

DRAFT SIGN ORDINANCE FOR CITY OF MIDDLETON, DATED 7/9/09.
Substantial editing remains necessary. Key changes in this version can be found in Sections 22.08 (Sign area allowance) and 22.10 (Portable signs).

22.01 PURPOSE AND INTENT

The purpose of this Ordinance is to provide standards to safeguard life, health, and property and to promote the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereunder.

The Common Council and City Plan Commission of the City of Middleton find that the visual environment has an effect on the welfare of the citizens of Middleton and that careful control of signage can protect and enhance the community.

To carry out this general purpose, the regulations set forth herein are intended to:

- (1) Protect the public from hazards that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs.
- (2) Preserve the value of private property by assuring the compatibility of signs with nearby land uses.
- (3) Foster high quality commercial and industrial development and to enhance economic development of existing businesses and industries by promoting reasonable, orderly, attractive, and effective signs that meet the need for business identification, advertising and communication.
- (4) Encourage creative and well-designed signs that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive image in the city.
- (5) Recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances.
- (6) Provide applicants with clear and consistent rules and regulations.

22.02 DEFINITIONS

- 1) *Abandoned Sign*: Any sign remaining in place which for a period of ninety (90) consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this code.
- 2) *Attention-Attracting Device*: Any streamer, pennant, flag, propeller, inflatable sign, **statuary**, tethered balloon, portable sign, bunting, beacon, or other artificial device, figure,

shape, color, sound, light or exhibit, whether live, animated, or still, that is intended to attract attention to the use or business being conducted on the site. Attention-attractive device does not include flags of any governmental entity as defined in subsection ___.

- 3) *Awnings and canopies*: Awning and canopies are fabric, plastic or structural protective covers that project from the wall of a building which generally serve the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction. Canopies may also be free-standing. When signage is incorporated into these structures they shall be referred to as awning or canopy signs.
- 4) *Banner*: A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. A flag or canopy shall not be considered a banner.
- 5) *Beacon*: A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention.
- 6) *Changeable Copy Sign*: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign. A sign on which the message changes more than eight times a day or more than once per hour shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign.
- 7) *Construction Sign*. A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot upon which the sign sits and/or identifying the future use of the building or lot upon which the sign sits.
- 8) *Copy*: Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
- 9) *Directional Sign, On-Premise*: A sign without commercial message erected for the purpose of indicating the required or preferred direction of vehicular, bicycle, or pedestrian traffic on private property including, but not limited to “no parking”, “entrance”, “exit only”, “loading only”, and other similar signage.
- 10) *Directional Sign, Off-Premise*: Any sign without commercial message that is displayed for the purpose of informing people of or guiding people to a particular place for a specified event, including, but not limited to, an open house, garage sale, estate sale, or other similar event. The term “directional sign” shall be distinguished from the term “tourist-oriented directional sign” as used in Wis. Stats. §86.196.
- 11) *Directly Illuminated Sign*: Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

- 12) *Directory Sign*: A sign which serves as a common or collective identification for a group of persons or businesses operating on the same zoning lot. Such a sign commonly lists the tenants, occupants, floor plan, addresses, or suite numbers of an office complex, shopping center, or residential building complex.
- 13) *Electronic Variable Message Sign*: A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.
- 14) *Façade*: That portion of a building which is parallel or nearly parallel to the abutting roadway or parking lot.
- 15) *Flag*: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political, or private entity.
- 16) *Free-standing Sign*: Any sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a free-standing sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.
- 17) *Frontage*: The boundary of a lot that abuts a public right-of-way.
- 18) *Garage Sale Sign*: A sign advertising the sale of personal property including estate sales, yard sales or rummage sales used to dispose of personal household possessions.
- 19) *Government Sign*: Any sign erected by the City of Middleton or any other governmental entity in the exercise of official government business and authority.
- 20) *Hanging Sign*: A sign that is suspended from the underside of a surface and is supported by such surface.
- 21) *Indirectly Illuminated Sign*: A sign that is illuminated from a source outside of the actual sign.
- 22) *Lot*: Any piece or parcel of land, the boundaries of which have been established by some legal instrument of public record, that is recognized and intended as a unit for the purpose of a recordable transfer of ownership. Where two or more lots are lawfully subject to a single use or activity all such lots shall be considered a single lot.
- 23) *Memorial Sign*: A sign or tablet memorializing a person, event, place or structure.

- 24) *Menu Sign*: A permanent outdoor sign associated with restaurants with drive-through windows, car washes, or other businesses with drive-up services which gives a detailed list of food or services available.
- 25) *Monument Sign*: A free-standing sign having a monolithic base or support structure of any material measuring no less than half of the greatest width of the sign at any point.
- 26) *Non-Conforming Sign*: Any sign which was lawfully erected and displayed on **[clerk to insert effective date]**, but which does not conform to the requirements and limitations herein, or any sign which was lawfully erected and displayed on the effective date of any amendment to this Sign Code, but which does not conform to such amendment.
- 27) *Off-Premise Sign*: A sign that advertises, calls attention to, or identifies an occupant, business, or property situated on a different lot than the sign.
- 28) *On-Premise Sign*: A sign that advertises, calls attention to, or identifies an occupant, business, or property situated on the same lot as the sign.
- 29) *Pennant*: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- 30) *Permanent*: When used in reference to a sign means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is affixed to the ground or structure. Unless the context clearly dictates otherwise, the term “permanent” in this Chapter is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.
- 31) *Pole Sign*: A free-standing sign mounted upon a pole or pylon, or multiple poles or pylons, not meeting the definition of monument sign.
- 32) *Portable Sign*: Any sign not permanently attached to the ground that is designed to be easily moved by a single individual of ordinary ability from one location to another without mechanical assistance.
- 33) *Sign*: Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.
- 34) *Street Frontage*: The distance for which a lot boundary adjoins a single public street.
- 35) *Temporary Sign*: Any sign that is not a permanent sign..

