signs associated with a home occupation provided such signs are non-illuminated wall signs that do not exceed two (2) square feet in area.
  4. House numbers and nameplates. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
  5. Interior signs. Signs located within the interior of any building or structure or business premises that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this chapter.
  6. Memorial signs and plaques. Memorial signs or tablets, names of buildings and erection date, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.
  7. No trespassing or no dumping signs. No trespassing and no dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign.
  8. Public notices. Official notices posted by public officers or employees while performing their duties.
  9. Public signs. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.
  10. Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided said signs are subject to the following regulations:
    - a. Each sign shall not exceed sixteen (16) square feet in non-residential zoning districts or eight (8) square feet in residential zoning districts.
    - b. No sign shall be located within fifteen (15) feet of the public right-of-way.
  11. Real estate signs. One (1) real estate sales sign may be placed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies.
    - a. In residential districts, such signs shall not exceed eight (8) square feet in area, shall not be directly illuminated, and shall be removed within thirty (30) days after the sale, rental or lease has been accomplished.
    - b. In all other districts such signs shall not exceed thirty-two (32) square feet and shall be removed thirty (30) days after the sale, rental or lease has been accomplished.

12. Temporary window signs. In business, commercial and industrial districts, the inside surface of any ground floor window may be used to attach temporary signs. The total area of such signs, however, shall not exceed fifty percent (50%) of the total window area, and shall not be placed on door windows or other windows needed clear for pedestrian safety.
  13. On-premises symbols or insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
  14. On-premises temporary signs. Non-commercial temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within three (3) days after the event.
  15. Vehicular signs. Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
  16. Bulletin boards of public, charitable or religious organizations, not to exceed eight (8) square feet in area, located on the premises.
  17. Wayfinding signs approved by the Village Board.
- H.** Upon issuance of any sign permit the applicant for said permit shall have a period of time of one (1) year in which to complete the work or construction allowed pursuant to said permit. Any work required completing such project after one (1) year shall require a new permit.

#### **40.15 Unified signs.**

- A.** Businesses located within a shopping center, commercial subdivision or distinct area of the Village may join and request accommodations to this chapter's provisions to construct unified signs identifying their businesses on a single sign structure. Applications for a unified sign accommodation shall be submitted to the Village Board, and in addition to the information provided pursuant to 40.14 (B) above, shall be accompanied by a proposed unified sign plan identifying the businesses to be advertised and signed by the owners of said businesses or their representatives. Said plan shall identify all businesses involved, a contact person, an agreement between the businesses' owners for sharing the unified sign's installation, maintenance and repair costs, and an agreement to limit the number of on-premises signs for each business to one (1) and limit the size of any on-premises sign for each business to a maximum of one hundred (100) square feet in area and a maximum height of six (6) feet above grade.
- B. Notice of hearing.** A notice of hearing regarding an application for a unified sign accommodation shall be mailed to all property owners, as shown on the latest equalized assessment roll, and all residential occupants within one hundred (100) feet of the exterior boundaries of a project site at least ten (10) days prior to the hearing regarding the application.
- C. Review standard for unified signs.** The Village Board shall review an application for a unified sign accommodation permit to determine whether the proposed unified sign identifies the businesses advertised with good taste and good design, the proposed signs are in harmony with its neighbors and does not unduly interfere with existing on-premises signs. A unified sign should be located near or adjacent to the driveway or access road to the businesses advertised. As it is the Village's intent that the number and

size of signs be reduced, all businesses depicted on a unified sign shall be restricted to one freestanding on-premises sign not exceeding one hundred (100) square feet in area nor six (6) feet in height above grade. The Village Board may impose such conditions on an accommodation approval as it deems necessary to make the findings required by this section or as it deems appropriate to protect the public health, safety and general welfare. The applicant or any person aggrieved by any decision regarding a sign accommodation may appeal such decision to the Village Board of zoning appeals.

- D. In the event of a sale of a business included in the unified sign the unified sign plan shall be changed to include the new owner who shall file an addendum to the unified sign plan agreeing to be bound by all terms and conditions of the unified sign plan and the conditions required by the Village Board in approving the unified sign accommodation.
- E. Unified signs cannot be variable message displays unless a special exception is granted by the village board

#### **40.16 Legal nonconforming signs.**

Any sign located within the Village of Lake Delton on this chapter's adoption date, or located in an area annexed to the Village of Lake Delton, hereafter, which does not meet the requirements of chapter is eligible for classification as a legal nonconforming sign and is permitted, providing it also meets the following requirements:

- A. The sign was covered by a proper sign permit prior to this chapter's adoption date.
- B. If no permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on this chapter's adoption date.

