

Town of Lincoln Sign Ordinance

Ordinance # 2020-2

The Town Board of Supervisors of the Town of Lincoln ("Town Board"), Kewaunee County, Wisconsin, does ordain as follows:

Authority

The following change to the Town of Lincoln's Zoning Ordinance is adopted pursuant to the authority granted under Wis. Stats. §60.01 to "enter into contracts necessary for the exercise of its corporate powers", §60.61 to adopt a zoning ordinance, and the Town's exercise of Village Powers under §60.10 and 60.62.

SECTION 9.0 – SIGNS (following the old numbering system)

9.1 Purposes

The purpose of this Ordinance is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Lincoln.

9.2 Definitions

Animated sign - A sign with action or motion, flashing, color changes requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, holiday decorations, or specialty items. This definition does not include public service signs, such as time and temperature, revolving or changeable message signs.

Architectural Projection - Shall mean any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.

Area of Copy - The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a wall sign.

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 irregular shaped sign area shall be computed using the actual sign-face surface.

Background Area of Sign - The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

Billboard - See "Off-Premise Signs"

Building Facade - That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevations.

Building Facade Facing - A resurfacing of an existing facade with approved material illuminated or non-illuminated.

Building Identification Sign - Any sign which promotes the name and type of business only on the premises where it is located.

Canopy Sign - Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this Ordinance, canopy signs shall be controlled by the rules governing projecting signs.

Changeable Message 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. Any sign may be, or include as part of it, a changeable message sign.

Directional Sign - On-premise incidental sign designed to guide or direct pedestrians or vehicular traffic.

Double Faced Sign - A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.

Free Standing Signs - A sign which is supported by one or more columns, uprights or braces, in or upon the ground.

Grade - The elevation or level of the street closest to the sign to which reference is made, measured at the street's center line.

Ground Sign - A sign erected on one or more freestanding supports or uprights and not attached to any building.

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 module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for area or copy apply.

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 sign.

Home Occupation - Defined in Section 2.2. A gainful occupation conducted by a member of the family within her or his residence.

Illuminated Signs - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs. Does not pertain to illuminated house numbers or residential mailboxes.

Legal Nonconforming Sign - A nonconforming sign that did not meet code regulations when it was originally installed.

Marquee - Marquee is permanent roofed structure attached to and supported by the building and projections over public property.

Marquee Sign - Any sign attached to or constructed in a marquee.

Multiple Copy Sign - A sign which advertises both the name and product of the primary business and a secondary product or service.

Nonconforming Sign - A sign that does not meet code regulations.

Off-Premise Sign - A sign which advertises goods, products, facilities or services not located on the premises where the sign is located, or directs persons to a different location from where the sign is located. Also known as "Billboards".

On-Premise Sign - A sign which advertises goods, products, facilities or services that is located on the same parcel where the sign is located.

Political or Campaign Sign - A Sign on behalf of a candidate for public office, political party, or measure on an election ballot.

Permanent Sign - A sign that is erected for purpose other than promoting events, temporary notices, and the like.

Projecting Sign - Any sign identifying or advertising a business, person, activity, goods, products, or services located on a premise where the sign is installed and maintained.

Public Notices - Official notices posted by public officers or employers in the performance of their duties.

Public Signs - Signs required as specifically authorized for public purpose by any law, statute, or ordinance.

Roof Sign - A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

Seed Signs - A sign erected in a cultivated field promoting a seed company and specific planting.

Sign - Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal signs shall also include all sign structures.

Sign Structure - Any structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

Swinging Sign - A sign installed on an arm, mast or spar that is not permanently fastened to an adjacent wall or upright pole.

Temporary Sign - A sign which is intended to advertise community or civic project, construction projects, real estate for sale or lease, or other special events on a temporary basis.

Under Marquee Sign - A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of way.

Wall Sign - A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building facade of the building on which it is located or a sign which is painted on any exterior wall.

Window Sign - A sign installed on a window for purposes of viewing from outside the premises.

Zoning District - Shall mean the land use district as established by the Town Board.

9.3 General Requirements

1. Scope. This Ordinance pertains to and regulates all bill boards and sign in the Town of Lincoln.
2. Animated, Changing Message, flashing and flashing text or graphics or that scroll or Illuminated Signs are not allowed in any district unless a conditional use permit has been obtained.
3. Inflatable signs, mechanical –movement signs, reflective or mirror signs, obscene signs, signs that emit smoke, vapors, particulate matter, sounds, odors or open flames are not allowed in any district unless a conditional use permit has been obtained.
4. Permanent off premise signs are prohibited in the Town of Lincoln regardless of the nature, size or location.
5. Maximum Area of Signs. The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.
6. Illumination of the American flag is exempt from consideration under this ordinance.

