

Judiciary

8. **Ordinance 1652-2019** to annex land located in the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Section 32, Township 17 North, Range 7 West from the Town of Onalaska to the City of Onalaska (Wessel Annexation)
(Third and Final Reading)
9. **Ordinance 1653-2019** to amend Section 2-5-4 of the Code of Ordinance of the City of Onalaska relating to specific conflicts of interest (Third and Final Reading)
10. **Ordinance 1654-2019** to annex land located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ in Section 2, Township 16 North, Range 7 West from the Town of Medary to the City of Onalaska (Phillips Annexation)
(First and Second Reading)
11. **Ordinance 1655-2019** to create Chapter 1 of Title 16 of the Code of Ordinances of the City of Onalaska relating to property maintenance (First and Second Reading)
12. **Ordinance 1656-2019** to create Title 14 of the Code of Ordinances of the City of Onalaska relating to signs
(First and Second Reading)

Adjournment

PACKET: 02966 License Packet Oct Operators

SEQUENCE: License #



ID	PERIOD	-----NAME-----		LICENSE CODE
00211	9/11/19- 6/30/21	KUESTER	KENNETH	OPRATOR OPERATORS - 2 YEAR
01938	9/11/19- 6/30/21	DEARMAN	DYLAN	OPRATOR OPERATORS - 2 YEAR
02405	9/11/19- 6/30/21	MUELLER	ERICH	OPRATOR OPERATORS - 2 YEAR
02427	9/11/19- 6/30/21	ROHDE	ALYSSA	OPRATOR OPERATORS - 2 YEAR
03225	9/11/19- 6/30/21	SCHULTZ	JUSTINE	OPRATOR OPERATORS - 2 YEAR
03973	9/11/19- 6/30/21	ROSENTHAL	LAURA	OPRATOR OPERATORS - 2 YEAR
03975	9/11/19- 6/30/21	SCHMIDT	RONALD	OPRATOR OPERATORS - 2 YEAR
05909	9/04/19- 6/30/21	ROSSON	CRYSTAL	OPRATOR OPERATORS - 2 YEAR
05914	9/06/19- 6/30/21	CERENAS	MARCOS	OPRATOR OPERATORS - 2 YEAR
05921	9/11/19- 6/30/21	FORT	MICHAEL	OPRATOR OPERATORS - 2 YEAR
05925	9/12/19- 6/30/21	PRICE	CARENA	OPRATOR OPERATORS - 2 YEAR
05926	9/12/19- 6/30/21	KIMBALL	ANGELA	OPRATOR OPERATORS - 2 YEAR
05929	9/12/19- 6/30/21	SINNIGER	SHERRI	OPRATOR OPERATORS - 2 YEAR
05937	9/13/19- 6/30/21	ROSS	ROGER	OPRATOR OPERATORS - 2 YEAR
05945	9/19/19- 6/30/21	KASPER	AARON	OPRATOR OPERATORS - 2 YEAR
05947	9/25/19- 6/30/21	FISHER	CHRISTINA	OPRATOR OPERATORS - 2 YEAR

City of Onalaka —

We would like to request to amend our liquor license for a celebration of life. The event will take place on Saturday, October 9th from 2 until 8pm. We are planning to put up two 10x10 tents in our parking lot to accommodate the crowd. We have completed the temporary tent permit as well and await your approval.

Thanks for
your time —
Mark Loungue
Shelley

Title 16 Vacant Buildings

Chapter 02 Introductory Provisions

Division 1 Authority

16.02.11 Vacant Buildings

- A. This Chapter shall be known as, referred to and cited as the “Vacant Buildings Code”, and is hereinafter referred to as the “Vacant Buildings Code” or “Code”.

16.02.12 Purpose

- A. This Chapter is enacted to facilitate the identification of, inspection of, and property maintenance of vacant buildings for purposes of preserving and promoting the public health, safety, prosperity and general welfare, and to abate and prevent property maintenance issues, public and private nuisances and potential fire hazards.
- B. The Common Council of the City of Onalaska, finds that there are now, and may in the future, be vacant buildings which are dilapidated, unsafe, unhygienic and inadequately maintained so as to create or contribute to blight and so as to jeopardize the health, safety, prosperity and general welfare, and so as to create a public and/or private nuisance.
- C. **Intent.** The purpose of this Code is to establish the measures and requirements reasonably necessary to protect the health, safety and welfare of the public from public nuisances, blight and negative market impact of vacant or abandoned buildings and structures.

16.02.13 Public Records

- A. **Finding.** In addition to the purposes in 16.02.12 above, the City finds that vacant buildings are targets for vandalism, arson, squatting, and other illegal activities. The City still further finds that the public disclosure of the identification of any or all vacant buildings would provide to persons with criminal intentions a data source to locate vacant buildings in which to carry out illegal activity. While the City acknowledges the requirements of the Wisconsin Public Records Law embodied in Wisconsin Statutes §§19.31 through 19.39, and the strong public policy underpinning those statutes that all persons are entitled to the greatest possible information regarding the affairs of government, the City also recognizes that against that strong public policy, records custodians must balance contrary public policy such as that found by the City in this subsection A., that would weigh against disclosure of a particular document.
- B. **Policy.** Prior to releasing any records that are received, created, or maintained pursuant to the provisions of this chapter or are received, created, or maintained to accomplish the purpose of this chapter, the records custodian will consider the intent of the City articulated in this section.