36) *Wall Sign*: Any sign the back of which is attached flat against any part of a building or structure, or any sign painted upon any building or structure, or upon a window thereof.

37) *Window Sign*: Any sign located completely within an enclosed building and visible from a public way or placed upon a window.

22.03 APPLICABILITY. Unless specifically exempted, this Sign Code shall apply to any sign placed, erected, altered, maintained or relocated within the City that is plainly visible, although not necessarily legible, from any public right-of-way or any lot in ownership separate from the lot upon which the sign is located.

22.04 PERMIT REQUIRED.

- 1) *Generally*: It shall be unlawful for any person to place, erect, alter or relocate within the City, any sign to which this ordinance applies without first obtaining a permit. This subsection shall not be interpreted to require a permit for a change of copy on a changeable copy sign, repainting, cleaning, or other normal maintenance and repair of any existing sign and its structure as long as the sign copy does not change.
- 2) *Permit application requirements*: All applications for sign permits shall be made in writing on a form supplied by the City's Zoning Administrator. Such application shall be submitted with all required information provided and shall contain or have attached thereto the following information:
 - a. Date of Application.
 - b. Name, address, telephone number, and, if available, fax and email address, of the Applicant as well as of the person, firm, corporation, or association erecting the sign.
 - c. For all development requiring site plan review pursuant to section ___ of the City of Middleton Zoning Code, a scale drawing showing the existing and proposed location and dimensions of all buildings, structures, and signs on the subject property. For a free-standing sign, the drawing shall also indicate the following:
 - i. Distance of the sign from either the face of curb or sidewalk as well as the its location relative to other free-standing signs, driveways, fire hydrants, and any other features of a site that could be obscured by the sign.
 - ii. A landscaping plan around the base of the sign.
 - d. The configuration of the proposed sign listing the height, width, total square footage, proposed copy, method of construction and attachment, method of illumination and description of all electrical equipment, sign materials and colors, and at least one image showing the location of the proposed sign and its

relationship to either the building to which it is to be mounted or the surrounding lot if it is a free-standing sign.

- e. The total area and number of all signs by type on the subject property both before and after the installation of the proposed sign.
 - f. For temporary signs, applications must be accompanied by a signed, written statement acknowledging the ordinance requirements governing the duration of time during which the sign may be displayed.
 - g. Such other information as the City may require to ensure compliance with this Sign Ordinance and any other applicable laws.
 - h. Depending on the type of review procedure that is necessary to process the application, the applicant shall pay an application fee in an amount established by the City's currently adopted fee schedule ordinance at the time of application submittal.
- 3. *Application Processing / Review Procedure:*** It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the application for compliance with the requirements of this chapter. If the application is complete and the sign conforms to the basic requirements of the ordinance, the following actions shall be taken:
- a. If the sign is either a permanent sign of less than six (6) square feet in area or if it is a temporary sign that adheres to the requirements of this code, the Zoning Administrator may issue a permit without Plan Commission review and approval.
 - b. If the application is for approval of a Coordinated Sign Plan pursuant to **section** **_____**, is submitted with a Planned Development District application subject to Plan Commission review, or if the Zoning Administrator wishes to seek Plan Commission oversight due to the unusual nature of such signage, the Zoning Administrator shall review and make a recommendation to the Plan Commission.
 - c. Applications shall be approved or denied within thirty (30) days of the filing of a complete application or be deemed approved unless an extension of time for review is granted, in writing by the applicant. Where Plan Commission approval is necessary, and the Plan Commission cannot act within thirty (30) days Zoning Administrator shall be authorized to act on the application. Any decision of the Zoning Administrator may be appealed to the Plan Commission.
 - d. In the event that a permit is issued but the sign authorized by the permit is not placed, erected, altered or relocated within six (6) months after the issuance of the permit, the permit shall expire and be null and void.

4. *Permit Fee:*

The applicant shall pay a fee in an amount established in section _____.

22.05 DESIGN REVIEW CRITERIA

Signs shall meet the following criteria:

- 1) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
- 2) All signs shall be designed to fit the zoning and **status character** of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in Planned Development Districts, or in developments seeking coordinated sign plans, shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
- 3) Signs illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. Light levels must conform to zoning requirements. All signs must conform to the Sign Illumination standards in **Section 22.05(7)**.
- 4) The number of colors and materials of the sign should be kept to a minimum. Does this add anything – really depends doesn't it?
- 5) Landscape features shall be incorporated around the base of all free-standing signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.

22.06 GENERAL SIGN REGULATIONS

- 1) *Surface Area Calculation*: The sign surface area shall be calculated based on the area within the smallest single continuous rectilinear perimeter of not more than eight (8) straight lines encompassing all elements of the actual sign face including any writing, representation, emblems or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed, but excluding any support structure. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying design or symbols, together with any background of a different color than the natural color, or finish material of the building. Area of signs displaying copy on two parallel, back-to-back faces not separated by more than twelve **(12) inches** shall be calculated with reference to a single face only.