#### **40.17 Loss of legal nonconforming status.**

- A. **Purpose.** The Village Board finds the rapid development and increased competition among various businesses located in and around the Village has significantly increased the number of signs in the Village. The result is there are too many signs, which tend to increase the public's confusion and interfere with each other. As a result, the Village Board has determined the public interest is served by reducing the number of signs located within the Village of Lake Delton. It is the Village Board's determination that legal nonconforming signs shall not be improved, reinstalled, reconstructed, replaced or have their useful life extended except as provided herein.
- B. A sign loses its nonconforming status if one or more of the following occurs:
  1. The sign is structurally altered in any way, except for normal maintenance or repair the cost of which shall not exceed fifty percent (50%) of the sign structure's value.
  2. The sign or sign structure is replaced, reconstructed or relocated.
  3. The sign fails to conform to the chapter regarding maintenance and repair, abandonment, or dangerous or defective signs.
  4. The owner fails to comply with this chapter's provisions.
  5. The sign is damaged or destroyed to the extent of fifty percent (50%) or more of the sign face or structure, or the cost of repair after such damage exceeds fifty percent (50%) of the sign structure's value except as provided in paragraph D below.
  6. The sign changes classification.
  7. On the date of occurrence of any of the above, the sign shall immediately be brought into compliance with this chapter with a new permit secured therefore, or shall be removed.

8. No nonconforming sign may be enlarged or altered in a way that would increase its nonconformity. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with this chapter's provisions.
- C. **Legal nonconforming sign maintenance and repair.** Nothing in this paragraph shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from this chapter's provisions regarding safety, maintenance and repair of signs.
- D. **Restoration of nonconforming signs.** The restrictions set forth in subparagraph 40.17 (B) (5) above are not applicable to nonconforming signs that are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. Such signs may be restored the size location, and use that it had immediately before the damage or destruction occurred regardless of the costs of the repair, reconstruction, or improvement.

#### **40.18 Maintenance and repair.**

- A. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacing defective parts, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for maintaining said sign.
- B. The sign inspector shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the sign inspector shall require its removal in accordance with this section.

#### **40.19 Abandoned signs.**

The owner or lessee of the premises upon which a sign is located when the sign is not used for advertising purposes for a period of twelve (12) consecutive months shall remove all signs and sign messages. If the owner or lessee fails to remove the sign, the sign inspector shall issue a notice to remove. Upon failure to comply with this notice, the Village of Lake Delton may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

#### **40.20 Removal of abandoned, illegal, deteriorated, dilapidated signs.**

The sign inspector shall cause to be removed any illegal, deteriorated or dilapidated signs under the provisions of s. 66.0413, Wis. Stats. If the owner of a parcel with a sign structure subject to removal under this ordinance fails to remove the sign structure as directed by the Village Building Inspector, the Village, or its agent, may remove said sign and the cost of removal thereof shall be charged to the owner and if not paid, the amount due shall be placed on the next tax roll as a special assessment against said premises.

#### **40.21 Certification.**

In the event that this chapter shall receive certification as a bona fide "determination of customary use" under s. 84.30(4), Wis. Stats., and Trans 201.20, Wisconsin Administrative Code, the Village of Lake Delton shall pay the full costs of removing any sign that acquires nonconforming status under state or local law. Said costs shall include any liability of the state or federal government under s. 84.30(6), Wis. Stats., or 23 U.S.C. 131(g).

#### **40.22 Fees.**

- A. Permit fees.** Each application for permit shall be accompanied by a permit fee in an amount established by the Village Board, but to be amended, as the Village Board shall see fit from time to time, and payable in advance. In the event the permit is not granted, the permit fee shall not be refunded unless good cause shall be shown and the Village Board shall by majority roll call vote decide upon such refund.
- B. Inspection fees.** There shall be a bi-annual inspection fee for all signs requiring permits. The fee shall be in the amount of ten dollars (\$10.00) for each sign. Such fees shall be due and payable July 15th of each odd-numbered year, commencing July 15, 1999. In the event of nonpayment of said fee, the amount due shall be assessed to the tax roll of the property on which the sign is located.