Division 2 Interpretation

16.02.21 Rules of Interpretation and Definitions

- A. **Rules of Interpretation:**
1. **Tense.** Words used in the present tense shall be interpreted to include the future tense.
 2. **Gender.** Words used stating or implying gender shall be interpreted to include the masculine, feminine and neuter.
 3. **Number.** Words used implying the singular shall be interpreted to include the plural, where appropriate, and vice versa.
 4. **"May" and "Shall".**
 - a. The word "may" is permissive.
 - b. The word "shall" is mandatory and not directory.
 5. **"Used For".** The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "arranged for".
- B. **Definitions:**

1. **Accessory Building/Structure.** A detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; i.e., a child's playhouse, garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
2. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy. For multi-unit structures, each non-residential unit is deemed a separate "building" subject to this chapter; in multi-unit structures, individual residential units are to be considered a part of the larger building that encompasses the other residential units.
3. **Code of Ordinances.** The Code of Ordinances for the City of Onalaska, Wisconsin, which includes the Vacant Building Code.
4. **Code Official.** Those individuals as set forth in the City of Onalaska Property Maintenance Code Section 16.01.16.A.
5. **Department.** The Planning and/or Inspection Departments of the City of Onalaska, Wisconsin.
6. **Exterior Premises.** The open space on the premises or the portion of the premises upon which there is not a structure.
7. **Garbage.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
8. **Good Repair.** "Good Repair" shall mean free from blighting and hazardous conditions, clean and sanitary, in a safe condition and meeting applicable building codes.
9. **Imminent Hazard.** A condition which could cause serious or life-threatening injury or death at any time.
10. **Mixed Occupancy.** Occupancy of a structure in part for residential use and in part for some other lawful use under the Zoning Ordinance, not accessory thereto.
11. **Occupied.** A building is occupied when it is open to the public, when a business or manufacturing activity is performed therein, when people reside therein, or when any personal property is moved therein. Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this Chapter, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual cable television or internet service, electric, gas, heating, water and sewer.
12. **Owner.** Every person, partnership, limited partnership, corporation, service corporation, limited liability company or partnership, or other legally-recognized entity or association, who alone or jointly or severally with others:
 - a. Has the legal title to a Building or Structure;
 - b. Has legal right or obligation to the care, charge, or control of any Building or Structure, in any capacity including, but not limited to, agent; executor, administrator, trustee, guardian, or personal representative of the estate of the holder of legal title; or an agent, trustee, receiver or other person appointed by court order with authority to have possession or control of the Building or Structure; or
 - c. Is a mortgagee, where either:
 - i. The mortgagee has obtained a judgment of foreclosure against the mortgagor with regard to the premises containing the Vacant Building or Structure; or
 - ii. The mortgage or note secured by the mortgage contains a provision authorizing the mortgagee to act to secure or repair the property of the mortgagor, and the mortgagor no longer maintains the vacant Building or Structure; or
 - d. Is a land contract vendor, where either:
 - i. The land contract vendor has obtained a judgment of foreclosure against the land contract vendee with regard to the premises containing the vacant Building or Structure; or
 - ii. The land contract contains a provision authorizing the land contract vendor to act to secure or repair the property of the vendee, and the vendee no longer maintains the Vacant Building or Structure.
 - e. "Owner" does not include any real estate licensee providing brokerage services in accordance with Wis. Stat. Chapter 452.
13. **Partially Vacant.** A multi-storied building or structure that has one (1) or more stories or suites vacant.
14. **Responsible Person.** A natural person who is the owner, operator or manager of any structure or premises.
15. **Rubbish.** Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

16. **Secured.** A Building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all of its door and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panels intact and unbroken.
 17. **Structure.** Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
 18. **Unified Development Code (“UDC”).** The Unified Development Code for the City of Onalaska.
 19. **Vacant.** A building or structure shall be deemed to be vacant if no person or persons, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s), tenant- occupant(s), owner-occupants or tenant(s) on a permanent, non-transient basis. Vacant status is determined from a totality of circumstances. For purposes of this chapter only, rebuttable evidence of vacancy includes, but is not be limited to, low or no utility usage, lack of customary furnishing consistent with occupancy, accumulation of newspapers or fliers, and fixtures or window coverings which are not Secured.
 20. **Waste.** "Waste" shall mean garbage, ashes, rubbish and trash, but not of an earthly or construction nature.
 21. **Weeds.** "Weeds" or "Noxious Weeds" shall mean those weeds as set forth in Section 23.235, Wisconsin State Statutes.
- C. **Terms Defined Elsewhere.** Where terms are not defined in this Code and are defined in other City Ordinances, Codes or ASHRAE and NFPA 70, such terms shall have the meanings ascribed to them therein.
- D. **Terms Not Defined.** Where terms are not defined herein, or through the methods of interpretation authorized by this Section, such terms shall have ordinarily accepted meanings, such as the context indicates.

