

TOWN OF GIBRALTAR ORDINANCE 2020- 04
SIGN ORDINANCE

Section 1: Title/Purpose.

This ordinance is entitled the Town of Gibraltar Sign Ordinance. The purpose of this ordinance is as follows:

- (1) Signs provide a medium through which individuals may convey a variety of messages.
- (2) Signs can: adversely affect public health, safety or welfare (e.g., signs that are structurally inadequate; signs that are indiscriminately placed; signs that obstruct views; signs that confuse or distract motorists, bicyclists or pedestrians; signs that interfere with official directional, regulatory or warning signs; and signs with inappropriate types of illumination); displace alternative uses for land; clutter the landscape; adversely affect aesthetic and visual resources; negatively impact (be a detriment to) property values; *and* pose other problems that legitimately calls for rigorous regulation.
- (3) The purpose of these regulations is to:
 - (a) Promote health, safety, morals, and general welfare.
 - (b) Further traffic (vehicle, pedestrian, and bicycle) safety and other public safety interests and goals.
 - (c) Preserve and enhance the aesthetic character of the Town of Gibraltar.
 - (d) Prevent, reduce, or eliminate blight.
 - (e) Protect property values.
 - (f) Regulate the color, condition, construction, duration (e.g., time restrictions on signs), form, height, illumination (e.g., distinguish between lighted and unlighted signs), location (e.g., distinguish between on-premise and off-premise signs, signs placed on private property and public property, and signs placed on commercial and residential property), maintenance, construction materials, movement, nature (e.g., distinguish between signs with fixed messages and electronic signs with messages that change), number (e.g., number of signs allowed per mile of roadway), portability, repair, size, and type of signs.
 - (g) Allow for adequate communication through signage, while mitigating or eliminating the negative impacts of signs.
 - (h) Reflect and support development patterns of the various zoning districts and comprehensive plan-designated core areas.
 - (i) Allow adequate and effective dimensional and other physical sign characteristics that protect public safety and provide for the needs of motorists and pedestrians where signs are viewed from a street or roadway.

(4) These regulations are to be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(5) If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article that can be given effect without the invalid provision.

Section 2: Authority

The Town Board of the Town of Gibraltar has the specific authority, powers and duties pursuant to Chapter 60, Wis. Stats., pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10, to regulate and control certain uses, activities and operations in the Town of Gibraltar.

The Town Board of the Town of Gibraltar has been granted village powers pursuant to Section 60.10 Wis. Stats.

Section 3: Substitution Clause.

Notwithstanding any provision of this chapter to the contrary, to the extent that this chapter allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this chapter.

Section 4: Applicability.

(1) Unless exempted below in (2), any sign altered, erected, located, maintained, moved, or reconstructed after the effective date of this chapter shall conform with all provisions of this chapter.

(2) Exemptions. The following are exempt from all provisions of this chapter:

(a) Municipally erected traffic and parking signs.

(b) Government and other official signs, including:

1. Directional and other official signs, as authorized and in accordance with §84.30(3)(a), Wis. Stats.; §Trans 201.05 Wis. Admin. Code; and Highway Maintenance Manual 09-05-01, Wisconsin Department of Transportation (WisDOT).

2. Tourist Oriented Directional signs, as authorized and in accordance with §86.196(1)(a), Wis. Stats., and §Trans 200.08, Wis. Admin. Code.

3. Guidance signs (white arrowboard signs) on State Highways 42 and 57, as authorized and in accordance with §Trans 200.03, Wis. Admin. Code.

4. Community wayfinding and trailblazing signs, as authorized and in accordance with 2-15-6, Traffic Engineering, Operations & Safety Manual, Wisconsin Department of Transportation (WisDOT).

5. Civic display signs and temporary banners, as authorized and in accordance with 13-12-1, Traffic Engineering, Operations, and Safety Manual, Wisconsin Department of Transportation (WisDOT).

(c) Signs and sign supporting structures located completely within an enclosed building, and not exposed to view from the outside.

(d) Seasonal, holiday, or other temporary decorations.

(e) Flags that have been adopted by the federal, state, or local government.

(g) Flags on lots with only a long-term residential use.

(h) Signs and sign supporting structures that cannot be seen from a public or private roadway right-of-way, public property, or navigable water.

