

TOWN OF AMHERST

TOWN SIGN ORDINANCE 08-11-05 (Amended on 5-9-13)

I. Ordinance and Title

This Sign Ordinance #8-11-05 regulates signage and adopts standards in the Town of Amherst, Portage County, Wisconsin.

II. Purpose and Applicability

A. The purpose of this ordinance is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and displays within the Town of Amherst. This ordinance recognizes the need to protect the safety and welfare of the public, the need for adequate business identification, advertising and communication, and the need for well maintained and attractive sign displays that define the character of the area. Thus, aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, this ordinance sets standards for the following purposes:

1. Maintain and enhance the aesthetics of the community.
2. Improve pedestrian and motorist safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.
3. Protect and enhance viability by assuring that the Town will be a visually pleasant place in which to live or visit.
4. Protect property values and private-public investments in property.
5. Protect views of the natural landscape and sky.
6. Avoid personal injury and property damage from structurally unsafe signs.
7. Provide businesses with effective and efficient opportunities for identification by reducing competing demands for visual attention.

B. This ordinance authorizes the use of on-premise signs visible from public rights-of-way, provided the signs are:

1. Compatible with Town of Amherst, Portage County, and State of Wisconsin regulations.
2. Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
3. Legible, readable and visible in the circumstances in which they are used.
4. Respectful of the reasonable rights of other advertisers whose messages are displayed.

C. Refer to Billboard Prohibition Ordinance #11-11-04 for further information regarding Off Premise Outdoor Advertising.

III. Definitions

Abandoned Sign:

1. Any sign that does not display a well-maintained message for a consecutive 120-day period.
2. Any sign the owner of which cannot be located at last address of record or one which advertises a business no longer in operation.
3. Any sign no longer fully supported by the structure designed to support it.

Banner: Made of cloth, cardboard, or light-gauge flexible plastic and used on private residential Property no more than seven (7) days in any calendar year, *i.e.* “Welcome H

Commercial/retail/industrial/manufacturing: Factories, distribution centers, shopping centers, Malls, central business districts, satellite business development, and individually located business producing goods, storing goods, or offering services or goods for sale.

Construction sign: Sign which identifies the architects, engineers, contractors and any other product, and sign announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period. The sign shall be confined to the site of construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project. Construction signs shall not exceed thirty-two (32) sq. feet in area.

Direction sign: A sign on private property without commercial message that gives direction such as entrances, exits, or street numbers.

Farms products sign: Sign used exclusively to advertise farm products for sale on the premises. Such signs shall not be more than eight (8) sq. ft. in area, and there shall not be more than one (1) such sign in either direction along any one (1) highway or any one (1) premise. No such sign shall be placed more than half (1/2) a mile away from the point of sale of the products advertised and such signs may be placed at the right-of-way of the highway.

Free-Standing sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Government sign: A sign authorized by this municipality, another governmental agency, the State of Wisconsin, or the federal government.

Ground sign: A free-standing sign that is less than six (6) ft. in height.

Height of a sign: The vertical distance measured from the highest point of the sign to the surface beneath the sign. The maximum allowable height of a sign shall be thirty (30) feet.

Official sign: A sign or notice of a non-commercial nature and in the public interest, erected by or upon the order of a public official in the performance of his/her public duty.

Office sign: A sign advertising dental, medical, legal, real estate and other individual professionals or businesses whose primary source of income is provision of services rather than provision of goods.

Off-premise sign: A sign which directs attention to a business, service or entertainment offered at another location from where such sign is located.

On- premise sign: A sign which directs attention to a business, service or entertainment offered upon the property where such sign is located.

Owner: A person owning a sign.

Parcel in Incorporated Area: Contiguous real estate taxed as a single parcel on one side of a public road.

Parcel in Unincorporated Area: Contiguous real estate, irrespective of public roads, with bills sent to a single address.

Political campaign sign: Sign announcing the candidates seeking public office and other data pertinent thereto, up to an area of thirty-two (32) sq. ft. Only one (1) sign per candidate per premise shall be confined within private property with the owner's consent, and removed by the owner within seven (7) days after the election for which they were made.