16.02.22 Applicability

- A. **General.** The provisions of this Vacant Building Code shall apply to all residential single and two-family dwellings vacant for one-hundred eighty (180) consecutive days and all manufacturing, commercial, institutional, multi-family residential and mixed occupancy buildings vacant for three hundred sixty five (365) consecutive days.
- Upon application to the Planning Department, an exemption from the provisions of this code may be granted for a period of up to 365 days for residential and two (2) years for all other property types.
- In the event an exemption is granted the premises must be maintained in a clean and sanitary condition with grass/weeds cut and snow removed and the building maintained in good condition during the exemption period consistent with Code of Ordinances. The exemption may be revoked for a failure of the applicant to maintain the Building or the premises associated with the Building free from violation of law.
- Any one of the following circumstances may be a basis for an exemption from the provisions of this chapter:
1. A Building under active construction, rehabilitation, renovation or repair for which a Building Permit has been obtained.
 2. A Building with a raze permit or with a raze order pending from the City of Onalaska.
 3. A Building whose owner is actively seeking in good faith to rent or sell the building, which good faith is supported by evidence to the reasonable satisfaction of the Planning Department of such activity.
- B. **Conflict.** In any case where a provision of this Code is found to be in conflict with a provision of the Unified Development Code or any other provisions of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety and welfare shall prevail.
- C. **Application of Other Ordinances.** Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances or the Unified Development Code. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State law, Title 15 of the Code of Ordinances, and NFPA 70. Nothing in this Vacant Building Code shall be construed to cancel, modify or set aside any provision of the Unified Development Code.
- D. **Existing Remedies.** The provisions in this Code shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or other City Ordinances or Unified Development Code relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.

- E. **Historic Buildings.** The provisions of this Code shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with the UDC and §101.121 of Wis. Stats.
- F. **Referenced Statutes, Ordinances, Codes and Standards.** The Statutes, Ordinances, Codes and standards referenced in this Code shall be incorporated herein by reference and be a part of the requirements of this Code to the prescribed extent of each such reference, and include amendments, renumbering and successor acts.
- G. **Requirements Not Covered By This Code.** The requirements necessary for the strength, stability, or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official, subject to a right of appeal to the Board of Building Appeals.

16.02.23 Severability

- A. If any provision of this Vacant Building Code is, for any reason, held to be unconstitutional, invalid or unenforceable by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this Code, which shall remain in full force and effect.
- B. If the application of any provision of this Vacant Building Code is for any reason held to be an invalid application to a particular premises or structure by any court of competent jurisdiction, such provision shall continue to apply and remain in full force and effect to any premises or structure not specifically included in said judgment.

Division 3 Administration

16.02.31 Code Official

- A. **Code Official.** The Code Official shall have the authority to exercise the powers and duties of the position specified in this Code. The Code Official shall administer and enforce this Code.
- B. **Inspections.** The Code Official has the power to inspect Premises and structures to determine compliance with this Code. All reports of such inspections shall be in writing, signed or initialed and dated. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with Department policy.
- C. **Right of Entry.** The Code Official is authorized to enter structures or Premises, at reasonable times, with the express or implied consent of the owner, operator or occupant, to conduct administrative interior and exterior inspections for Code administration and enforcement and Licensing/Permitting purposes specified in other ordinances. If entry is refused or not obtained, the Code Official is authorized to pursue recourse to obtain entry as provided by law.
- D. **Reinspections.** Every owner, operator and occupant of a Premises shall cooperate with and facilitate reinspections of Premises at reasonable times pursuant to reasonable notice by the Code Official to determine Code compliance with an Order to Repair. Failure by said owner, operator or occupant to cooperate with and facilitate such reinspections by the Code Official shall be a violation of this Code.
- E. **Obstruction.** No owner or operator of a Premises may deny the Code Official the right to enter and inspect any portion thereof under the control of a lawful occupant where such occupant has consented to said entry and inspection.
- F. **Denial of Entrance.** No occupant of a Premises shall obstruct the owner thereof from complying with any order(s) of the Code Official made under authority of this Code. Obstruction shall include the denial of entrance into a Premises at reasonable times pursuant to reasonable notice.
- G. **Identification.** The Code Official shall carry Department issued identification when entering and inspecting Premises in the performance of their duties under this Code and display such identification, when asked.
- H. **Notices and Orders.** The Code Official shall, as necessary, issue notices and orders to responsible persons and tenants, where relevant, to obtain compliance with this Code.
- I. **Department Records.** The Inspecting Department is responsible for keeping official records of all business and activities of the Department specified in the provisions of this Code in accordance with State and City record keeping requirements.

Division 4 Regulation

16.03.41 Vacant or Abandoned Building or Structure Requirements

- A. **Vacant Building Permit.** The owner of a vacant building or structure subject to this Code shall obtain a Vacant Building Permit for the period during which it is vacant. When a building or structure becomes vacant, as defined by this Code for the period of time greater than allowed under 16.02.22, the owner of the building or structure shall apply for and obtain an annual Vacant Building Permit.

Upon the expiration of a Vacant Building Permit, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the Code Official pursuant to Section 14.03.42, and renew the permit within fifteen (15) days of expiration in the same manner as the expired permit. All renewed permits shall be subject to all conditions and obligations imposed by this Code.