- 2) *Sign Location, Placement and Setback Requirements:* Except as provided elsewhere in this chapter, all signs shall be subject to the following requirements:
- a. Off-premises signs are prohibited.
 - b. Limitations Based on Building Setbacks:
 - i. In zoning districts where setbacks are required for building construction, no part of any permanent or temporary sign shall extend over a property line.
 - ii. In zoning districts where no front yard setbacks are required, a permanent sign attached to a building shall not project more than four (4) feet over the abutting public sidewalk or established street grade provided that the bottom of the sign components are located no less than eight (8) feet above the ground immediately beneath such sign. Any free-standing sign shall be located on the premises unless it is an authorized temporary sign for which a valid permit is in effect.
 - c. Signs on Public Property: No sign shall be located within or across any public right-of-way, or on any public property or utility pole, except for:
 - i. A sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public, or
 - ii. A sign erected in conformity with paragraph b. ii. of this subsection.
 - d. Safety of Motorists and Non-motorists:
 - i. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure the vision of motorists, or otherwise obstruct, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
 - ii. No sign may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, within 15 feet of the intersection of any circulation lane, driveway or alley, within the public right-of-way, or within the vision triangle if the sign exceeds a height of thirty (30) inches.
 - iii. No sign or structural components shall obstruct passage on a sidewalk or walkway.
 - e. Additional regulations pertaining to placement of all signs: Except for a sign erected by, or required by, a government agency or temporarily erected to protect the health and safety of the general public:
 - i. No sign shall be attached to a fence, tree, shrubbery, utility pole or like items on either public or private property, and no sign shall obstruct or obscure primary signs on adjacent premises.
 - ii. No sign shall be mounted upon any roof of any building or structure.
 - f. Americans with Disabilities Compliance: Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
- 3) *Construction and Structural Requirements:* Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe. Every sign shall be designed and constructed in conformity with the applicable provisions of the building code and shall be free of any exposed extra

bracing, angle iron, guy-wire, or cables. The base or support on all free-standing signs shall be securely anchored to an appropriately designed concrete base or footing which shall be not less than three (3) feet six (6) inches below the existing ground level.

- 4) *Load Requirements:* All signs and other advertising structures shall be designed and constructed to support the loads according to all applicable building regulations. In the case of conflicting requirements the more restrictive requirements shall apply. All signs shall be designed, constructed, and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area and shall be constructed to adequately support the dead load of the sign and any reasonably foreseeable live loads such as ice and snow.
- 5) *Installation:* All signs shall be properly secured, supported and braced. No sign or any part thereof, or anchor, brace, or guy-wire shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy-wire shall be erected or maintained which may cover or obstruct any door, doorway, or window of any building or which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire. All signs or attention-attracting devices shall be free of projections that could cause injury to a pedestrian and shall be installed in such a manner to avoid obstruction of a public sidewalk or street or portion thereof.
- 6) *Maintenance:* All signs, including nonconforming signs, and sign structures shall be maintained to preserve the appearance and structural integrity substantially identical to the new condition of the sign. Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands, upon notice of the Zoning Administrator or Code Compliance Manager, pursuant to Section ____.
- 7) *Sign Illumination:* All illuminated signs shall be subject to the following requirements:
 - a. *Electrical Permit:* All signs in which electrical wiring and connections are to be used shall comply with all applicable provisions of the State Electrical Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
 - b. *Voltage Displayed:* The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus.
 - c. *External Illumination:* A building or structure, along with signs, awnings and canopies attached to the building or structure, may be illuminated externally, provided that the light source is designed, located, shielded, and maintained in such a manner that it is fixed and not directly visible from any adjacent public rights-of-way or surrounding premises.
 - d. *Internal Illumination:* Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light

at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one (1) inch in width may be placed around said lettering or graphic elements.

- e. Brightness Limitation: In no instance shall the lighting intensity of any illuminated sign exceed:
 - i. Three (3) foot candles at the front lot line and one (1) foot at all other lot lines, measured three (3) feet above the surface of the ground.
 - ii. Seventy-five (75) footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign. When the sign is located on a lot adjoining a property used exclusively for residential purposes, this limit is reduced to fifty (50) foot candles.
 - f. Glare: All artificial illumination shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent public right-of-way or surrounding property.
 - g. Gooseneck and similar reflectors and lights shall be permitted on free-standing and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public right-of-way.
 - h. In no instance shall the sign be painted traffic yellow or construction zone orange. The use of metallic or fluorescent paint shall be prohibited.**
- 8) *Motion as a Component of a Sign*: No sign shall have any flashing, scintillating, traveling or blinking lights or rotating beacons, whether operated by electronic or mechanical means or wind driven, nor shall any flood, spot, or beacon utilize such actions to illuminate a sign. In addition, no beam of light shall be projected through a mechanism which periodically changes the color of the light reaching the sign.
- 9) *Attention-Attracting Devices*: The use of any attention-attracting device, as defined in this code, shall be allowed only by special permit for specific events not to exceed ten (10) days per issuance. No permit shall be granted for any premises more than four (4) times in any calendar year; or more than once in any three month period.
- 10) *Lots Having Multiple Street Frontages*: Businesses occupying corner lots, or having frontage(s) which are visible or accessible from more than one public right-of-way, may display up to two (2) permanent signs for the primary frontage pursuant to §22. __ of this code, and one additional building-mounted sign for each additional frontage provided that such additional sign may not exceed 50% of the area allowed by the primary frontage
- 11) *MUTCD Resemblance*: No Sign shall contain or resemble any MUTCD (Manual on Uniform Traffic Control Devices) compliant traffic control devices in size, shape, message, or color.

22.07 REGULATIONS PERTAINING TO SPECIFIC SIGN TYPES (needs to be synced with 22.08)

In addition to adhering the Definitions and General Sign Regulations, any sign installed in the City shall conform to any regulations governing the specific type of sign.