9.4 Specific Sign Requirements

1. Awnings. Awning signs may consist of one (1) line of copy.

2. Building Facade Signs. Copy area of a building facade facing shall not exceed forty (40) percent of the background facing to which it is applied
3. Bulletin Boards. Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.
4. Construction Signs. Limited to two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction.
5. Directional and Instructional Non-Electric Sign. Directional and instructional non-electric 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 each in area and do not in any way advertise a business. This includes, but not limited to, such signs as those identifying rest rooms, telephone, parking area, entrances and exits.
6. Government Signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossings signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
7. Home Occupation Signs. A sign, not exceeding two (16) square feet in size, which is located on the parcel on which the business operates.
8. House Numbers and Name Plates. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.
9. All electrical signs shall conform to State electrical requirements. Illumination is limited to internal or if externally illuminated must be directed entirely and downward onto the sign face.
10. Memorial Signs and Plaques. Memorial signs or tablets, names 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 or bronze or other noncombustible material not more than four (4) square feet in area.
11. Marquee Signs. Marquee signs may be placed on, attached to, or constructed in a marquee. The area of a marquee sign shall be limited to thirty two (32) square feet.
12. Multiple Copy Signs.
 - a. Principle identification is that which identifies the name of the business and the principle product or service. These signs are limited to an area of 32 square feet.
 - b. Secondary product or business identification not to exceed thirty (30) percent of principle sign to which applied.
13. No Trespassing, Hunting or No Dumping Signs. Considered a temporary sign. No trespassing, no hunting and no dumping signs not to exceed one and one-half (1-1/2) square feet in area per sign.
14. On-Premise Symbols or Insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies are limited to not more than four (4) square feet in area.
15. On-Premise business signs. Used for purpose of advertising a commercial, business or A1 agricultural enterprise on same parcel (does not apply to home occupation businesses)
 - a. The gross area in square feet of any signs on a zoning lot shall not exceed three hundred (300 square feet).
 - b. Signs shall not exceed a height of thirty (30) feet.
 - c. One (1) ground sign shall be allowed per parcel.
 - d. Signs shall meet all setback requirements of the zoning district, except those instances as set forth in Section 7.3 (8) a, b, and c of this Ordinance.
16. Political and Campaign Signs. 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:
 - a. Said signs may be erected not earlier than sixty (60) days prior to the primary election and shall be removed within fifteen (15) days following said general election.

- b. Each sign, except billboards, shall not exceed thirty two (32) square feet in nonresidential zoning districts and eight (8) square feet in residential zoning districts.
 - c. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor within the right-of-way.
 - d. Political and campaign signs must have a minimum setback of ten (10) feet to adjacent property lines unless permission is granted by the adjacent property owner.
- 17. Public Notices. Official notices posted by public officers or employers in the performance of their duties.
- 18. Public Signs. Signs required as specifically authorized for public purpose by any law, statute, or ordinance.
- 19. Real Estate Signs
 - a. One (1) 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 illuminated.
 - b. In residential districts, such signs shall not exceed six (8) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
 - c. On corner lots, two signs, one facing each street or road, are approved.
 - d. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.
- 20. Temporary Event Signs pertaining to drives or events of civic, philanthropic, educational or religious organizations may be erected 60 days prior to the event and must be removed 15 days after the event.
- 21. Temporary Window Signs. In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs made with opaque materials, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.
- 22. Wall Sign. Background area of wall signs shall not exceed thirty (30) percent of the building façade on which sign is placed.

9.5 Signs Requiring a Permit

- 1. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and the sign structure.
- 3. It shall be unlawful for any person to erect, construct, enlarge or structurally modify any permanent sign in Business, Commercial or Agricultural A1 districts as covered in this ordinance, or cause the same to be done in the Town of Lincoln, without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this Ordinance.
- 4. It shall be unlawful for any person to erect, construct, enlarge or structurally modify any permanent, illuminated, animated, or changing message sign in any district as covered in this ordinance or cause the same to be done in the Town of Lincoln without first obtaining a conditional use permit for each such sign from the Zoning Administrator, as required by this Ordinance.
- 5. Application for a Permit. Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.
- 6. Permit Fees. Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign as established by the Town Board.