- B. **Code Compliance.** The owner of a vacant building or structure shall comply with all building, fire, property maintenance, UDC, and other applicable Codes or Ordinances, and shall apply for all necessary building, fire prevention and zoning permits upon application for a Vacant Building Permit.
- C. **Waste Removal.** The owner of a vacant building or structure shall immediately remove all waste from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, debris or excessive vegetation from the exterior premises surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this Code and the Code of Ordinances.
- D. **Owner's Responsibility.** The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons in accordance with the Vacant Building Maintenance Standards of this Code. If the owner does not reside within the State, the owner shall provide to the Code Official, the name, address and telephone number of an agent who is available for service of process within the State of Wisconsin.
The owner shall provide to the Code Official, the name, address and telephone number of a manager who is a natural person who is available for contact by the Code Official at all times for emergency repairs and maintenance, and who will respond to the vacant building or structure when required by the Code Official.
The agent and manager may be the same person, and/or either may be a Responsible Person. The owner shall notify the Code Official within thirty (30) business days of any changes to the name, address or telephone number of the agent or manager.
- E. **Owner's Obligations Continuous Through Term of Vacancy.** The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this Code.

16.02.42 Vacant Building Permit; Inspection; Maintenance Standards

- A. **Permit Application.** Application by the owner of a vacant building or structure for a Vacant Building Permit shall be made on a form provided by the Planning Department. Applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:
1. Contact information for each owner. If the owner is other than a natural person or persons, the following shall apply, as appropriate:
 - a. If the owner is a corporation, limited liability company, limited or liability partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to Wisconsin State Statutes.
 - b. If an estate, the name and business address of the personal representative of the estate.
 - c. If a trust, the names and addresses of the trustee or trustees.
 - d. If a partnership, the names and residence addresses of the partner or partners.
 - e. If another form of unincorporated association, the name and residence address of a responsible person.
 - f. If an individual person, the name and residence address of that individual person.
 2. Any rehabilitation or demolition plans.
 3. An acknowledgment by the owner that grass and weeds shall not exceed a height of eight (8") inches, and that snow and ice shall be removed from the public right-of-way within twenty-four (24) hours of a snowfall.
- B. **Inspection of Premises.**
1. **Purpose.** The Code Official, or their designee, may inspect vacant buildings to determine the structural integrity of the building, the repairs necessary to maintain structural integrity, to determine what repair actions must be undertaken to maintain the premises safe for entry of police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present an imminent hazard to the public during the time that the building remains vacant, and that the building and structure are in compliance with the Vacant Building Maintenance Standards.

2. **Inspector.** The Code Official, or their designee, may conduct inspections made pursuant to the provisions of this Vacant Building Code in conjunction with other officials of the City, police officers, firefighters, or inspectors from other governmental bodies.
3. **Types of Inspections:**
 - a. **Code Official Directed.**
 - i. **Implied Consent.** Any owner of a building, which is either the subject of a Vacant Building Permit or an application filed by a responsible person, for a Vacant Building Permit, is deemed to have given consent to inspections of the building.
 - ii. **Reinspections.** At any time subsequent to the issuance of an Order to Repair, the Code Official may conduct reinspections to determine compliance with the Order to Repair. Such reinspections will be conducted only after a reasonable time has been afforded to a responsible party to comply with portions of the Order. Reinspections are subject to reinspection fees under Section 16.02.51.
 - iii. **Emergency Inspections/Emergency Repairs.** If, at any time, the Code Official has reason to believe that an emergency situation exists with respect to the building, which tends to create an imminent hazard to health, welfare or safety of the general public, the Code Official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If the Code Official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, the maintenance of which, until such time as the responsible party could conduct the repairs, would be unreasonable, the Code Official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs. Costs incurred in the performance of emergency repairs shall be paid by the City and the Code Official shall recover the costs through special assessments levied against the benefited property. A One Hundred (\$100.00) Dollar administrative fee for processing and administering the special assessment shall be added to the special assessment against the benefited property.
 - iv. **Inspections Made Pursuant To A Special Inspection Warrant.** If any responsible party takes any action contrary to the Implied Consent given by the owner in Section 16.02.42.B.3.a.i, above, the owner hereby consents to the issuance of a Special Inspection Warrant by a judge of a court of competent jurisdiction, pursuant to Section 66.0119, Wisconsin Statutes, or any successor thereof. Any interior inspection made pursuant to a Special Inspection Warrant shall be deemed a reinspection for the purpose of imposition of fees pursuant to Section 16.02.51.
 - b. **Responsible Party Requests for Inspection.** Requests from responsible parties for inspections of buildings which are both subject to a Vacant Building Permit and are under the control of the requesting responsible party.
- C. **Issuance of Orders to Repair.** The Code Official, upon inspection, shall issue orders to repair for work needed to:
 1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the Vacant Building Maintenance Standards set forth in this Code; and,
 2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency. When issuing such orders, the Code Official shall specify the time for completion of the work. All work done pursuant to this Section shall be done in compliance with the applicable Building, Fire, Property Maintenance and Unified Development Code and Ordinances.
- D. **Issuance of Vacant Building Permit.** The Code Official shall issue a Vacant Building Permit upon being satisfied that the building has been inspected and is in compliance with the Vacant Building Maintenance Standards set forth in this Vacant Building Code, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This Permit shall be effective for a period of three hundred sixty five (365) days.
- E. **Vacant Building Maintenance Standards.** A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following Vacant Building Maintenance Standards:
 1. **Building Openings.** Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired/replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.