1) Wall Signs:

- a. Number: No building occupant shall display more than two wall signs per street frontage.
- b. Surface Area:
 - i. Notwithstanding total permitted sign area under section ____, no wall sign shall exceed one hundred (100) square feet in area.
 - ii. The total permitted sign surface area of all wall signs on a façade shall not exceed ten (10) percent of the total building façade area facing an abutting public street.
 - iii. The permitted sign surface area for individual wall signs on a façade may be increased by twenty (20) percent when both of the following standards are met:
 1. The sign consists only of individual alphabetic, numeric and/or symbolic characters without background except that provided by the building surface to which the signs are to be affixed, and
 2. The sign is not illuminated other than through internal illumination, shielded silhouette lighting or shielded spot lighting, where the light source is neither visible nor exposed.
 3. The increased sign area does not exceed the maximum permitted sign area for the lot.
- c. Location: Wall signs shall be mounted parallel to building walls and only on a portion of an exterior wall that is coterminous with the occupancy to which the sign refers. No wall sign shall extend above or beyond the wall to which it is attached.
- d. Height, Projection: A wall sign may project up to six (6) inches, and any illuminating device or structural component an additional six (6) inches, beyond the plane of the wall to which these components are attached. These allowances may each be increased by another twelve (12) inches if the bottom of the sign components is no less than eight (8) feet above the ground immediately beneath the sign.
- e. Installation Requirements: No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestration, or ornamental detailing on any building. All mounting brackets and other hardware used to affix a sign to a wall as well as all electrical service hardware and equipment shall be concealed by architectural elements of the building or the sign itself.

2) Free-Standing Signs:

- a. Number: There shall be no more than one (1) free-standing sign for each street on which the property has frontage. No single business or building occupant shall be

allowed signage on both an individual free-standing sign and a free-standing directory sign on the same street frontage. On premises having no principal building, there shall be no more than one (1) free-standing sign for the premises.

- b. Surface Area: Notwithstanding total permitted sign area under Section ____, no free-standing sign shall exceed eighty (80) square feet in surface area.
- c. Type of sign: Any permanent free-standing sign shall be erected as a monument sign. Pole signs are prohibited unless the pole portion of the sign is enclosed in a shroud that
- d. Location: Free-standing signs shall be placed with consideration for visibility, access, maintenance, and safety. Such signs shall be located, whenever possible, beyond setbacks required by the zoning ordinance or areas setback from the property lines by at least the height of the sign. In no case shall a free-standing sign, as defined in this ordinance, extend beyond a lot line of a property. A free-standing sign larger than 6 sq. ft. shall be located no closer than 100 feet of another free-standing sign or the furthest distance possible from another free-standing sign whichever distance is shorter.
- e. Height:
 - i. The height of a free-standing sign shall be measured from the ground level at the base of the sign or the elevation of the street upon which the sign faces, whichever is lower, to the top of the highest attached component of the sign.
 - ii. A free-standing sign shall be mounted on a base not to exceed four (4) feet in height.
 - iii. No free-standing sign shall stand taller than twelve (12) feet.
 - iv. No free-standing sign shall be taller than the principal building on the premises to which it pertains.
- f. Landscaping: Perennial plantings and other landscaping features shall be incorporated around the base of all free-standing signs.

3) Window Signs:

- a. Location: All window signs must be located inside an exterior window. Lettering or graphic elements that are directly mounted on a window shall not encroach upon the frame, mullions, or other supporting features of the glass.
- b. Permanent signs: When a sign is painted on or otherwise attached or applied to the window area in a permanent manner, then such sign shall be included in the total allowable sign area for the building and shall not exceed twenty (20) percent of the total ground-floor window area of the building, excluding the door windows. All permanent window signs which have their lettering or graphic elements directly on the glazing shall be painted, metal leafed, vinyl transferred, or in some other manner permanently applied to the interior side of the glass of an exterior building window or door. No application using a temporary adhesive shall be permitted unless the Zoning Administrator determines the application to be reasonably safe.
- c. Temporary Signs: Signs advertising sales and specials shall not exceed 50 percent of the total ground-floor window area of any building, excluding the door

windows. Such signs must be displayed in conformance with the temporary sign regulations listed in Sec. 22.10.

4) Electronic Variable Message Signs:

- a. Surface Area: The areas of electronic variable message signs capable of displaying copy shall not exceed forty (40) square feet and shall be included within the maximum aggregate sign surface area for the premises.
- b. Length of Cycle: The total length of the information cycle shall not be shorter than six (6) seconds. Electronic variable message sign signs may not display traveling messages or similar actions that convey motion as defined in Sec. 22.05(9).
- c. Brightness Adjustment: An electronic variable message sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. **(NEED TO REFER TO SOME MAXIMUM LIGHT LEVEL: e.g., 5,000 NITS (candelas per square meter) during daylight hours, and 500 NITS between dusk and dawn— CONVERTED TO FOOT CANDLES?)**
- d. Maintenance: Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

5) Canopy and Awning Signs:

- a. Surface Area: The sign surface area of a canopy or awning sign shall not exceed fifteen (15) percent of the area of the vertical section of the canopies and awnings. The area of the vertical section of the canopies and awnings is calculated as the difference between the highest and lowest point on the canopy or awning multiplied by the length of the canopy or awning measured parallel to the façade upon which it is attached.
- b. Location:
 - i. Canopies and awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than eight (8) feet, and the lowest portion of the descending skirt shall be not less than seven (7) feet above the level of the sidewalk or public thoroughfare.
 - ii. No portion of the canopy or awning sign shall extend above or beyond the canopy or awning upon which it is attached. However, a sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
 - iii. Awnings shall not project more than thirty-six (36) inches out from the building upon which they are attached, nor extend out from the building beyond the extension of the awnings on adjoining buildings.
- c. Installation Requirements: To preserve the architectural integrity of a building, no canopy or awning, and no canopy or awning sign, shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations or ornamental detailing.