Projecting sign: A sign affixed to any part of a building or structure which extends beyond the Building or structure by more than twelve (12) inches.

Real Estate sign: A sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed up to a total area of six (6) sq. ft. Such sign shall be removed within fourteen (14) days of the sale, rental or lease.

Roof sign: A sign erected, constructed, or maintained upon a roof, or which projects above the roofline of a building.

Sign: An object, including a structure, movable object, wall or image displaying any message visible to the public. This includes any letters, pictorial representations, symbol, flag, emblem, illuminated devices, displayed in any manner whatsoever, which directs attention to any object, subject, place, person, activity, product, service, institution, organization, or business. This shall NOT include any official flag, emblem or insignia of a government, school, or religious group when displayed for official purposes.

Street Banner: Cloth or plastic banner advertising a public entertainment event, especially approved by the governing body and only for locations designated by the governing body during and for thirty (30) days before and seven (7) days after the event.

Tethered sign: a sign allowed only in non-residential areas. This type of sign includes the "blimp" type signs that are anchored to the ground and are suspended in the air like a balloon. One sign per event per premise will be allowed up to a total of ten (10) days per event and may be used for a total of six (6) events per year, not to exceed sixty (60) total days in one calendar year.

IV. General Sign Standards (See also Sections III and VII)

A. Prohibited Devices and Signs

1. No sign or light shall move, flash or make noise (**Exception:** time and temperature signs). Signs that contain or consist of banners, posters, pennants, ribbons, streamers, strings or light bulbs, or other similarly moving devices are prohibited (**Exception:** Christmas or other holiday decorations).
2. Signs shall not resemble, imitate or approximate shape, form or color of traffic or railroad signs, signals or devices, or use such words as “stop”, “look”, “danger”, “go slow”, “caution”, or “warning”. Signs shall not obstruct or interfere with the effectiveness of traffic or railroad signs, signals or devices.
3. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a fire escape.
4. No sign shall be placed so as to obstruct or interfere with traffic visibility.
5. Permanent signs affixed to or painted upon rocks, trees, utility poles or other such structures are prohibited.
6. Signs shall not be attached to any traffic or warning sign or utility poles.
7. Revolving signs.
8. Parked vehicle—any sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road, waterway, or parking area for a period longer than ten (10) days in any 60-day period.
9. Signs in wetlands and areas zoned Conservancy except governmental and warning signs.
10. Roof signs and signs projecting into any street thoroughfare.

B. Signs Which Require Permits

1. Commercial/Retail/Industrial/Manufacturing:

- (a) Two square feet of sign area shall be allowed per one lineal foot of lot frontage with a maximum allowable area of signs not to exceed five hundred (500) square feet;
- (b) A minimum allowable area of signs shall be 200 sq. ft.;
- (c) Each lot shall be allowed either two (2) freestanding signs (OR) one (1) freestanding sign with a maximum square footage of 200 sq. ft. for one side of the sign, and one (1) wall sign, not to exceed the allowable limit listed in (a) and (b).

2. Multiple Tenant Sign:

In a shopping center, one (1) freestanding multiple tenant sign may be erected on each street frontage, as long as a minimum separation distance of two hundred (200) feet (measured along the frontage) is maintained between such signs. Multiple tenant signs shall not exceed one hundred fifty (150) sq. feet in sign area.

3. Residential/Neighborhood: The following signs ARE ALLOWED in residential areas:

(a) An **Identification Sign**. A residential neighborhood is permitted to have one (1) Identification sign for each entrance street. Such signs shall not extend into any public right-of-way. The face of the sign shall not exceed forty-eight (48) sq ft. The area of the structural supporting elements shall not exceed fifty (50) % of the area of the message portion of the sign (See additional requirements under Sections IV and VII)

(b) One (1) sixteen (16) sq. ft. sign is permitted where a **home occupation** or **professional office** has been established in a residential zone.

(c) One (1) **personal identity sign** will be permitted per home, not to exceed six (6) sq. ft. For signs under three (3) sq. ft. refer back to Section IV. C. #1 Small Sign.