Section 5: Prohibited. The following are unlawful and prohibited:

(1) Abandoned or discontinued signs.

(a) Any sign that has been abandoned or discontinued (See: §TRANS 201.10(2)(f), Wis. Admin. Code) shall be removed by the owner or lessee of the property upon which the sign is located, unless the sign's message is changed in compliance with this Ordinance. Such removal or change of message shall be completed within one (1) year of the date upon which it becomes an abandoned or discontinued sign.

(b) 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 or change its message in compliance with this Ordinance. Upon failure to comply with this notice, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties.

(2) Animated signs, flashing signs, or signs that scroll or flash text or graphics, except for government signs, traffic lights, signs, or signals. This prohibition shall include but not be limited to electronic, variable message, and multiple message signs.

(3) Inflatable devices or balloon signs.

(4) Interactive signs.

(5) Mechanical movement signs, including but not limited to revolving signs, propellers, and search lights.

(6) Off-premise signs, except for as otherwise exempted from this ordinance in s. 8.04(2), exemptions.

- (7) Reflective signs or signs containing mirrors.
- (8) Signs incorporating beacon lighting.
- (9) Signs placed on or over the roof of a building.
- (10) Signs that are painted or drawn on or affixed to rocks, trees, or other natural features.
- (11) Signs that have attached pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices that may move or swing as a result of wind pressure.
- (12) Signs that exhibit statements, words, or pictures of obscene or pornographic images, language, or subjects.
- (13) Signs that obscure or otherwise interfere with the effectiveness of an official traffic control sign, signal, or device.
- (14) Signs that are of a size, location, movement, coloring, or manner of illumination that may be confused with or construed as an official traffic control sign or device.
- (15) Signs that obstruct clear visibility of traffic along any public road or intersection of roads or driveways or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
- (16) Signs advertising activities that are illegal under federal, state, or local laws or regulations.
- (17) Signs that are structurally unsafe or in disrepair.
- (18) Signs that emit smoke, visible vapors, particulate matter, sounds, or odors or contain open flames.
- (19) Signs that prevent free ingress or egress from any door, window, or fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- (20) Vehicular signs. This prohibition does not include signs affixed, displayed, or painted on vehicles that are primarily and actively used for purposes of transportation.
- (21) Monochrome flags.
- (22) Portable signs.

Section 6: General Regulations.

- (1) Signs shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- (2) Materials. Signs shall be constructed out of wood or wood-like product. The town board may consider variances.

(3) Sign face area. Except as may be otherwise regulated elsewhere in this chapter, no sign face shall be more than 24 square feet in area.

(a) Sign area shall be measured as the entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles that can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

(b) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

(c) Two-face signs. Each face may be up to 24 square feet, except that when the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.

(4) Sign Placement.

(a) Signs shall pertain to an individual, entity, or activity conducted on the property upon which the sign is located and shall be located within the area bounded by the buildings, driveways, and parking areas in which the activity is conducted or within 50 feet of that area.

(b) No portion of a sign shall be located within or over a right-of-way, except for local arrowboard signs as may be allowed in Section 6 (7), local arrowboard signs.

(c) No freestanding sign shall be placed on or over a sidewalk.

(5) Sign illumination.

(a) (a) No sign may be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

(b) Illuminated signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

(c) Internal illumination, including neon lighting, must be static in intensity and color.

(d) External illumination shall be by a steady, stationary light source static in color; shielded; and directed either downward or solely at the sign.

(6) Freestanding Signs.

- (a) No freestanding sign shall be larger than six (6) square feet total.
- (b) Freestanding signs shall be located at least 5 feet from all side lot lines.
- (c) Sign spacing. The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

(7) Incidental signs.

- (a) Incidental signs that display general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public or private right-of-way are allowed in all zoning districts.
- (b) Incidental window signs displaying information such as hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information primarily oriented to pedestrians are allowed in all zoning districts.
- (c) An incidental sign shall not exceed 3 square feet in sign face area.
- (d) Incidental signs shall be informational only and shall not contain a commercial message.

(8) Local arrowboard signs.