2. **Roofs.** The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain or roof draining; and, allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
3. **Drainage.** The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
4. **Building Structure.** The building shall be maintained in good repair, structurally sound, and free from debris, rubbish and garbage. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety and welfare.
5. **Structural Members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
6. **Foundation Walls.** The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.
7. **Exterior Walls.** The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
8. **Decorative Features.** The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
9. **Overhanging Extensions.** All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. **Chimneys and Towers.** Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
11. **Walkways.** Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within twenty-four (24) hours of a snowfall.
12. **Accessory Building/Structures.** Accessory buildings/structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these Vacant Building Maintenance Standards.
13. **Exterior Premises.** The premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, exterior storage, and shall not pose a threat to the public health, welfare or safety.

16.03.43 Board of Building Appeals

- A. **Appeal and Fee.** Any person receiving a notice of violation and order which has been issued in connection with the enforcement of any provision of this Code and aggrieved thereby, may appeal the order and shall be granted a hearing on the matter before the Board of Building Appeals, provided that such person shall file in the Planning/Inspection Department a written notice of appeal and request for hearing, setting forth a brief statement of the grounds therefor, within twenty (20) days after the date the notice of violation and order was served. Upon receipt of such appeal, the Board of Building Appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice of violation and order should be modified or withdrawn. No appeal to the Board of Building Appeals shall be deemed perfected or shall be heard until the appellant shall pay an appeal fee of as set forth in the City's fee schedule.

Division 5 Enforcement

16.02.51 Reinspection Fees

- A. To compensate the City for inspection and administrative costs related to the enforcement of this Chapter, an escalating fee established by the Common Council through resolution, may be charged for any reinspection following the initial inspection which resulted in an order for corrective action, and the first reinspection to determine compliance with an order for corrective action issued

hereunder. There shall be no reinspection fee for a final inspection indicating compliance, or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.

- B. Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of mailing an invoice to the property owner of record on the City tax roll shall be charged and collected as a special assessment against the real estate upon which the reinspections were made, and shall be a lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall be an administrative fee as set forth on the City's fee schedule added to the charge and special assessment to cover the administrative costs of charging and specially assessing the property.

16.02.52 Penalties

- A. **Violation Penalties.** Any person who shall violate a provision of this Code shall, upon conviction, be subject to a forfeiture of not more than One Thousand (\$1,000.00) Dollars; and, in addition, shall pay the costs and expenses of prosecution. Each day such violation continues shall be considered a separate offense. Failure to promptly pay said forfeiture shall subject the violator to be sentenced to the County Jail for a period not to exceed sixty (60) days.
- B. **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

10/02/2019 2:20 PM

L I C E N S E M A S T E R R E P O R T

LICENSES: ALL

SORTED BY: LICENSE NUMBER

EFFECTIVE

LICENSE CODES: Include: RECBURN-O

CLASSES: All

STATUS: ACTIVE

CITY LIMITS: INSIDE, OUTSIDE



EXPIRATIC

COMMENT:

PAY STATU

ID	CODE	NAME/ PROPERTY ADDRESS	STATUS	CLASS/ REPORT	ORIG/ RENEW	TERM/ PRINTED
05018	RECBURN-O	BINEGAR 1516 JOHNSON ST	MARY A ACTIVE	REC BURN REC BURN	5/08/2017	9/16/2019
05930	RECBURN-O	ANDERSON 807 VILAS ST 1	MONICA ACTIVE	REC BURN REC BURN	9/25/2019	9/30/2019
05941	RECBURN-O	BRANDON HOCKENBERY 541 COURT RD	ACTIVE	REC BURN REC BURN	9/13/2019	9/20/2019

REPORT TOTALS: 3 LICENSES

ORDINANCE NO. 1652-2019**AN ORDINANCE TO ANNEX LAND LOCATED IN THE NORTHEAST ¼ OF THE
SOUTHWEST ¼ IN SECTION 32, TOWNSHIP 17 NORTH, RANGE 7 WEST
FROM THE TOWN OF ONALASKA TO THE CITY OF ONALASKA**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION I. Proper petition for direct annexation by unanimous approval, signed by all the owners of all real property in such territory and all of the electors residing in such territory, having been presented to the Common Council of the City of Onalaska, requesting the annexation of the territories described in Exhibit A which is attached hereto and incorporated herein to the City of Onalaska, Wisconsin from the Town of Onalaska, La Crosse County, Wisconsin. The population of the area annexed is zero (0).

IT IS HEREBY ORDAINED that the above-described properties and the same is hereby annexed to the City of Onalaska, Wisconsin, and it is further ordained that the corporate limits of the City of Onalaska are hereby amended to include the above-described property within the corporate limits of the City of Onalaska, Wisconsin.

SECTION II. Sec. 2-1-3(b) of the Code of Ordinances of the City of Onalaska entitled "Ward and Aldermanic District Boundaries" is hereby amended to include the above-described properties within the boundaries of the First Aldermanic District.

SECTION III. The properties are hereby zoned Single Family Residential (R-1) and all of the provisions of the Code of Ordinances of the City of Onalaska governing said zoning classification shall apply hereto.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage.