(d) **Non-dwelling use signs**. A non-dwelling use in a residential area such as a school, a religious facility, an institutional use, a clubhouse, a bed and breakfast establishment, etc. is permitted to have one (1) ground sign and one (1) wall sign, neither or which shall exceed twenty (20) sq. ft. in area. The message should identify the establishment and relate to the services provided on the premises.

4. Business/Manufacturing Parks Signs:

All uses including signage shall be special exceptions.

5. Office Wall or Ground Sign:

One (1) wall sign or One (1) ground sign is permitted for each office parcel with a message relating to the services provided on the premises. Such signs shall not exceed ten (10) % of the area of the front face of the building on the parcel. (See Section VII for ground size height and setbacks.) **Exception:** When a building contains offices or business establishments above the first floor, one additional sign may be erected on the front of such building located at a first floor level. This sign shall be a directory type sign only for the purpose of listing such offices or businesses.

6. Agriculture Wall and Ground Signs:

One (1) wall or ground sign per parcel with a message relating to the agriculture activities on the premises not to exceed sixty-four (64) sq. ft. in total area. Unless more restrictive zoning applies, ground sign setbacks shall be at least to the height of the sign. (Note: Portage County zoning indicates that signs greater than six (6) sq. ft. in area shall be by special exception.) Temporary free-standing signs relating to seasonal agricultural activities, *i.e.* crop variety trials, “pick your own berries”, or produce sales may not be used for more than 6 months in any calendar year. (See additional requirements in Section III—Definitions—Farm Products sign.)

7. Forestland Signs:

One (1) wall or ground sign per parcel with an area not to exceed sixteen (16) sq. ft. with a message relating to forest management or forest products is permitted. (See Sections III, IV and VIII.)

C. Signs Authorized Without a Permit:

1. Small Sign:

One (1) sign per parcel, not illuminated and not exceeding three (3) sq. ft. in area. If the sign has a temporary message, *i.e.* "Home for Sale" the area shall not exceed five (5) sq. ft. This larger sign may not be placed on a parcel more than six (6) months in any calendar year.

Only one (1) such sign is permitted for each parcel. **Exception:** Warning signs as "No Trespass" or "Beware of Dog" are limited to no more than two (2) small signs in any five hundred (500) linear feet on the parcel.

2. Government Sign:

Signs directed by governments or governmental agencies.

3. Directional Sign:

Signs on private property without commercial message that give direction such as entrances, exits, parking, or street numbers may not exceed fifteen (15) sq. ft.

4. Flag:

Any government flag or small decorative flag. **Note:** A flagpole may not exceed thirty (30) feet above the ground.

5. Warning Sign:

Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop-offs, high voltage, fire danger, and explosives. These signs may not exceed three (3) sq. feet.

6. Historical, Cultural and Natural Site Sign:

A sign erected by a government agency, which exclusively denotes a recognized historical, Cultural or natural site. This sign shall not exceed three (3) sq. ft., unless otherwise provided By state or federal law.

7. House Numbers:

House numbers and name plates not exceeding two (2) sq. ft.

8. Memorial Signs:

Memorial signs and plaques, names of buildings, and dates of erection, not more than four (4) sq. ft. in area, which are cut into masonry surface or inlaid so as to be part of a building, when constructed of bronze or other noncombustible material.

9. On-premise Non-illuminated:

On-premise non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.

10. Temporary Signs: (See Definitions—Section III for guidelines)

- (a) Banners
- (b) Construction Signs
- (c) Farm Product Signs
- (d) Political Campaign Signs
- (e) Real Estate Signs
- (f) Street banners, especially approved by the Town Board
- (g) Tethered Signs

V. Non-Conforming Signs

1. Intent: This ordinance is intended to encourage the eventual elimination of signs which do not comply with the ordinance. The elimination of non-conforming signs is important to the purpose stated in Section II. However, it is also the intent of the Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of non-conforming signs.

2. Amortization: A sign not complying with this Ordinance, but in place on the effective date of the Ordinance, shall be removed, or brought into compliance with the Ordinance, within twelve (12) years after the effective date of the Ordinance.

