

Article H: Signs, Signage and Outdoor Advertising

Sec. 13-1-100 Purpose.

The purpose of this Article is to regulate, administer and create the legal framework to regulate, administer and enforce the location, placement and size of any outdoor sign, advertising and display located within the City of Washburn. This Article recognizes 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.

Sec. 13-1-101 Definitions.

- (a) **Article Definitions.** The following definitions are applicable in this Article:
- (1) **Abandoned Sign.** A sign which for more than sixty (60) days no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted on or off the intended premises, or a product available on the premises where the sign is displayed or elsewhere.
 - (2) **Area of Copy.** The entire area within a single, continuous perimeter composed of squares, rectangles, circles or ovals which encloses the extreme limits of the advertising message, announcement or decoration of a wall sign.
 - (3) **Area of Sign.** The area of the largest single face of the sign within a perimeter which forms the outside shape, 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 measured and considered as the total area of said sign. The area of an irregular shaped sign shall be computed by measuring and calculating the actual sign face surface. In the case of a wall sign, the area of copy will be used in determining the area of the sign.
 - (4) **Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of materials on a supporting framework.
 - (5) **Awning Sign.** A sign painted on or attached flat against the surface of an awning.
 - (6) **Banner.** Any sign of lightweight fabric or similar material that is temporarily mounted to a pole or a building at one or more of its edges.
 - (7) **Billboard.** Any off-premise or on-premise sign, as those terms are defined herein, that has a message, or contains content which could be modified, changed, or deemed impermanent, including any off-premise sign which tends to be offered for lease, license or use by a corporation, advertiser, individual or group, which tends to advertise a message, product, service or business to the general public and which is greater than eighty-one (81) square feet in total area.

- (24) **Flashing Signs.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally moved intermittent light source.
- (25) **Free Standing Sign.** See "Ground Sign".
- (26) **Frontage.** The length of the property line of any one (1) premises or parcel parallel to and along each public right-of-way it borders. Said public right-of-way may be known as a frontage road.
- (27) **Grade.** The elevation of the level of the street closest to the sign to which reference is made, measured at the street's center line.
- (28) **Ground Sign.** A sign erected on one (1) or more free-standing or solid opaque supports or uprights and not attached to any building whether on premise, or off premise.
- (29) **Gross Area.** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one (1) module or section, the areas will be added together and calculated for the total gross area of sign. If the modules are formed in the shape of letters or symbols, the rules for "Area of Copy" apply.
- (30) **Height of Sign.** The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such signs.
- (31) **Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (32) **Incidental Sign.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign, or a sign indicating hours of business.
- (33) **Instructional Signs.** Same as directional signs.
- (34) **Legal Nonconforming Sign.** A sign that met code requirements at the time of the sign's erection, installation and placement but does not conform to the requirements of this Article.
- (35) **Low Profile Sign.** A sign mounted directly to the ground with a maximum height not to exceed six (6) feet. May be referred to as a monument sign.
- (36) **Maintenance.** For the purposes of this Article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- (37) **Monument Sign.** A form of ground sign, which is supported by a solid or opaque support system.
- (38) **Mural.** A wall painting.
- (39) **Nonconforming Sign.** A sign that does not meet previous or existing ordinance requirements governing signs or signage, or which was blank and not containing a message or advertisement at the time this Article became effective. However, an "abandoned sign", as defined by this Article, does not qualify as a "nonconforming sign".

