

CHAPTER 20: SIGN REGULATIONS

20.01 AUTHORITY

These regulations are adopted under the authority granted by Chapters 60.62, 61.35, and 62.23, Wis. Stats. The Town Board of the Town of Polk, Washington County, Wisconsin does ordain as follows:

20.02 PURPOSE

- (A) The purpose of this Chapter is to create the legal framework to regulate, administer and enforce outdoor sign advertising and display. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community and the need for adequate business identification, advertising and communication.
- (B) Signs not expressly permitted as being allowed by right or by permit under this Chapter, by specific requirements in another portion of the Town of Polk Code of Ordinances or other applicable law, are prohibited.
- (C) The regulations included in this Chapter are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local governments and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.

20.03 INTENT

It is the intent of this Chapter to permit the erection and use of signs visible from public rights-of-ways, provided the signs are in conformity with this Chapter, designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety and are legible, readable, and visible in the circumstances in which they are used, and respectful of the reasonable rights of other advertisers whose messages are displayed.

20.04 AUTHORIZATION

These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:

- (A) Compliant with this Chapter.
- (B) Designed, constructed, installed, and maintained in such a manner that they do 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.

20.05 COMPLIANCE

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Ordinance and a sign permit, unless exempted from sign permit requirements under Section 20.12 of this Chapter.

20.06 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Chapter imposes restrictions, the provisions of this Chapter shall govern.

20.07 INTERPRETATION

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

20.08 NONLIABILITY AND SEVERABILITY

- (A) The Town does not guarantee, warrant, or represent that only those areas designated as wetland-floodplain conservancy on the zoning district map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for any flood damages that may occur as a result of reliance upon and conformance with this Chapter. Nothing in this Chapter is intended to constitute a waiver of the Town's various immunities. If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected hereby.
- (B) If any application of this Chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

20.09 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

20.10 TITLE

This Chapter shall be known and referred to as "Chapter 17: Sign Regulations, Town of Polk, Washington County, Wisconsin."

20.11 SIGN PERMIT

- (A) Permit Required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Polk without first obtaining a sign permit for each sign from the Zoning Administrator as required by this article. Permits shall not be required for the following:
 - (1) A change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
 - (2) Signs listed in Section 20.12 of this Chapter.

- (B) Application for a permit. Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Town and shall contain the following information:
 - (1) The name, address and telephone number of the sign owner, the property owner, where the sign is or will be located and the sign contractor of the proposed sign.
 - (2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with locations, setbacks, size and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
 - (3) Calculations or evidence showing that the structure and design meets the requirements of these regulations for wind pressure load.
 - (4) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Town.
 - (5) Signature of the applicant.
 - (6) All required fees.

- (C) Permit issuance and denial. The Zoning Administrator shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign when the permit application is properly made, all appropriate fees have been made, and the sign complies with the appropriate laws and regulations. If the sign permit is denied, the Zoning Administrator shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

20.12 EXEMPTIONS

The following signs are permitted in all zoning districts without a permit subject to the following regulations:

- (A) Agricultural signs pertaining to the sale of products on a farm shall. Such signs shall not exceed six square feet in area for any one farm.

- (B) Real estate signs, subject to the following:

- (1) Signs shall not exceed 32 square feet in area.
- (2) Signs shall advertise the sale, rental, or lease of industrial, commercial, or agricultural premises or newly developed residential subdivisions upon which such signs are temporarily located.
- (3) Name, occupation, and warning signs located on the premises are not to exceed two square feet.
- (4) Bulletin boards for public, charitable, or religious institutions, not to exceed 32 square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
- (6) Official signs, such as traffic control signs, parking restriction signs, information signs, and notices.
- (7) Temporary signs, provided that no more than one temporary sign with a total sign face(s) not exceed 64 square feet. No temporary sign may be displayed for a continuous period exceeding 60 days.
- (8) Two construction signs per construction site, not exceeding 100 square feet in area each, confined to the site of construction and removed 30 days after completion of construction or prior to occupancy, whichever is sooner.
- (9) Direction and instructional nonelectric signs located entirely on a property to which they pertain and do not exceed eight square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephone, parking areas, entrances and exits.
- (10) Identification signs and bulletin boards.
- (11) Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossings signs and signs of public utilities, including danger and aids to service and safety which are erected by or on the order of a public officer in the performance of his public duty.
- (12) Signs located within the interior of any building or structure which 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.
- (13) No-trespassing and no-dumping signs not to exceed 1.5 square feet in area per sign.
- (14) Official notices posted by public officers or employers in the performance of their duties.
- (15) Signs required as specifically authorized for a public purpose by any law, statute ,or

ordinance.