- d. Illumination: Awnings and canopies may be illuminated where the following conditions are maintained:
 - i. Both interior type strip lighting and exterior type goose neck lighting is permitted, not exceeding a maximum light level of 18 foot candles measured three (3) feet from the perpendicular to the light source.
 - ii. The bottom of any illuminated awning or canopy shall be enclosed.
 - iii. The provisions of Sec. 22.05(7) are satisfied.
 - e. Materials: Canopy and awning signs shall be made of either the material with which the canopy or awning is covered or other water proof materials affixed flush to the face of the canopy or awning, or be painted directly on the awning or canopy material with weather-resistant paint.
- 6) Hanging Signs. A sign up to four (4) square feet in area may be suspended above a walkway near a primary building entrance so long as it and its structural components are no less than eight (8) feet above the ground immediately beneath the sign.
- 7) Directory Signs. In addition to the building-mounted signs permitted for each separate occupant, up to one (1) free-standing identification sign may be displayed on a commercial lot where there are two or more occupants. The permitted sign surface area of said sign shall not exceed one hundred and twenty (120) square feet. Said identification sign shall conform to all of the regulations for individual sign types found elsewhere in this chapter, except that the surface area of any portion of the sign identifying a particular occupant shall be counted as part of the maximum sign area allowed for that occupant. Individual occupants may not display their own free-standing signs.
- 8) Directional and Information Signs. On-premise directional and information signs may be placed on private property near driveway entrances, at building entrances, and in parking lots and loading areas where reasonably necessary. Each such sign shall be located on-premise and shall adhere to the regulations pertaining to vision triangles and other setbacks as defined in Sec. 22.05. Such signage shall be considered exempt from the total signage calculation for the premises as long as all the following standards are met:
- a. Such signage does not serve an additional advertising purpose.
 - b. There are no more than three (3) directional signs per lot, in addition to one (1) per driveway entrance/exit.
 - c. Surface area per sign shall not exceed four (4) square feet in area.
 - d. Logos shall not exceed two (2) square feet in area per sign.
 - e. Sign height does not exceed three (3) feet above ground elevation at base of sign.
- 9) Community Information Signs. Community information signs are regulated as follows:
- a. Such sign shall be permitted as a conditional use within all zoning districts. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the City may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this chapter. Upon revocation, the owner of such sign shall have thirty (30) days to remove the sign at the owner's expense.

- b. Such sign shall only display information regarding events in, and information of general interest to the residents of, the City of Middleton. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.
 - c. Such sign shall not be counted as adding to the area of signage permitted on the subject property.
- 10) Flags. The following regulations apply to all flags displayed on private property:
- a. Flags may only be flown from flagpoles.
 - b. Maximum number of flagpoles for any lot is three (3).
 - c. Maximum height of any flagpole is fifty (50) feet.
 - d. Maximum number of flags per lot is four (4).
 - e. Maximum area of any flag shall be forty (40) square feet.
 - f. Flags representing a private entity, including corporate or business flags, shall be included within the maximum sign area total for the site.

22.08 LIMITATIONS ACCORDING TO TYPE OF LAND USES / OCCUPANCIES

(This language is based largely on Sun Prairie's code. This section needs to be synced with 22.07)

Other than Exempt signs, no permanent or temporary signs shall be displayed except the following:

- 1) Residential zoning districts:
 - a. For lots where at least four (4) but less than sixteen (16) dwelling units are contained within one residential structure, one sign up to twelve (12) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
 - b. For lots where sixteen (16) or more dwelling units are contained within one residential structure, one sign up to thirty-two (32) square feet may be displayed to advertise the sale or rental of the premises or any part thereof.
- 2) Commercial or Industrial zoning districts:
 - a. Maximum Number of Permanent Signs. The maximum permitted number of permanent signs per lot is computed with a total allowable number of freestanding signs and a total allowable number of wall and projecting signs calculated independently. The maximum number of signs per lot is defined as the sum of these two calculations.
 - i. Freestanding Signs. A maximum of one freestanding sign is allowed per continuous nonresidential lot frontage up to a maximum of two per lot. One additional freestanding sign per lot frontage may be allowed for any lot frontage over one thousand (1,000) linear feet.
 - ii. Wall and Projecting Signs. A maximum of two wall signs, one of which may be a projecting sign if located in the B4 zoning district, are allowed per each facade facing a nonresidential lot frontage.
 - iii. Window Signs. A maximum of two (2) permanent window signs totaling less than 20% of the window area as provided in Section 22.06.

- iv. Corporate flags as provided in Section 22.06.
 - b. Maximum Sign Area of Individual Signs. The maximum permitted sign area of an individual sign is computed based on the type of sign as follows:
 - i. Freestanding Signs. The maximum permitted area of individual freestanding signs shall be equal to one and one half square feet of sign area for every one linear foot of nonresidential lot frontage up to a maximum of eighty (80) square feet per sign. Sign area not used along one street frontage shall not be assigned to another lot frontage. See sign area calculation, Section ____.
 - ii. Wall **and Projecting** Signs. The maximum permitted area of an individual wall or projecting sign for an individual tenant or building facade shall be equal to **seven percent (7%)** of the building facade, or portion thereof assigned to a tenant up to a maximum of three hundred fifty (350) square feet per facade. This maximum also applies to the two allowable signs per facade or tenant, therefore only one such sign will be allowed if the maximum allowable sign area is used in a single sign. Multi-tenant buildings shall be computed on an individual tenant basis with the sign area percentage calculated based on the tenant's facade. Sign area not used by one tenant shall not be assigned to another tenant or building unless outlined in an approved Coordinated Sign Plan per Section 22:09. See also sign area calculation, Section ____.
 - iii. The total signed area per business shall not exceed one hundred fifty (150) square feet.
 - c. Temporary or Portable Signs. In addition to the permanent signs above, a permit shall be obtained prior to displaying any of the signs authorized by Sec. 22.09.
- 3) Planned Development Districts. No sign shall be displayed except a sign authorized by the Plan Commission and included in the Specific Implementation Plan pertaining to the site. In the absence of SIP guidelines and references, the sign must comply with the regulations pertaining to commercial occupancies.
- 4) Conservancies, Parks, and Agricultural Areas. No sign shall be permitted except those installed by direction of the Park, Recreation and Forestry Commission for conservancy, recreation, and related purposes.