- (56) **Search Light.** A search light is a device which intends to emit a bright beam of light high into the night sky with intent to be visible from rights-of-way, or passersby at great distances.
- (57) **Sign.** Any emblem, painting, banner, pennant, placard, design, identification, description, illustration, or device illuminated or non-illuminated, which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business for solicitation, including any permanently installed or situated merchandise, product or fixture, including all structures and supports.
- (58) **Sign Administrator.** The Zoning Administrator or other Authorized Individual appointed by the City Administrator to administer the provisions of this Article. In the event the City Administrator is not able to designate a Sign Administrator from existing staff, the Common Council shall be the authority to determine the hiring of additional staff.
- (59) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part in the erection of or maintenance to signs, excluding the business which the sign advertises.
- (60) **Sign Permit.** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, or conversion of any sign issued pursuant to this Article and the Building Code of the City of Washburn.
- (61) **Sign Structure.** Any device or material which supports, has supported or is capable of supporting a sign in a stationary position including decorative covers.
- (62) **Snipe Signs.** A snipe sign is a sign or poster attached to a tree, fence, utility pole, traffic sign, light pole, street sign pole, etc.
- (63) **Subdivision Development Sign.** A temporary sign used for marketing lots or structures in a subdivision.
- (64) **Subdivision Identification Sign.** A sign, masonry wall, landscaping or other similar material and feature combined to form a display for a neighborhood or subdivision identification with the sign or display legend consisting only of the neighborhood or subdivision name.
- (65) **Swinging Signs.** A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- (66) **Temporary sign.** Any sign which is erected or displayed under a permit issued by the City specifying the type of sign, size, location, and length of the temporary permit not to exceed thirty (30) days. For purposes of this Article, a portable sign is not a temporary sign.
- (67) **Unlawful Sign.** Any sign that is erected without a permit, or does not meet the existing requirements of this Article at the time of its erection, placement, or creation, or a sign that has lost its legal nonconforming status.
- (68) **Vehicles.** Any object, vehicle, wagon, etc., with wheels intended to be parked on private or public property solely for the purpose of displaying advertising. Such an object shall be known as an advertising vehicle.

- (1) A public right-of-way unless shielded from the view of vehicular traffic; or
 - (2) A residential area.
- (e) **Off-Premise Signs.** The City of Washburn recognizes that off-premise signage is necessary to the vitality of certain commercial and economic interests located within the City of Washburn. It is also recognized that for the health, welfare and general beautification of the City of Washburn, certain restrictions must be placed on off-premises signage and, in some cases, off-premise signage shall be strictly prohibited and no further proliferation of the same will be allowed. Furthermore, it is deemed necessary to vest authority with the Plan Commission for the City of Washburn, with full approval or denial authority to consider requests or applications for placement of off-premise signs in those areas of the City of Washburn deemed appropriate for off-premise signs. The following rules shall apply to off-premise signs:
- (1) On and after the date on which the Wisconsin Secretary of Transportation designates State Highway 13 within the City limits as a Wisconsin Scenic Byway, no off-premise sign that is not an existing off-premise sign shall be allowed that is visible from the main travelled way of State Highway 13, except for those signs allowed under TRANS 201.23, Wis. Adm. Code, or any successor rule. For purposes of this Section, an "existing off-premise sign" means an off-premise sign that is in place as of the date of designation of the Scenic Byway, or an off-premise sign for which a permit has been issued and some construction or fabrication has begun as of such date and which is completed by the date of expiration of the permit and which is in compliance with the permit. Any "existing off-premise sign", as that term is used herein, remains a legal off-premise sign as long as all other provisions of this Chapter are met, and are not non-conforming signs.
 - (2) No off-premise signs of any size shall be permitted within the City of Washburn, except along those designated properties immediately adjacent to Bayfield Street/State Highway 13, as more particularly designated herein, and except for signs allowed by any permit issued for a scoreboard, fence or recreational trail sign.
 - (3) No off-premise signs of any size shall be permitted to be placed to the west and south of 11th Avenue West to the corporate limits of the City of Washburn.
 - (4) No off-premise signs shall be permitted to the east and the north of a point fifty (50) feet east of where Superior Avenue intersects the south right-of-way line of State Highway 13.
 - (5) Off-premise signs shall be permitted within the City of Washburn, east of 11th Avenue West, and west of a point fifty (50) feet east of the intersection of State Highway 13, and Superior Avenue, as described above only upon the following terms and conditions:
 - a. The placement and design of said off-premise sign must be first approved by the Plan Commission for the City of Washburn, upon application by the owner or lessee of the same.