- (a) Local arrowboard signs may be permitted where a change in travel direction is required. A local arrowboard sign that indicates that a use is straight ahead may be permitted only where the person seeking the use might normally follow a main travel route.
- (b) Local arrowboard signs may be allowed in road rights-of-way subject to approval from the government entity that controls the right-of-way.
- (c) Local arrowboard signs shall only be permitted in proximity of road intersections, but shall not obstruct clear visibility of traffic along any road or intersection of roads.
- (d) There may be a maximum of one local arrowboard assembly per intersection approach in the same direction of travel.
- (e) No more than one local arrowboard sign for an individual facility shall be permitted in each direction of travel.
- (f) Local arrowboard signs shall measure four (4) feet wide by eight (8) inches high.
- (g) Local arrowboard signs shall be white in color with black lettering.

(9) Signs indicating a limited duration or one-time event shall be subject to the following requirements:

- (a) No more than one such sign may be erected for each event.

(b) Each sign shall not exceed 6 square feet.

(c) The sign shall be removed within 7 days after the event has ended.

Section 7: Allowances and Restrictions by Use and Zoning District.

(1) If regulations in this section conflict with regulations elsewhere in this chapter, the more restrictive shall govern.

(2) The allowances outlined in this section are in addition to the allowances for:

(a) Incidental signs,

(b) Signs regarding limited duration or one-time events, and

(c) Items exempted from this chapter's regulations.

(3) Lots in any zoning district with only a long-term residential use shall be allowed one (1) freestanding sign, not to exceed six (6) square feet in area.

(4) Lots in any zoning district containing a long-term residential use with a home-based enterprise and no other business establishment shall be allowed the following:

(a) Up to two (2) freestanding signs, not to exceed six (6) square feet in area per sign.

(5) Lots with a business establishment in non-core Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, Small Estate Residential, Rural Residential, High Density Residential, Neighborhood Residential, or CI districts shall be allowed the following:

(a) Up to two (2) freestanding signs, provided one of the two is no larger than six (6) square feet and they are separated by a minimum of 15 feet, or one freestanding sign and one building sign.

(6) Lots with a business establishment in non-core Natural Area, Exclusive Agricultural, Prime Agricultural, General Agricultural, Countryside, Estate, and Conservation Area, Heartland-3.5, Heartland-5, Heartland-10, or Countryside 5 districts shall be allowed the following:

(a) Up to two (2) freestanding signs, provided they are separated by a minimum of 20 feet.

(b) Building signs, as follows:

1. No more than one (1) projecting sign is allowed per business establishment.

2. The sign face area of a wall sign shall not exceed 15 percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15 percent of the area of the side of the building to which they are attached.

(7) Core area lots in any zoning district with a business establishment and non-core area lots with a business establishment in Commercial Center, Mixed Use Commercial, Recreational Commercial, Light Industrial, Village Commercial, or General Commercial districts shall be allowed the following:

(a) Up to three (3) freestanding signs, provided they are separated by a minimum of 20 feet.

(b) Building signs, as follows:

1. No more than one (1) projecting sign is allowed per business establishment.

2. The sign face area of a wall sign shall not exceed 15 percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15 percent of the area of the side of the building to which they are attached.

Section 8: Nonconforming signs.

(1) Except as specified in sub. (2), nonconforming signs may continue provided that:

(a) The sign shall remain substantially the same.

(b) Only customary maintenance shall be allowed, unless the sign is destroyed.

(c) In the event a sign is destroyed, it may be replaced as it was prior to being destroyed provided that a county zoning sign permit is issued within twelve (12) months from the date of the damage to the sign.

(d) Any replacement of a sign face or sign supporting structure shall be with like materials.

(2) Non-conforming signs shall not be allowed any of the following:

(a) Substantial change.

(b) Any change not considered customary maintenance.

(c) Replacement of a sign face or sign supporting structure with dissimilar materials.

(d) The conversion from a one-face sign to a two-face sign.

Section 9. Penalties. Any person who shall violate any provision of this ordinance shall be subject to a forfeiture of \$200 plus costs for the first offense and shall be subject to a forfeiture up to \$500 plus costs for subsequent offenses.

Section 10. Effective Date. This ordinance shall be effective upon passage and publication.

Dated this 4th day of November, 2020.

Steve Sohns, Chairman

Bill Johnson, Supervisor

Tim Luetgen, Supervisor

Brian Merkel, Supervisor

Jayson Merkel, Supervisor

Attest:

Beth Hagen, Clerk

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