22.09 COORDINATED SIGN PLANS

- 1) *Purpose:* Multi-tenant developments such as shopping malls, due to the varying occupant's need for signage and the potential for unique architecture and placement of different occupancies as they relate to street frontages, can create challenges to the applicability of sign regulations and the fair distribution of permitted square footage for occupants. This section is intended to define how signage permitted under this code will be distributed among the different occupancies available in the development.
- 2) *Applicability:* A coordinated sign plan shall be required of an applicant for all commercial multi-tenant developments where different occupancies will compete for permitted square footage on a single lot.
- 3) *Submission Requirements:* An application for coordinated sign plan approval shall be submitted to the Zoning Administrator and shall include:

- a) A plot plan, dimensioned, showing the location of the building, structure, and lot upon which the proposed sign is to be attached or erected.
- b) Location of buildings, parking lots, driveways, and landscaped areas on the lot.
- c) A table or tables containing:
 - i) Computation of the maximum total sign area.
 - ii) Maximum area for individual signs.
 - iii) Height and number of free-standing signs.
 - iv) Statement of the maximum total sign area and maximum number of signs permitted on the site by this sign code.
- d) An accurate indication on the plot plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated temporary signs.
- e) A description and illustration of the following may be required:
 - i) Colors and materials to be used in sign construction.
 - ii) Style of lettering for all signs.
 - iii) Appearance/location of logos or icons.
 - iv) Location of each sign on the building(s), with building elevations if necessary.
 - v) All sign proportions.
 - vi) Types of illumination.
- 4) *Procedures*: A coordinated sign plan shall be approved by the Plan Commission following the same procedure described in §22.____.
- 5) *Amendment*: A coordinated sign plan may be amended by filing a new coordinated sign plan, in conformance with the requirements of the Sign Code in effect at that time, to be approved by the Plan Commission.
- 6) *Binding Effect*:
 - a) After approval of a coordinated sign plan, no permanent sign shall be erected, placed, painted or maintained by the property owner or any buyer, tenant, subtenant, assignee, employee, agent or other party in use of the subject property except in conformance with

such plan without obtaining a sign permit pursuant to §22.____ and in conformance with the coordinated sign plan.

- b) If the Plan Commission has approved a coordinated sign plan with flexible criteria pursuant to §22.____, the Zoning Administrator is authorized to approve, through the standard sign permit approval process, sign applications in conformance with the coordinated sign plan, but only to the extent that the application is in conformance with the coordinated sign plan.
- c) A coordinated sign plan shall be enforced in the same manner as any other provision of this sign code.

22.10 TEMPORARY AND PORTABLE SIGNS

1) *General Requirements:* Temporary signs shall conform to the following standards:

- a. Permit Required: No temporary sign may be displayed without a valid temporary sign permit.
- b. Number: There shall not be more than two (2) temporary signs displayed on a lot at any time.
- c. Surface Area: The maximum area of all temporary signs displayed shall be a combined total of twenty-four (24) square-feet.
- d. Location: Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or event is to occur. Temporary signs may be banners, wall signs, window signs or displays, or free-standing signs and shall conform to all applicable provisions of this chapter. No temporary sign may be placed off-premise unless specifically allowed in this section.
- e. Time Limitations: A temporary sign shall be erected and maintained for a period not to exceed twenty-one (21) days, and shall be removed within three (3) days of termination of the activity, service, project, sale, or event to which the sign pertains. Up to two temporary signs may be displayed concurrently only once every three (3) months. A portable sign for which a valid sign permit is in effect shall not be subject to this provision.
- f. Installation Requirements: All temporary signs shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety as determined by the Zoning Administrator.

2) *Portable Signs:* In addition to the General Regulations pertaining to temporary signs, the following standards pertain to portable signs:

- a. Permit Required: An annual sign permit shall be issued before a portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.

- b. Construction: A sign shall be manufactured to a professional standard or construction, finish and graphics. A sign shall be fabricated of sign grade wood or metal and be free standing and self supported, but not mounted to wheels.
- c. Size and Design Regulations:
 - i. A portable sign shall not exceed twelve (12) square feet in surface area,
 - ii. Sign shall be no more than four (4) feet in height.
 - iii. The sign shall not exceed three (3) feet measured at the widest point of the sign face.
 - iv. The sign shall not occupy a footprint greater than eighteen (18) square feet.
 - v. No appendages to such sign and its structure are permitted, including but not limited to balloons, streamers, pennants, etc.
 - vi. The sign's face used for a chalk or dry-erase board shall not exceed fifty percent (50%) of the sign face surface area.
- d. Number: One portable sign may be displayed per business or occupant in any commercial or industrial area or Planned Development District subject to the standards defined in this chapter.
- e. Location: A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except such a sign may be located in the public right-of-way in front of the premises only in zoning districts where no front setback is required.
- f. Placement: A portable sign may only be placed only along sidewalks where a minimum five (5) foot wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb. Whether the placement of said sign obstructs access to any of the foregoing shall be the determination of the building inspector. A portable sign may not be attached, chained or in any manner affixed to public property including street trees. The sign shall not obstruct the clear view of any traffic signal, regulatory sign or street sign. No portable sign shall be located closer than 10 feet to any other portable sign. Portable signs shall not be located directly adjacent to a bus stop or transit vehicle, shall not obstruct drivers' sight lines, nor be placed less than twenty-five (25) feet from a street intersection or ten (10) feet from a crosswalk. Portable signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sign shall be maintained free of snow and must be placed on solid ground at all times. Portable signs shall not be placed on top of snow banks.
- g. Time Limitations and Removal: A portable sign may be displayed only during business hours. Such sign must be removed and stored inside the premises during times when the business is not open to the public.
- h. Enforcement. It shall be assumed that portable signs located within the public right-of-way are a privilege and not a right. The city shall have the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which the placement of portable signs is prohibited. Furthermore, the sign permit may be revoked by the building inspector following notice of the permittee. The permit may be revoked if one or more conditions outlined in this section have been violated, or if the sign is determined to

constitute a public nuisance not specifically outlined in this section. Following the revocation of the sign permit, no application for the same site shall be filed within one hundred eighty (180) days from the date of revocation. The permittee has a right to appeal the decision of the building inspector within thirty (30) days of issuance of a revocation notice. Appeals must follow the procedures outlined in Chapter _____.