Dated this _____ day of _____, 2019.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

EXHIBIT A

Part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 32, T17N-R7W, Town of Onalaska, La Crosse County, Wisconsin described as follows:

Commencing at the North $\frac{1}{4}$ corner of Section 32, thence S 09°53'05" W 2781.47 feet to the point of beginning of this description:

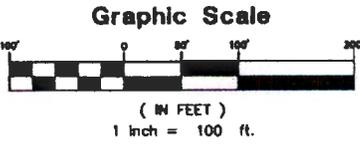
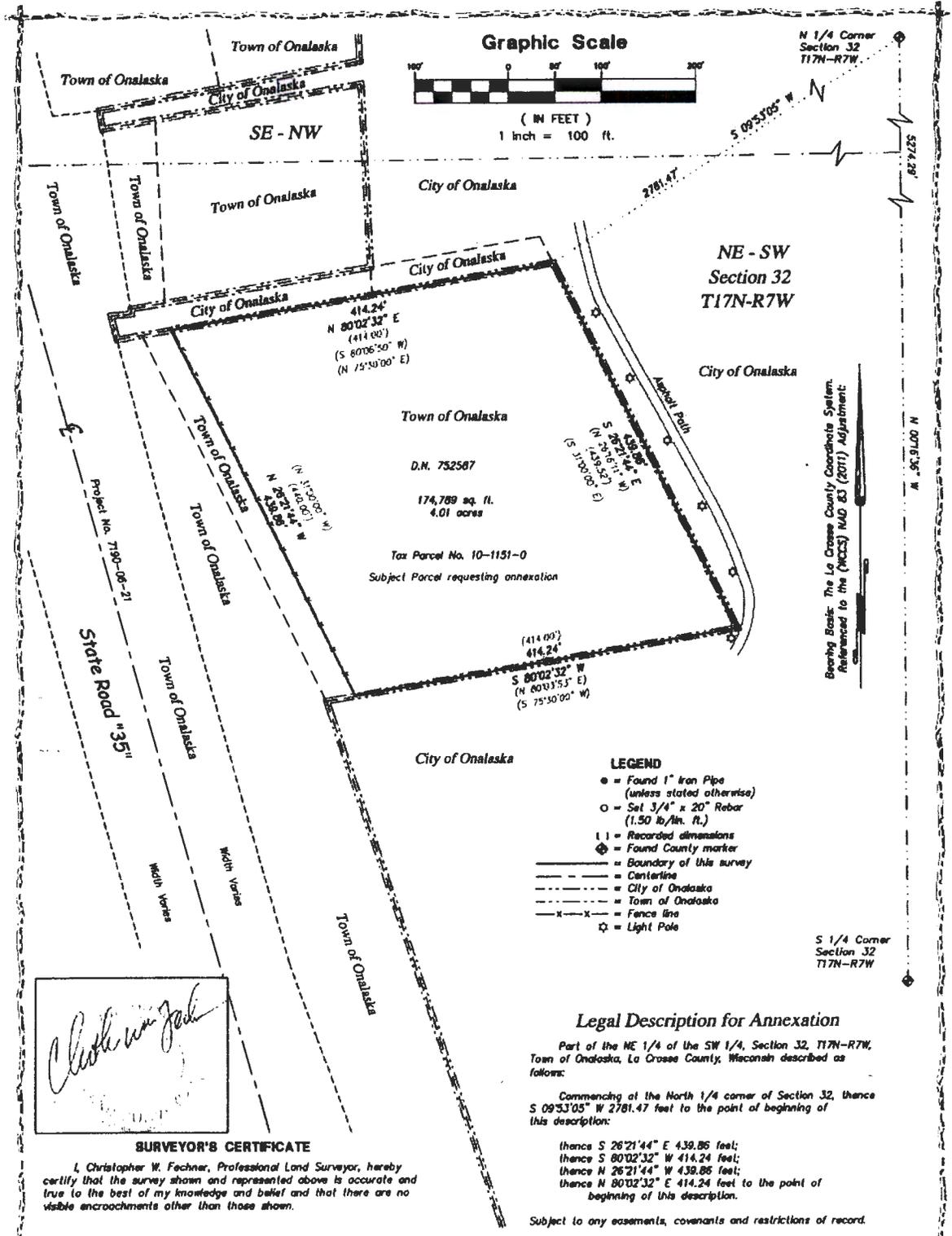
Thence S 26°21'44" E 439.86 feet;

Thence S 80°02'32" W 414.24 feet;

Thence N 26°21'44" W 439.85 feet;

Thence N 80°02'32" E 414.24 feet to the point of beginning of this description.

Subject to any easements, covenants and restrictions of record.



N 1/4 Corner
Section 32
T17N-R7W

NE - SW
Section 32
T17N-R7W

D.N. 752587

174,789 sq. ft.
4.01 acres

Tax Parcel No. 10-1131-0
Subject Parcel requesting annexation

- LEGEND**
- = Found 1" Iron Pipe (unless stated otherwise)
 - = Set 3/4" x 20" Rebar (1.50 lb/lin. ft.)
 - | | = Recorded dimensions
 - ◆ = Found County marker
 - = Boundary of this survey
 - - - = Centerline
 - · - · - = City of Onalaska
 - · - · - = Town of Onalaska
 - x - x - = Fence line
 - ⊠ = Light Pole

Bearing Basis: The La Crosse County Coordinate System.
Referenced to the (NCCS) MAD 83 (2011) Adjustment

S 1/4 Corner
Section 32
T17N-R7W

SURVEYOR'S CERTIFICATE

I, Christopher W. Fechner, Professional Land Surveyor, hereby certify that the survey shown and represented above is accurate and true to the best of my knowledge and belief and that there are no visible encroachments other than those shown.