3. Permit: Within ninety (90) days after the effective date of this Ordinance, the person owning a non-conforming sign shall apply for a permit and pay the appropriate fee to the Town. The Town shall issue the permit for not more than twelve (12) years.

4. Continuance:

(a) A non-conforming sign may be continued during the amortization period if it is maintained in good condition. It shall not, however, be replaced by another non-conforming sign.

(b) It may not be structurally altered so as to prolong the life of the sign.

(c) It may not be reestablished after damage or destruction if the Town determines that the estimated cost of reconstruction exceed fifty (50) % of the estimated replacement cost. However, it may be replaced if intentionally damaged or destroyed by person(s) who are apprehended and proven to be unconnected to the owner(s) of the sign.

(d) At the time a business owning a non-conforming sign is purchased by a new party, all non-conforming signs on the premises must be removed or brought into compliance with this Ordinance within ninety (90) days of the date of sale to the new owner(s).

5. Nuisance: An unsafe or abandoned sign is declared a public nuisance, which shall be abated by the owner(s) within sixty (60) days of receiving notice from the Town. After sixty (60) days, the sign may be removed by the Town and the cost of said removal shall be charged to the owner(s) if know.

VI. Permits and Fees

A. Applications: The permit application shall contain the name and address of the sign owner and of the sign erector; the location of the building, structure, and parcel on which the sign is or will be attached or erected; the sign structure, including stress sheets and calculations, if deemed necessary by the Town, showing the structure as designed for dead load and wind pressure; drawings showing the design, size and position of the sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, ordinary high water marks of waterways, the setback of applicable zoning ordinances; and such other pertinent information as the Town may require to insure safety and compliance with the ordinances of the Town of Amherst and Portage County.

B. Fees: Fees for sign permits shall be set by the Town Board and Portage County.

C. Nullification: A sign permit shall become null and void if the work for which the permit was issued has been completed within a period of six (6) months after the date of the permit.

D. Permit Exceptions: The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

1. Replacing copy: The changing of the advertising copy or message of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

2. Maintenance: Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

E. Issuance of Sign Permits: All sign permits will be approved by the Town of Amherst Plan Commission and the permit issued by the authorized representative of the Town of Amherst. A non-refundable permit fee of \$25.00 will be collected with the sign application. An inspection fee will be payable to the Building Inspector or authorized representative of the Town of Amherst as per or in accordance with the Building Inspector Contract as approved by the Town of Amherst Board. Any sign noncompliance requiring additional inspections will result in additional fees.

F. False Information: A person providing false information under this ordinance shall be guilty of a misdemeanor and not eligible to apply for a permit under this ordinance for twelve (12) months from the date the Town determines false information was presented.

VII. Construction Requirements

A. Materials: Weather-resistant wood, steel, heavy-gauge rigid plastic, NOT cloth or light-gauge flexible plastic.

B. All signs shall conform to the latest edition of applicable **building and electrical codes**.

C. Unless more restrictive zoning applies, freestanding **sign setbacks** shall be at least equal to the height of the sign.

D. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by **applicable codes**. No sign, including cables and supports, shall, in any event, be within six (6) feet of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.

E. **Lighting of Signs**, externally or internally, is permissible, but flashing, rotating, and intermittent lighting are prohibited. External lighting shall be shielded from view and shall be focused upon the sign to avoid stray lighting and so it will not cast a direct beam toward vehicular or pedestrian traffic on any street or sidewalk.

F. All electric service to signs shall be concealed wherever possible.

G. All electrical signs **shall be marked** with the manufacturer's name in a size which is easily visible from the ground.

H. All **ground sign structures** shall be self-supporting structures and permanently attached to sufficient foundations. A ground sign may not exceed a height of six (6) ft. above the uniform finished grade.

I. **Projecting signs** shall not exceed twenty (20) square feet and shall be placed so that the bottom of the sign is at least eight (8) feet above the ground and shall not project into any street thoroughfare.

J. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs **shall be anchored** to prevent any lateral movement that could cause wear on supporting members or connections.

K. **Supports and braces** shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

L. No **wall sign** placed against the exterior of a building shall extend more than twelve (12) inches from the building's wall surface, or extend above the wall upon which it is placed. (See Section IV).