- i. Indemnification: Where a temporary, portable sign is permitted in the public right-of-way, the owner/lessee/lessor of the business to which a permit has been issued and the property owner shall agree in writing to hold the city harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of fifty thousand dollars (\$50,000.00) with the city as additional named insured or otherwise as determined by the city administrator or their designee.
 - j. Permit Fee. The permit for a sandwich board sign will be twenty-five dollars (\$25.00), and must be renewed annually on the first of January.
- 3) *Window Signs:* Temporary signs or displays that exceed 50 percent of the total ground-floor window area of any building, excluding the door windows, shall be considered temporary signs and shall be subject to the General Requirements of this section, with the exception of the surface area and number limitations.

22.11 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT

The following signs do not require a permit to be issued by the City of Middleton and they do not count as part of the specific sign area allowed to be displayed on a particular property, but these signs must adhere to all other applicable sections of this ordinance and all other applicable State and Federal regulations:

- 1) Address and nameplates. Address and name plates not exceeding three (3) square feet in area.
- 2) Athletic scoreboards on bona fide athletic fields.
- 3) Construction signs. One (1) construction sign per street frontage, when placed on the property where work is in progress. Such signs shall not be erected prior to the beginning of work for which a valid building permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the building permit, whichever is sooner. Construction signs in residential zoning districts shall not exceed thirty-two (32) square feet. Construction sign area for commercial, industrial, multi-family, or planned development uses on parcels less than 100,000 square feet shall not exceed sixty four (64) square feet; and on parcels greater than 100,000 square feet shall not exceed ninety six (96) square feet.
- 4) Directional signs. Directional signs that comply with the provisions of Sec. 22.06.
- 5) Flags. Flags that comply with the provisions of Sec. 22.06(10).

- 6) Garage sale and estate sale signs. Signs advertising a garage sale not exceeding four (4) square feet in area, displayed for a period of not more than seventy-two (72) hours at one time and no more than twice in any one year period. Up to three (3) residential garage sale signs may be displayed, two (2) of which may be displayed off property in the public right-of-way. The City reserves the right to remove such signs from the right-of-way at any time. Any such sign placed on private property must have the consent of the property owner on whose property such sign is displayed. Such signs may be displayed only during the hours that the advertised activity is to take place and they must be free-standing.
- 7) Government signs.
- 8) Holiday signs and decorations when located on private property, or with the approval of the Common Council if on public property. In addition, any sign in the nature of a decoration, identification or direction, incidentally and customarily associated with any national or religious holiday or any civic festival, fair or similar gathering, held during a period of ten (10) days or less in any year, provided such sign shall not differ substantially from the requirements set forth in this Ordinance.
- 9) Home occupation signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated, flush-mounted, and shall not exceed two (2) square feet in area.
- 10) Memorial signs. Any non-commercial sign in the nature of a cornerstone, commemorative, or historical tablet or landmark designation plaque.
- 11) Menu board signs up to fifteen (15) square feet in area and six (6) feet in height, provided they are located within fifteen (15) feet of a building and in a manner such that the copy is not readily viewable from the public right-of-way. When a site directly abuts a residentially zoned and used site, a menu board shall be set back at least 50 feet from the residential property line.
- 12) Non-commercial messages. One sign per parcel carrying any lawful non-commercial message not exceeding eleven (11) square feet in area except in Agricultural areas where they may be up to fifteen (15) square feet. Larger non-commercial signs shall be allowed according to permit standards set forth in Section 22.____ and will count toward the total signage area for the parcel upon which it is located.
- 13) Political and Election signs. Signs promoting a candidate or position on an issue for an upcoming election may not exceed eleven (11) square feet in area. Signs shall not be erected prior to the election campaign period as defined by Wis. Stats. §12.04(1)(a) and must be removed within seven (7) days after the election date.
- 14) Real estate signs advertising individual lots. One (1) non-illuminated “for sale” or “for rent” sign per street frontage of a lot, not to exceed nine (9) square feet in area for residential properties or twelve (12) square feet for commercial and industrial

properties. Up to two (2) signs directing traffic to “open houses”, each sign no more than six (6) square feet in area, may be installed off property after obtaining the consent of the property owner on whose property such sign is to be displayed, or they may be displayed in the public right-of-way. The City reserves the right to remove such signs from the right-of-way at any time. These off property directional signs may be displayed only during the hours that the advertised activity is to take place, and they must be a self-supporting type sign. Real estate signs advertising sites of five (5) acres or more are allowed one (1) sign per street frontage, not to exceed thirty two (32) square feet in area per sign.