- (16) Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - (1) Said signs shall be removed within seven days following the general election.
 - (2) No sign shall be located within 15 feet of the public right-of-way at a street intersection, over the right-of-way, nor on any public-owned property.
- (17) One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
 - (1) In residential districts and the general commercial district, such signs shall not exceed eight square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
 - (2) In all other districts, such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
- (18) Religious symbols, commemorative plaques, or recognized historic agencies or identification emblems of religious orders or historic agencies.
- (19) Truck, bus, trailer or other vehicles, while operating in the normal course of business which is not primarily the display of signs.
- (20) A sign carried by a person.

20.13 NONCONFORMING SIGNS

- (A) Any sign located in the Town of Polk as of the date of adoption or amendment of this Chapter that does not conform to the provisions of this Chapter as adopted or amended is a legal, non-conforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Chapter.
- (B) A sign loses its legal, non-conforming status if one of the following occurs:
 - (1) The sign is structurally altered in any way (other than normal maintenance and repair) that makes the sign less compliant with the requirements of this Chapter than it was before the alteration.
 - (2) The sign is relocated.
 - (3) The sign is abandoned.
 - (4) The permitted or conditional use associated with the sign changes.
- (C) A non-conforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

20.14 CONSTRUCTION, MAINTENANCE, AND REPAIR STANDARDS

- (A) All ground-mounted and roof signs shall be self-supporting structures and permanently attached to sufficient foundations.
- (B) All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade.
 - (1) For solid signs, 30 pounds per square foot of the sign and structure.
 - (2) For skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (C) Every sign shall be maintained in a safe, presentable and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
- (D) In addition to complying with the provision of this Chapter, all signs in which electrical wiring or connections are used shall be subject to all applicable provisions of State code. No person may erect any sign with exposed electrical cords or wires.
- (E) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
- (F) All sign lighting shall be designed, located, shielded, or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
- (G) Electrical service to ground signs shall be concealed wherever possible.
- (H) Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

20.15 MEASUREMENT STANDARDS

- (A) **Signable Area.** The signable area of a building is designated as the area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which signs may be displayed. In computing signable area, any facade which faces or abuts a public right-of-way may be utilized. Calculations may include parapet walls, but shall exclude door and window openings.
- (B) **Measuring Sign Face.** In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and

any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

- (C) Measuring Sign Height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

20.16 ILLUMINATION

Signs that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of any nearby public way in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

20.17 INDEMNIFICATION

By applying for a sign permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

20.18 ABANDONED SIGNS

No sign in the Town shall be abandoned by the owner. Any sign not properly and reasonable maintained by the owner shall be removed by the owner within 30 days of receipt of a written notice from the Town. Failure to remove an abandoned sign, plus any foundation, within that period shall cause the Town to remove the sign after an additional 10-day written notice is mailed to the owner. Removal expenses will be charged to the owner of the sign or to the owner of the land where the sign is located. In the event removal costs are unpaid, they may be charged against the property as a special charge.

20.19 FEES AND PENALTIES

- (A) Permit Fees. Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign in accordance with the Building Permit Fee Schedule. Signs installed without a permit shall be removed after proper notice. The fee for a Sign Permit shall be in an amount established by the Town Board by resolution in the Town of Polk Fee Schedule.
- (B) Double Fee. A double fee may be charged by the Town if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

- (C) **Review and Administration Fee.** The applicant shall pay a fee equal to the actual cost to the Town for all legal, engineering and planning work incurred by the Town in connection with proposed developments, permits and other matters pertaining to zoning review. Engineering work shall include the preparation of construction plans and standard specification. The Town Engineer may permit the applicant to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specification. Planning work may include concept plan and review, conditional use review, and other work as directed by the Plan Commission.
- (D) **Violation.** It shall be unlawful to violate the provisions of this Chapter. In case of any violation, the Town may institute appropriate action or proceeding to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (E) **Penalty.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter, or any regulation or permit issues hereunder, shall be subject to a forfeiture of not less than \$200 or more than \$500, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be deemed a separate offence for the purposes of calculating forfeitures. The Town may also pursue equitable relief, including injunctions and abatement orders, in the event of a violation.