9.6 Signs Not Requiring a Permit

1. All Temporary signs, as covered by this ordinance, do not require a permit. These include:
 - a) Construction Signs
 - b) Holiday decorations
 - c) No Trespassing, Hunting or No Dumping Signs
 - d) Public Notices
 - e) Political and Campaign Signs
 - f) Real Estate Signs
 - g) Seed signs
 - h) Temporary Event Signs
 - i) Temporary Window Signs
2. Any permanent sign, as covered by this ordinance, which is erected in Residential or A2 Agricultural districts, do not require a permit. These include:
 - a) Awnings
 - b) Bulletin Boards
 - c) Directional and Instructional Non-Electric Sign
 - d) Government Signs
 - e) Home Occupation Signs
 - f) House Numbers and Name Plates
 - g) Memorial Signs and Plaques
 - h) Neighborhood Identification Signs
 - i) Public Signs
 - j) On-Premise Symbols or Insignia
 - k) Vehicular Signs

9.7 Sign Locations and Setbacks

1. All free standing, ground, seed, and portable signs shall be located within the sign owner's property lines.
2. Signs may not be located within the road right of way.
3. Signs shall meet all yard requirements of the zoning district.
4. Free-standing permanent signs less than ten (10) feet in height must have a minimum setback of ten (10) feet to right of way and adjacent property lines. Signs greater than ten (10) feet in height must observe a setback equal to or greater than the sign's height.
5. Only one (1) permanent ground sign shall be allowed in the front building setback per parcel.
6. Signs facing a Residential district must be set back a minimum of twenty-five (25) feet to that district line.
7. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

9.8 Safety, Repair and Maintenance Standards.

1. 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 replacement

of defective parts, painting except when a weathered or natural surface is intended, repainting, cleaning and other acts required for the maintenance of said sign.

2. The Zoning Administrator shall require compliance with all standards of this Ordinance. If any sign is not modified to comply with maintenance and safety standards outlined in this Ordinance, the Zoning Administrator shall require its removal in accordance with this section.
3. Mounting. All signs shall be mounted in one of the following manners:
 - a) Flat against a building or wall.
 - b) Copy covers both sides of the sign.
 - c) Back to back in pairs, so that back of sign will be screened from public view.
 - d) In clusters in an arrangement which will screen the back of the signs from public view.
 - e) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.
4. Projection. In Districts, where limitations are imposed by this Ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.
5. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property.
6. Removal of Obsolete, Non-maintained, or Abandoned Signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within thirty (30) days. Upon failure of such removal, the town shall remove such signs at the expense of the property owner.
7. Removal by Town. The Zoning Administrator shall cause to be removed any signs found to be non-compliant under this section under the provisions of Wis. Statutes 66.05. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Town of Lincoln 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.

9.9 Alteration and or Relocation of Existing Signs

No sign or billboard in the Town of Lincoln shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Ordinance. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this Ordinance.

9.10 Notification of Nonconformance

1. After enactment of this Ordinance the Zoning Administrator shall survey the Town of Lincoln to inventory all signs. Upon determination that a sign is nonconforming, the Zoning Administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - a. The sign's nonconformity.
 - b. Whether the sign is eligible for characterization as a legal nonconforming sign or is deemed unlawful.

2. Signs Eligible for Characterization as Legal Nonconforming

Any sign located within the Town of Lincoln on the date of adoption of this Ordinance, which does not conform with the provisions of this Ordinance is eligible for characterization 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 date of adoption of this Ordinance.
- b. 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 Ordinance.

3. Loss of Legal Nonconforming Status

A sign loses its nonconforming status if one or more of the following occurs:

- a. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance that it was before alteration.
- b. The sign is relocated.
- c. The sign fails to conform to the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
- d. On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Ordinance with a new permit secured, therefore, or shall be removed.

4. Legal Nonconforming Sign Maintenance and Repair

Nothing in this Ordinance 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 Ordinance regarding safety, maintenance, and repair of signs.

9.11 Penalty

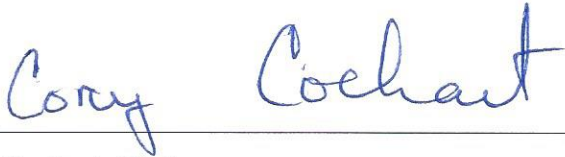
The remedies in this section for violations, or for failure to comply with the provisions of this Ordinance, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

1. Remedies. Violation or failure to comply with the provisions of this section is unlawful.

- a. Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Zoning Administrator may order removal or compliance within this section.
- b. Any person who shall violate any provision of this section shall, upon conviction, forfeit no less than ten (10) dollars, nor more than two hundred (200) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- c. This section shall not preclude the town from maintaining any appropriate action to prevent or remove a violation of this section.

Enacted this 3rd day of August, 2020 by the Town Board of Supervisors of the Town of Lincoln.


TOWN BOARD



Cory Cochart, Chairman

Jordan Nowak, Supervisor #1

(opposed)

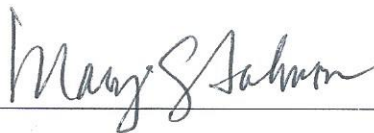


Jesse Jerabek, Supervisor #2

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this

3rd day of August, 2020



Mary Ann Salmon, Town Clerk