M. Signs may be on the vertical face of **awnings and marquees** and may project below the lower edge of the awning or marquee not more than six (6) inches. The bottom of such signs shall be no less than eight (8) feet above the sidewalk to grade at any point. No part of the sign shall project above the vertical awning or marquee face.

N. Property surrounding any sign shall be free from weeds, rubbish, and flammable material.

O. The area beneath and around a sign shall be **landscaped** with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

VIII. Inspection, Removal and Safety

A. Every sign for which a permit is required shall be subject to the inspection and approval of the Town, including verification of the use of the parcel, and thus the standards that apply to signage. When deemed advisable, a sign may be inspected at the point of manufacture.

B. The Town may enter the sign area for purposes of **inspecting** the sign, sign structure, and any fasteners securing the sign to a building or support. (**NOTE:** In cases of **emergency**, where imminent hazards to persons or property are known to exist, and where the sign owner is not readily available, the Town may enter the sign area for purposes of inspection or remediation; OR the Town may remove a sign immediately and without notice if the condition of the sign is such as to present an immediate threat to the safety of the public). When on private property, the Town shall observe rules and regulations concerning safety, internal security, and fire protection. If the Town is **denied admission** to inspect any sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction.

C. If the Town has determined that a **violation** has occurred, the owner shall have thirty (30) days to bring the sign into compliance or remove the sign. The Town has the authority to revoke any permit authorized by this Ordinance if the sign violates this ordinance or another law, provided the Town shall offer the sign owner an opportunity to be heard by the governing body. The person whose permit is under consideration shall be given at least thirty (30) days written notice of the time, place, and reason for the hearing. The sign owner and/or person identified in the permit shall be permitted to present relevant facts and legal argument concerning the pending permit denial or revocation.

D. Upon issuance of a **Stop Order** from the Town, work on any sign that is being conducted in any manner contrary to this ordinance shall be immediately stopped. This notice and order shall be in writing, and shall be given to the owner of the parcel, the sign owner, or to the person performing the work. The Stop Order shall state the conditions under which work may be resumed.

E. **Abandoned Sign:** A sign, on or off premise, shall be removed by the owner or lessee of the business, when the business which it advertises is no longer conducted. If the owner or lessee fails to remove it, the Town shall give the owner sixty (60) days written notice to remove it. Upon failure of the owner or lessee to comply with said notice, the Town may remove the sign at cost to the owner or lessee. If the sign owner or lessee cannot be located, the Town shall have the authority to remove the sign.

F. Any person violating any provision of this ordinance may be issued a citation with a forfeiture of not less than \$5.00 and not more than \$100.00 for each violation. Each day, subsequent to the 30-day period allowed for corrective action, shall constitute a separate violation. In addition, the Town Board is authorized to adjudicate the offense with a summons and complaint and to take any other action, legal, injunctive and equitable, to assume compliance with this ordinance.

IX. Administration and Penalties

A. Enforcement: The Town Board is hereby authorized and directed to enforce all of the provisions of this ordinance.

B. Interpretation: Where there is any ambiguity or dispute concerning the interpretation of this code, the decision of the Town Board shall prevail, subject to appeal as provided herein.

X. Appeals

Appeals to the determination of the Town may be made in writing directly to the governing body who shall hear the appeal within sixty (60) days. Variances may be granted if all of the following criteria are fulfilled:

- A. That the circumstances are not of the applicant’s making.
- B. That the applicant’s request mitigates unusual site conditions.
- C. That the applicant’s request would not create a detriment to the neighborhood or reduce property values.
- D. That the applicant’s request is consistent with the spirit and intent of this ordinance.
- E. That without a variance, the applicant would experience a hardship and could not make any reasonable use of the property.

XI. First Amendment Protection

Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other provision of the ordinance including the specific provisions for signage in the land use and zoning categories on which the sign is placed.

XII. Severability and Conflict

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

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

XIII. Effective Date. This ordinance shall be effective on 9-1-2005

Michael Peplinski, Sr.

Adopted this 11th day of Aug., 2005 ATTEST: _____

AMENDMENT ADOPTED _____