20.20 FACING

No signs except those permitted in Section 7.02 of this Chapter shall be permitted to face a Residential or Park District within 100 feet of such district boundary.

20.21 LIGHTING AND COLOR

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be place so as to obstruct or interfere with traffic visibility, or be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing.

20.22 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of Chapter 17 may be continued although the use, size, number, or location does not conform with the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure and the provisions of Section 8.00 of this Chapter shall apply.

20.23 SIGNS PERMITTED IN AGRICULTURAL DISTRICTS

(A) Permissible Sign Types:

- (1) Wall signs, subject to the following:
 - (a) No more than one wall sign is permissible on any lot.
 - (b) Sign shall be placed against the exterior walls of agricultural building.
 - (c) Sign shall not extend more than six inches outside a building's wall surface.
 - (d) Sign shall not exceed 200 square feet in area.
 - (e) Sign shall not exceed 20 feet in height above the mean centerline street grade.
- (2) Business directory signs.
- (3) Freestanding signs.
- (4) Ground-mounted signs.
- (5) Portable signs.
- (6) Window signs.

(B) Dimensional Standards.

- (1) No sign other than wall signs may exceed 32 square feet in area.
- (2) Signs other than building mounted signs may not exceed 10 feet in height.
- (3) Signs may not be located within the road right-of-way or otherwise located in a manner that obstructs road vision.
- (4) No more than four signs are allowed on each lot.

20.24 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT

(A) Permissible Sign Types:

- (1) Subdivision entry signs, subject to the following:
 - (a) Sign shall contain only the name of the subdivision or development.
 - (b) Sign shall be placed beyond the road right-of-way.
 - (c) The total of all sign faces shall not exceed 64 square feet.
- (2) Freestanding signs.
- (3) Ground-mounted signs.
- (4) Portable signs.
- (5) Window signs.

(B) Dimensional Standards.

- (1) No sign face other than subdivision entry signs shall exceed eight square feet in area.
- (2) Signs other than building-mounted signs may not exceed seven feet in height.
- (3) Building-mounted signs must be flush mounted and must not project above the roof line.
- (4) Signs may not be located within the road right-of-way or otherwise located in a manner that obstructs road vision.
- (5) No more than one sign is allowed on each lot.

20.25 SIGNS PERMITTED IN BUSINESS, INDUSTRIAL, AND QUARRYING DISTRICTS

(A) Permissible Sign Types.

- (1) Wall Signs, subject to the following:
 - (a) No more than one wall sign is permissible on any lot.
 - (b) Sign shall be placed against the exterior walls or business buildings and shall not extend more than six inches outside of a building's wall surface.
 - (c) Sign shall not exceed 500 square feet in area.
 - (d) Sign shall not exceed 20 feet in height.
- (2) Projecting Signs, subject to the following:
 - (a) Signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area on any lot.
 - (b) Sign shall not extend more than six feet into any required yard.
 - (c) Sign shall not exceed a height of 20 feet.
 - (d) Sign shall not be less than ten feet above any pedestrian way or 15 feet above a driveway.
- (3) Roof Signs, subject to the following:
 - (a) No more than one roof sign is permissible on any lot.
 - (b) Sign shall not exceed ten feet in height above the roof.
 - (c) Sign shall meet all the yard and height requirements for the district in which it is located.
 - (d) The total of all sign faces shall not exceed 200 square feet.
- (4) Window Signs, subject to the following:
 - (a) Sign may be placed on the inside of commercial buildings only.
 - (b) Sign shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- (5) Business Directory Signs.
- (6) Freestanding signs.
- (7) Ground-mounted signs.
- (8) Highways signs.
- (9) Portable signs.
- (10) Billboards
- (11) Digital billboards

(B) Dimensional Standards.

- (1) Signs other than building-mounted signs may not exceed 20 feet in height.
- (2) Unless otherwise specified in Section 20.25(A) above, the total of all sign faces shall not exceed 64 square feet, except ground signs which shall not exceed 128 square feet in total for all sign faces.
- (3) Signs may not be located within the road right-of-way or otherwise located in a manner that obstructs road vision.
- (4) No more than three signs are allowed on each lot.