- 15) Real estate signs advertising non-residential grouped development or multi-tenant buildings. For each group development or multi-tenant building containing nonresidential land uses, a maximum of two (2) signs, one per each nonresidential street frontage, may be displayed up to a maximum of thirty-two (32) square feet in area for each sign to advertise the initial sale and leasing of the premises. Real estate group signs shall be permitted only for the initial lease/sale period and shall be removed when eighty percent (80%) of the structure or lands are initially sold or leased. Signs advertising sale or lease after such time shall conform to the requirements of sub (16) of this section.
- 16) Real estate subdivision signs. For each real estate subdivision that has been approved in accordance with the City of Middleton land division regulations, a maximum of two (2) temporary development project identification signs may be located on some portion of the subject subdivision but in compliance with vision clearance triangle requirements. Each such sign shall be not more than thirty-two (32) square feet in area. One additional similar sign shall be permitted for each one hundred (100) lots in the subdivision in excess of one hundred (100) lots. These signs may be displayed until a time at which building permits have been issued for eighty percent (80%) of the lots in the subdivision. Signs advertising sale or lease after such time shall conform to the requirements of sub (16) of this section.
- 17) Utility company signs that serve as an aid to public safety or that show the location of facilities such as public telephones and underground cables only to the extent necessary to accomplish those goals.
- 18) Window signs and displays that are of a temporary nature such as for advertising sales and specials and that do not cover more than fifty percent (50%) of the total ground-floor window area of any building, excluding the door windows. Merchandise and pictures or models of products or services incorporated in a window display are not considered signs. Any sign placed on the outside of a window shall be considered a permanent sign that requires a sign permit.

22.12 PROHIBITED SIGNS

The following signs are expressly prohibited in the City of Middleton:

- 1) *Abandoned Signs.*
- 2) *Off-Premise Signs:*
- 3) Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise permitted under this code.
- 4) *Beacons*, unless authorized for use by the City of Middleton or any other governmental entity in the exercise of official government business and authority.

22.13 LEGAL NON-CONFORMING SIGN REGULATIONS

Any legal non-conforming sign may continue to be displayed whenever it is damaged by fire, flood, explosion, earthquake, war, riot, or act of God. A legal, non-conforming sign that has deteriorated due to lack of regular maintenance to the point where it has lost fifty (50) percent or more of its replacement value shall lose its legal non-conforming status. Whenever it is desired to change or alter the principal content or message of an existing non-conforming sign, such as the name of the business or product, such alteration shall constitute a major change and the sign shall be made to conform and comply with the provisions of this ordinance.

22.14 VARIANCES AND APPEALS

1) *Variances.* It is recognized that circumstances may exist from time to time where strict application of the size, location and type of sign standards hereinafter specified for the various zoning districts may be unreasonable or where literal enforcement of the regulations may work a hardship on the applicant. Variations from the standards are, therefore, permitted by issuance of a Variance by the Plan Commission that such extenuating circumstances exist. Variances shall be considered as follows:

- a) *Application:* Whenever this ordinance authorizes a Variance, an application shall be filed with the Zoning Administrator, together with the filing fee, pursuant to §22.__. Said application shall include all requirements outlined in §22.__, plus a statement of any additional information necessary to determine whether a variance may be granted.
- b) *Referral to Plan Commission:* The application and related file shall be referred to the Plan Commission within fifteen (15) days of the date of filing. The Plan Commission may thereupon set a date for a public hearing to be held before it, and shall cause a notice thereof to be published once in the official newspaper at least one (1) week before the hearing date. Upon being advised by the Secretary of the Plan Commission of the date of the hearing, the City Clerk shall mail a copy of the notice of hearing at least one week prior thereto to the owners of all lands, as shown on the last assessment roll, lying within 200 feet of the parcel of land on which the proposed sign is to be erected. The failure of the Clerk to notify every owner, provided such failure was not intentional, shall not invalidate

any action by the Plan Commission, it being the intention of this section to provide so far as reasonably possible for those persons substantially interested to be heard relative to the application if it is their desire to do so.

- c) *Plan Commission Action:* Following the public hearing, the Plan Commission shall consider the effects of the proposed sign upon the health, safety, and welfare of the citizens of Middleton and the residents of the immediate neighborhood and the entity requesting the Variance. Should the Plan commission find all of the conditions satisfactorily met, it shall grant the permit, subject to such limitations as it shall impose within the authority hereinabove granted to it.
- d) *Appeals:* The decision of the Plan Commission may be appealed by any interested party. Such an appeal of a Plan Commission decision may be made to the Common Council.

2) *Appeals.* An applicant may appeal any decision of the Zoning Administrator to the Plan Commission to determine whether the decision was authorized by law. An applicant may appeal any decision of the Plan Commission to the Common Council to determine whether its decision was authorized by law.

22.14 VIOLATIONS

- 1) It shall be unlawful and a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this section. In the case of any such violation, each twenty four (24) hour period in which such violation exists shall constitute a separate violation.
- 2) Any and all signs, erected, altered, or maintained in violation of this section, or any of the clauses provisions of the same, or in violation of any of the laws or ordinances of the City and/or the State of Wisconsin, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Zoning Administrator.

22.15 PENALTY

Any person who shall fail to comply with any of the provisions of this chapter shall be subject to a penalty as prescribed by §30.04 of this Code.

22.16 ENFORCEMENT

- 1) If the Zoning Administrator, Building Inspector, Electrical Inspector, or Code Compliance Manager finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof of

the person entitled to possession of the sign and the owner of the real estate upon which the sign is located.

- 2) Said letter shall notify the owner or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this section within fifteen (15) days of such notification.
- 3) In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice within the fifteen (15) day period specified herein, the Zoning Administrator, Building Inspector, Electrical Inspector, or Code Compliance Manager may file an appropriate citation or complaint in an appropriate court of law and/or take whatever other legal action may be necessary to cause such sign to be altered or removed including. If a sign is considered abandoned, the City, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to Wis. Stats. §66.0627.

22.17 SEVERABILITY AND CONFLICT

- 1) *Severability*: The provisions of this ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
 - 2) *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.
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