Christopher W. Fechner PLS 2448

Legal Description for Annexation

Part of the NE 1/4 of the SW 1/4, Section 32, T17N-R7W, Town of Onalaska, La Crosse County, Wisconsin described as follows:

Commencing at the North 1/4 corner of Section 32, thence S 09°53'03" W 2781.47 feet to the point of beginning of this description:

- thence S 26°21'44" E 439.86 feet;
- thence S 80°02'32" W 414.24 feet;
- thence N 26°21'44" W 439.86 feet;
- thence N 80°02'32" E 414.24 feet to the point of beginning of this description.

Subject to any easements, covenants and restrictions of record.

SURVEY FOR
Broham Investments LLC

Part of the NE-SW,
Section 32, T17N-R7W,
Town of Onalaska, La Crosse County, WI
State Road "35"

DRAWN BY: DATE:
TS CF 7/7/2019

REVISED BY: DATE:

SCALE:
1" = 100'

SHEET 1 OF 1

PROJECT NO.:
S-7512B

FIELD CREW:
RC LF



**Coulee Region
Land Surveyors**

917 SOUTH 4TH STREET - P.O. BOX 1954
LA CROSSE, WISCONSIN 54601

PHONE (608) 784-1614 FAX (608) 784-1408
www.couleeregionlandsurveyors.com

FISCAL IMPACT OF ORDINANCE 1652 – 2019

Wessel Annexation
Eric Rindfleisch, Administrator

Please route in this order



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrold Holter, City Engineer



(signature)

No Fiscal Impact

Budgeted Item

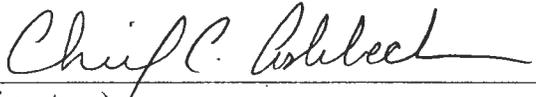
Will need \$ _____ for _____ to meet the requirements of this ordinance.

Caitlin Hagar, GIS Analyst
check wards, districts and addressing

(signature)

Wards, Districts and Addressing OK

~~Troy Miller~~, Chief of Police
Charles Ashbeck



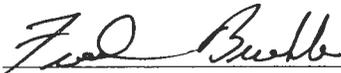
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

 8-30-19

(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.



ORDINANCE NO. 1653-2019 -

AN ORDINANCE TO AMEND SECTION 2-5-4 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SPECIFIC CONFLICTS OF INTEREST

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 2, Chapter 5, Section 4, Subsection (f) related to Gifts and Favors is hereby deleted in its entirety and replaced with

(f) Gifts and Favors. No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to their knowledge, has a direct financial interest in any transaction or official business with the City, which may tend to impair their independence of judgment or action in the performance of their official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value, such as a meal, up to Twenty-Five Dollars (\$25.00) in value, and that is not intended to influence the official of employee.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___ day of _____, 2019.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

FISCAL IMPACT OF ORDINANCE 1653 – 2019

Please route in this order

Eric Rindfleisch, Administrator



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

~~Troy Miller~~, Chief of Police
Charles Ashbeck



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

ORDINANCE NO. 1654-2019**AN ORDINANCE TO ANNEX LAND LOCATED IN THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ IN SECTION 2, TOWNSHIP 16 NORTH, RANGE 7 WEST FROM THE TOWN OF MEDARY TO THE CITY OF ONALASKA**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Proper petition for direct annexation by unanimous approval, signed by all the owners of all real property in such territory and all of the electors residing in such territory, having been presented to the Common Council of the City of Onalaska, requesting the annexation of the territories described in Exhibit A which is attached hereto and incorporated herein to the City of Onalaska, Wisconsin from the Town of Medary, La Crosse County, Wisconsin. The population of the area annexed is zero (0).

IT IS HEREBY ORDAINED that the above-described properties and the same is hereby annexed to the City of Onalaska, Wisconsin, and it is further ordained that the corporate limits of the City of Onalaska are hereby amended to include the above-described property within the corporate limits of the City of Onalaska, Wisconsin.

SECTION II. Sec. 2-1-3(b) of the Code of Ordinances of the City of Onalaska entitled “Ward and Aldermanic District Boundaries” is hereby amended to include the above-described properties within the boundaries of the Third Aldermanic District, Ward Eleven.

SECTION III. The properties are hereby zoned Community Business (B-2) and all of the provisions of the Code of Ordinances of the City of Onalaska governing said zoning classification shall apply hereto.

SECTION IV. This Ordinance shall take effect and be in force from and after its passage.

Dated this __th day of _____, 2019.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