Special Restrictions for Highway Signs and Billboards.

- (1) Notwithstanding the foregoing restrictions in the Business, Industrial, and Quarrying Districts, the following restrictions apply to Highway Signs:
 - (a) No sign may exceed 672 square feet per face.
 - (b) Minimum sign spacing on all roads is 300 feet.
 - (c) Highway signs may not exceed 30 feet in height.
 - (d) Highway signs must be placed on a permanent foundation.
- (2) As applicable, all Highway Signs and Billboards shall comply with the requirements of Wisconsin Chapter Trans 200, Wisconsin Chapter Trans 201, Chapter 84.30, Wis. Stats. and any and all other pertinent state statutes or regulations.

20.26 SIGNS PERMITTED IN ALL INSTITUTIONAL AND PARK DISTRICTS

(A) Permissible Sign Types.

- (1) Freestanding or ground-mounted signs, subject to the following:
 - (a) Sign shall include name of facility only

(B) Dimensional Standards.

- (1) Sign may not exceed 20 feet in height.
- (2) The total of all sign faces shall not exceed 64 square feet, except ground signs which shall not exceed 128 square feet in total for all sign faces.
- (3) Sign may not be located within the road right-of-way or otherwise located in a manner that obstructs road vision.
- (4) No more than one sign is allowed on each lot.

20.27 DEFINITIONS

(A) The following definitions shall apply to this Chapter:

- (1) **Billboard.** A sign intended to lease to third parties and is itself the primary income generator and commercial use of the property upon which it is located.
- (2) **Bulletin Board.** A sign with the name of the institution it serves and information pertaining to its activities.
- (3) **Business Directory Sign.** A sign indicating the business name and the direction and distance to a specific business resort or commercial recreation facility, subject to the following:
 - (a) No more than two such signs shall be located on any lot.
 - (b) No such signs shall exceed 50 square feet of display.
 - (c) No such sign shall be placed closer than one foot to the road right-of-way.
- (4) **Digital Billboard.** A sign that is static and changes messages by any electronic process or remote control.
- (5) **Freestanding.** A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, and not including ground-mounted signs.

- (6) Government Sign. A sign posted by a governmental entity.
- (7) Grade. The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- (8) Ground-mounted Sign. A sign that extends from the ground or has support that places the bottom of the sign less than two feet from the ground.
- (9) Highway Sign. A freestanding sign, memorial sign, or ground-mounted sign that is erected and maintained within the view of motorists who are driving on a state or interstate highway.
- (10) Identification Sign. A sign indicating the name and/or address of the resident, tenant, or manager of the property located upon the residential premises where the sign is displayed.
- (11) Integral Sign. A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel, or aluminum, or similar materials attached to the building façade.
- (12) Memorial Sign. The name of a building and date of erection cut into any masonry surface or constructed in metal and affixed flat against a structure.
- (13) Political Sign. A sign supporting or opposing a political candidate or campaign placed during the "election campaign" period as defined in Chapter 12.04, Wis. Stats., and removed within seven days after that period.
- (14) Portable Sign. Any structure without a permanent foundation of otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than limited to a fixed location regardless of modifications that limit its movability.
- (15) Projecting Sign. A sign, normally double faced, which is attached to and projects from a structure or building fascia
- (16) Roof Sign. A sign erected upon, against or above a roof.
- (17) Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed of intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street or road are not considered signs. Each display surface of a sign or sign face is considered a sign.
- (18) Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
- (19) Sign Contractor. Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.
- (20) Sign Face. The entire display surface area of a sign upon, against, or through which copy is displayed.
- (21) Sign Structure. Any device or material, which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.
- (22) Skeleton sign. A sign composed of letters, characters, or symbols applied to a background which is not a structural part of the sign.

- (23) Subdivision Entry Sign. A sign located at an entrance to a particular residential development that only includes the name of the development.
- (24) Temporary Sign. A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and is intended to be displayed for a limited period of time.
- (25) 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.
- (26) Window Sign. A sign that is attached to or located within three feet of the interior of a window and can be seen through the window from the exterior of the structure.

20.28 EFFECTIVE DATE

This Chapter shall take effect upon its adoption and publication or posting as required by law. All prior Chapters inconsistent with this Chapter are hereby repealed.