- (2) Any portion of any existing roof sign without a message or advertisement, or abandoned at the time this Article takes effect shall be deemed a nonconforming sign and be prohibited from use as a roof sign and shall not have an advertisement or message placed thereon.
- (i) **Search Lights and Beacons.** Search lights and beacons are prohibited. Municipal and governmental entities shall be allowed to place search lights or beacons, if approved by the Plan Commission.
- (j) **Sound Emitters.** Any sign or advertising designed for the purpose of emitting sound including sound emitting advertisements from fuel dispensers at service stations.
- (k) **Wind Signs.** Wind signs, consisting of a string of interconnected banners, flags, or pennants (with or without messages) shall be prohibited; however "open" flags, national, state or local governmental flags or other official flags of any business or institution shall not be considered a wind sign, and shall be permitted.
- (l) **Rock Signs.** Signs affixed to or painted on rocks are prohibited.
- (m) **Unclassified Signs.** The following types of signs are prohibited which:
- (1) Bear or contain statements, words or pictures of obscene, pornographic or immoral or indecent subject matter.
 - (2) Imitate or resemble in shape, size, color or copy any official traffic sign or symbol promulgated by any federal, state or local agency.
 - (3) Are placed so as to obstruct or interfere with traffic visibility.

Sec. 13-1-104 Administration.

The Sign Administrator or other Authorized Individual appointed by the City Administrator shall enforce the provisions of this Article. The Sign Administrator or other Authorized Individual shall inventory and photograph all signs regulated by this Article; shall establish and maintain a record keeping system containing the sign inventory, photographs, all applications and supplemental material required to track compliance of all signs regulated by this Article; examine all applications for permits; issue permits and denials; make inspections of signs in the City of Washburn and make such reports as the City may required.

Sec. 13-1-105 Permits.

- (a) **Permits 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 City of Washburn without first obtaining a sign permit for each sign from the City of Washburn, or its legal designee, as required by this Article. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning or other normal maintenance and repair of the sign and sign

however, that the minimum fee for a permit shall not be less than Fifteen Dollars (\$15.00) for any sign or for an amount based on area as follows:

- (a) On-premises signs visible from a public right-of-way shall be calculated on the basis of One Dollar (\$1.00) per square foot. The calculation of the area of a ground sign, roof sign or projection sign shall be based on the gross area of one (1) face of the sign. The area of wall signs shall be the gross area as calculated in this Article.

Sec. 13-1-107 Design Review.

Upon submission of the permit application, the Sign Administrator, or Authorized Individual, shall examine the permit application for completeness. Should the application materials be completed correctly and include the required supplemental materials, the Sign Administrator, or Authorized Individual, shall review the application materials and proposed sign design with the requirements of this Article.

Sec. 13-1-108 Permit Issuance and Denial.

- (a) **Compliance with Regulations.** The Sign Administrator shall issue a permit for erection, structural alteration, enlargement or relocation of a sign within the City when the permit application is properly made, all appropriate fees have been paid and the sign complies with the appropriate laws and regulations of the City of Washburn.
- (b) **Review Timeline.** The Sign Administrator shall formally grant or deny a sign permit in writing within thirty (30) days of the date an application meeting the requirements of this Article is filed.
- (c) **Notice of Permit Denial.** If the sign permit is denied by the Sign Administrator, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.

Sec. 13-1-109 Permit Appeal.

- (a) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within fifteen (15) days after receipt of notice that the sign involved does not conform to this Article and no later than fifteen (15) days before a scheduled Board of Appeals meeting.
- (b) The application for special exception shall be filed with the Sign Administrator and accompanied with a non-refundable application fee of Fifty Dollars (\$50.00).

- (3) Freestanding signs or monument signs, ground signs, pole or pedestal signs may be placed immediately adjacent to the right-of-way boundary line with no further setback required.
- (4) In the event a sign is proposed to be located in an area that does not comply with this Section, and it is determined that the location of a street, intersection or right-of-way makes compliance with this Section impossible or unreasonable, the applicant may seek relief from the Board of Appeals.
- (5) There shall be a presumption that the right-of-way boundary along Bayfield Street/Highway 13 shall be immediately adjacent to the inside edge of the sidewalk facing the subject property. If no sidewalk exists, it shall be presumed that the physical centerline of Bayfield Street/Highway 13 shall be accurate and any measurement to determine the edge of the right-of-way shall be taken from said centerline.
- (6) No sign or sign structure may be erected or maintained if it prevents free ingress or egress from any door, window or fire escape. No sign may be attached to a standpipe, pipe or fire escape.