#### **40.23 Enforcement.**

- A. Sign inspector.** There shall be created the position of Village sign inspector, who shall not be required to be a resident of the Village of Lake Delton. In the event of the inability, disability or absence of the Village sign inspector appointed by the Village Board, the Village Board may appoint a deputy or temporary Village sign inspector to act during the absence or inability of the regular sign inspector, which deputy or temporary Village sign inspector need not be a resident of the Village, but such deputy or temporary Village sign inspector shall have all the powers and duties of the Village sign inspector. It is further directed the Village sign inspector is to be appointed by the Village Board by a majority vote and to continue at the pleasure of the board, and shall have the duty of carrying out this chapter's provisions, and as it shall be amended, and shall have the further duty, in the event of violations, to prepare the necessary documents and proof necessary for recommendations to the Village Board who shall authorize enforcement and action against any person, firm or entity violating any terms of this chapter. It shall also be the duty of the sign inspector to maintain all records necessary and required by the Village to retain certification of this sign chapter by the Wisconsin Department of Transportation. Such records and all notes and work product of the sign inspector to be the sole property of the Village of Lake Delton and at all times to be in the Village offices, except as are needed for inspection, enforcement or any other legitimate job purpose. While it shall be the sign inspector's duty to investigate all sign permit applications and make a recommendation thereon to the Village Board as to whether the same should be granted, revised or not granted, the ultimate decision of granting any sign permit or the permit for any structure or device referred to herein shall lie solely in the Village Board.
- B.** The sign inspector shall send notices to the permittee of a sign that is not in compliance with this chapter. The notice shall identify the violation and notify the permittee of the action required to bring the sign into compliance and a reasonable time within which to do so, not to exceed thirty (30) days.
- C.** In the interest of public safety the violations of 40.06 H, owners of variable message signs shall make such modifications as directed by the Building Inspector as soon as possible.

#### **40.24 Penalties.**

- A.** No person shall erect, install, use or maintain any sign or sign structure in violation of any provision of this Chapter, or other Wisconsin Statutes or Wisconsin Administrative Code provisions incorporated into this Chapter, or cause to permit any

such violation to be committed. Any person violating any of this Chapter's provisions shall, upon conviction, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus court costs and fees. Each day of violation of any provision of this Chapter shall be deemed to constitute a separate offense.

**B.** If an inspection reveals a permitted sign is in noncompliance with this Chapter, Wisconsin Statutes, or other Wisconsin Administrative Code provisions incorporated into this Chapter, the sign inspector shall notify the owner, in writing, of the violation(s) to be corrected. All violations shall be corrected within ten (10) days after written notification unless an extension is granted for cause. If the violation is not timely corrected, a removal order may be served on the owner.

**C.** Each day that a violation continues after the time given to bring the sign into conformity with this Chapter has expired, shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter, the Wisconsin Statutes, or any other Wisconsin Administrative Code provision incorporated into this Chapter.

**D.** No permit may be issued to any sign installed prior to the issuance of a permit.

**E.** Violation or failure to comply with the provisions of this Chapter shall be and hereby is declared to be unlawful.

**F.** Signs prohibited under s. 40.07 (J) shall be immediately removed by the owner. Each day that a prohibited sign is displayed shall constitute a separate offense. The penalty for violation of s.40.07 (J) shall be one hundred dollars (\$100.00) for each day the sign is displayed, plus court costs and fees for each. If multiple prohibited signs are displayed in violation of s.40.07 (J), each sign shall constitute a separate offense.

(40.24 Amended 8-17-2013)

**40.25 Appeals.** Any person feeling aggrieved by an order or a determination of the Village Board in granting or denying a sign permit may appeal from such order or determination by filing with the Clerk-Treasurer-Coordinator a Request for Reconsideration within thirty (30) days of the order or determination of the Village Board. The filing of the Request for Reconsideration shall include the filing fee of two hundred fifty dollars (\$250.00), or such filing fee as may be established by the Village Board. The Request for Reconsideration shall be in writing and state the facts and reasons that the order or determination should be modified or reversed and include documents supporting the Request. The Request for Reconsideration shall be placed upon the agenda of the next Village Board meeting. A copy of the Request for Reconsideration and supporting documents shall be forwarded to the Building Inspector.

**b)** Appeal from action following the Village Board's decision on the Request for Reconsideration shall be to the Circuit Court of Sauk County. (40.25 Created 4-30-2011)

**40.26. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable.

(Created 16-001 40.26 Passed: 2/22/2016 Published: 2/27/2016)

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