(c) **Constructions Specifications/Total Allowable Signage.**

- (1) All signs shall comply with the provisions of this Article and, for electrical signs, the most current edition of the National Electrical Code or its equivalent.
- (2) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations or structures.
- (3) Electrical service to ground signs shall be concealed wherever possible.
- (4) No sign shall be suspended by chains or other devices that will allow the sign to swing on more than one (1) axis. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members of connections.
- (5) The total allowable on premise signage shall be governed by the following rules which shall regulate the total allowable square footage of any permitted signs located on a premise as follows:

Business Structure Square Footage	Allowable Square Footage of On-Premises Signage
5,000 sq. ft. or less	100 sq. ft.
5,000 – 10,000 sq. ft.	150 sq. ft.
10,000 – 20,000 sq. ft.	300 sq. ft.
20,000 – 30,000 sq. ft.	450 sq. ft.
30,000 – and above	Requires Conditional Use Permit if total proposed signage exceeds 450 square feet.

- (6) The total allowable signage for a scoreboard or fence sign shall be established by the Washburn Plan Commission.

- b. The sign face of monument type or other ground sign may not exceed eighty (80) square feet. A monument sign shall have a fifteen (15) foot setback from a driveway (a parking lot shall not constitute a driveway) or from an intersection as measured from the point of the intersection with the right-of-way. A monument or other ground sign may not project higher than six (6) feet as measured from the base of the sign or the immediate ground grade of said sign, whichever is lower. A monument or other ground sign may not be placed within the vision triangle so to materially interfere with the public safety of the intersection of any public roads. The area around a monument or other ground sign must be landscaped.
- (4) **Canopy Sign.** The gross surface of a canopy sign may not exceed fifty (50) percent of the gross surface area of the smallest face of the canopy to which the sign is affixed. Such signs may not project higher than the top of the canopy or below the canopy.
- (5) **Awning.** One line of copy upon the border of an awning is allowed. Such signs may not project higher than the top of the awning or below the awning. Any awning projecting over public lands or the public rights-of-way must have the explicit permission of the Common Council. Any awning intended to extend over the private lands of another must attach the explicit written permission of the property owner with the application required of Section 13-1-105.
- (6) **Directory Signs.** Directory signs are used to guide pedestrians to individual businesses within a multi-tenant commercial, industrial, or institutional area and are permitted in districts zoned as such, subject to design review by the Plan Commission. Directory signs must be placed on the site of development and may be erected only in internal pedestrian access areas and not in vehicle access areas. A directory sign may have a maximum area of one (1) square foot for each business on the sign and four (4) square feet for the name of the building or complex. A directory sign may be used for directions and identification only. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (7) **Window Sign.** The gross area of permanent window signs shall not exceed thirty-three and one-third percent (33-1/3%) of the gross window area of any given building facia.
- (8) **Sandwich Board Signs.** Sandwich signs shall not exceed three feet by four feet (3' x 4') and, when placed on a sidewalk, shall allow four (4) feet of unobstructed sidewalk width for pedestrian traffic. Sandwich board signs require a permit.
- (9) **Automobile Service Station Signs.** Automobile service stations may have one (1) wall sign, one (1) canopy, and one (1) ground sign, subject to the following conditions:
- a. **Wall Signs.** There may be no more than one (1) wall sign subject to the requirements Section 13-1-111(e)(2).

- (4) A Class One Notice shall be published announcing the public hearing a minimum of seven (7) days prior to the scheduled hearing date.
- (5) The Plan Commission will formulate a recommendation on the acceptance or denial of the application for consideration by the Common Council.
- (6) Murals shall be exempt from the fees to be charged under this Section.
- (7) Murals utilized for advertising purposes shall be prohibited.

Sec. 13-1-112 Signs Not Requiring a Permit.

Sign permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance and normal repair of the sign structure providing the sign structure is not changed, the sign face is not enlarged, nor the colors of the copy are changed in such a manner that violates Section 13-1-111, "General Design Requirements" of this Article. In addition, sign permits are not required for the following:

- (a) **Construction Signs.** Two (2) construction signs per site, not exceeding fifty (50) square feet in area each, shall be confined to the site of construction, shall not infringe within the vision triangles or setbacks of any public right-of-way, and shall be removed within thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
- (b) **Nonelectric Instructional Signs.** Directional and instructional nonelectric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.
- (c) **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs and signs of public utilities indicating danger and aids to service of safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- (d) **Home Occupation Signs.** Signs associated with a home occupation as defined in the zoning ordinance, provided such signs are nonilluminated wall signs that do not exceed four (4) square feet in area.
- (e) **Home Numbers and Name Plates.** House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
- (f) **Memorial Signs and Plaques.** Memorial signs or tablets, name of buildings and date of erection, 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 per sign.
- (g) **No Trespassing and No Dumping Signs.** No trespassing and no dumping signs shall not exceed one and one-half (1-1/2) square feet in area per sign.
- (h) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties.

- (q) **Open/Closed Signs.** Illuminated and non-illuminated signs not exceeding six (6) square feet in area announcing that a business is open or closed.
- (r) **Civic Event Temporary Signs.** Temporary signs not exceeding four (4) square feet in residential districts, or thirty-two (32) square feet in commercial, or industrial districts pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within seven (7) days after the event. However, any such sign placed upon or projecting over public lands or the public right-of-way shall require the explicit permission of the Common Council.
- (s) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "compact car only", "no parking", "one way", "reserved for . . .", "authorized vehicles only", "service drive", etc., the sole purpose of which is to direct and control traffic on the premises and which do not exceed ten (10) feet in height nor contain more than twelve (12) square feet per face. Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
- (t) **Signs Required by Law.** Signs required by law, statute or ordinance constructed and maintained according to the law, statute or ordinance under which the sign was erected.
- (u) **Governmental Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purpose or to identify streets, to warn of danger, or specify rules for the use of public facilities.
- (v) **City Banners.** As authorized by appropriate City of Washburn officials.
- (w) **Banners and Other Promotion Devices.** Temporary signs, including but not limited to banners which are displayed for business or commercial purposes and which:
 - (1) In total at any single business, commercial, or industrial premise, at any one time, do not exceed thirty (30) square feet in area.
 - (2) In total at any single business, commercial, or industrial premise, are not displayed for more than thirty (30) days in a calendar year or more than seven (7) consecutive days at any one time, except for temporary window signs not requiring a permit under Subsection (1) above.

Sec. 13-1-113 Special Signs Requiring Permits.

- (a) **Subdivision Development Signs.** The Sign Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following regulations:
 - (1) Such permits may be issued for a period not to exceed one (1) year and may be renewed for additional periods of up to one (1) year and upon written application at least thirty (30) days prior to its expiration.

provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, providing said sign also meets all of the following requirements:

- (1) The sign was covered by a proper sign permit prior to the date of adoption of this Article.
 - (2) If no permit was required under applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Article.
- (b) **Unlawful Signs.** Signs that do not meet the requirements of Subsection (a) above, and do not otherwise comply with the terms of this Article, shall be considered unlawful and shall be removed immediately.
- (c) **Loss of Legal Nonconforming Status.**
- (1) A sign loses its legal nonconforming status if one (1) or more of the following occurs:
 - a. The sign is structurally altered in any way, except for normal maintenance and repair, which tends to or makes the sign less in compliance with the requirements of this Article than it was before alteration.
 - b. The sign is relocated.
 - c. The sign fails to conform to this Article regarding maintenance and repair, abandonment or dangerous or defective signs.
 - d. Except as provided in Subsection (c)(1)e below, more than fifty percent (50%) of the sign face, awning, canopy fascia, pedestal, foundation, supports or base is replaced due to, but not limited to, a change in the name of the business, storm damage, structural fatigue and dilapidation.
 - e. If the sign was damaged or destroyed on or after March 2, 2006, and if the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, then the sign may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without limitation as to the costs of repair, reconstruction, or improvement. The structure may be larger than the size immediately before the damage or destruction, to the extent such increase in size is necessary to comply with applicable state or federal requirements, if any, provided that the Plan Commission shall review and approve any such increase in size so as to minimize the impact of any increase in the nonconforming nature of the structure.
 - (2) On the date of occurrence of any of the above, the sign shall be immediately brought into total compliance with this Article with a new permit secured therefor or shall be removed.
- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety or maintenance and repair of signs.
- (e) **Blank Signs.** Any sign, whether an off-premise or on-premise sign, which is blank and contains no message or advertising, which does not comply with this Article, even if it has

Sec. 13-1-117 Conflicts.

Should any section or provision of this Article conflict with any section or provision of any previously enacted municipal ordinance, the provisions of this Article shall take precedence.

Sec. 13-1-118 through Sec. 13-1-119 Reserved for Future Use.