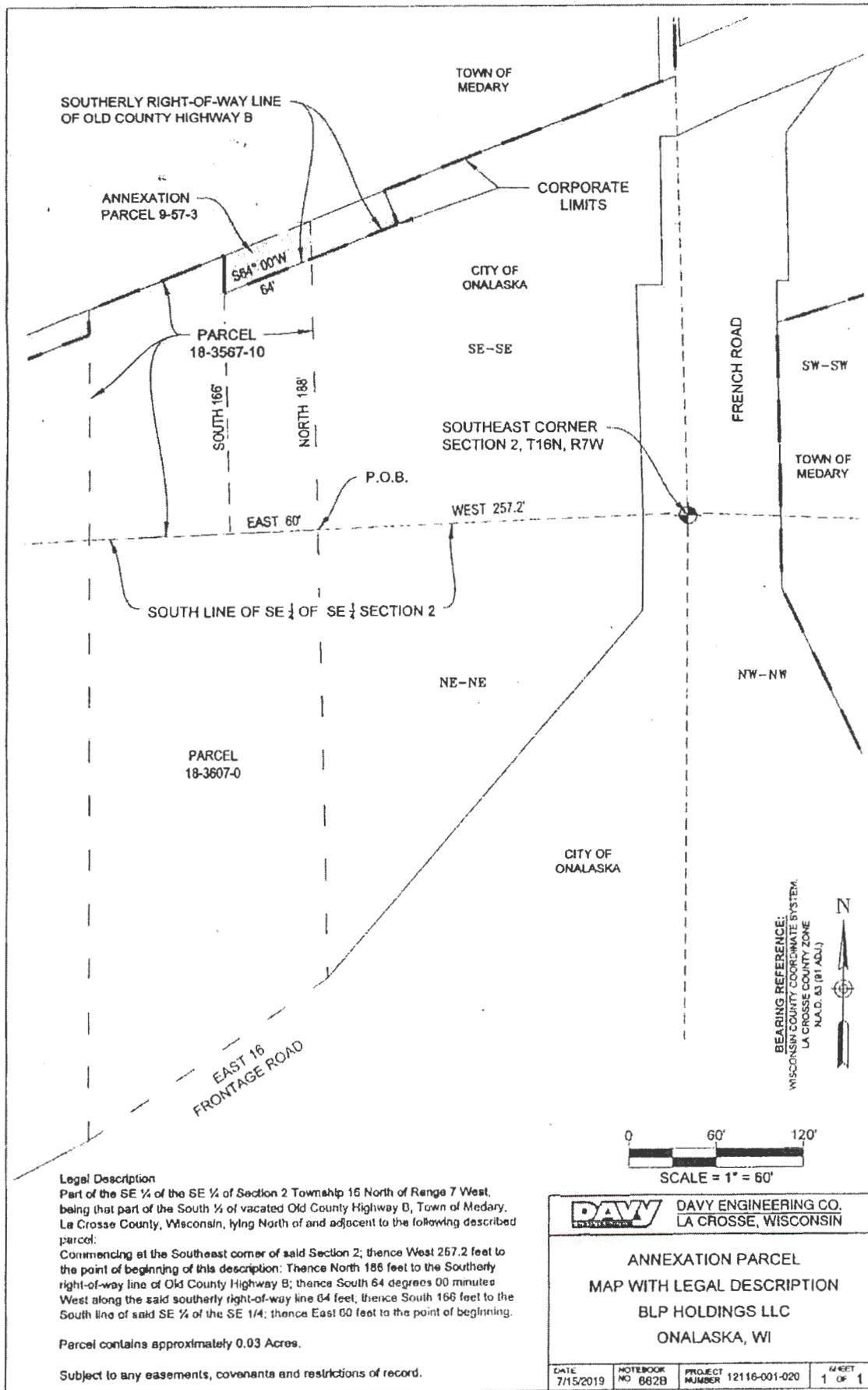
EXHIBIT A

Part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2 Township 16 North of Range 7 West, being that part of the South $\frac{1}{2}$ of vacated Old County Highway B, Town of Medary, La Crosse County, Wisconsin, lying North of and adjacent to the following described parcel:

Commencing at the Southeast corner of said Section 2, thence West 257.2 feet to the point of beginning of this description; Thence North 188 feet to the Southerly right-of-way line of Old County Highway B; thence South 64 degrees 00 minutes West along the said southerly right-of-way line 64 feet; thence South 166 feet to the South line of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, thence East 60 feet to the point of beginning.

Parcel contains approximately 0.03 Acres.

Subject to any easements, covenants and restrictions of record.



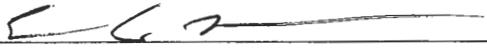
DAVY ENGINEERING CO.
 LA CROSSE, WISCONSIN

ANNEXATION PARCEL
MAP WITH LEGAL DESCRIPTION
BLP HOLDINGS LLC
ONALASKA, WI

DATE 7/15/2019	NOTEBOOK NO 882B	PROJECT NUMBER 12116-001-020	SHEET 1 OF 1
-------------------	---------------------	---------------------------------	-----------------

FISCAL IMPACT OF ORDINANCE 1654 – 2019
Phillips Annexation – Highway 16 Frontage Road
Eric Rindfleisch, Administrator

Please route in this order



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrold Holter, City Engineer



(signature) Kevin Schubert
Assistant City Engineer

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Caitlin Hagar, GIS Analyst
check wards, districts and addressing



(signature)

Wards, Districts and Addressing OK

Charles Ashbeck
~~Troy Miller~~, Chief of Police



(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director



(signature) 9-17-19

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

**AN ORDINANCE TO CREATE CHAPTER 1 OF TITLE 16 OF THE CODE OF ORDINANCES OF
THE CITY OF ONALASKA RELATING TO PROPERTY MAINTENANCE**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Chapter 1 of Title 16 Property Maintenance and Vacant Building Code is hereby created as Follows:

Title 16 Property Maintenance

Chapter 01 Introductory Provisions

Division 1 Administration

16.01.11 Property Maintenance

- A. This Ordinance shall be known, referred to, and cited as the Property Maintenance Ordinance of the City of Onalaska.

16.01.12 Intent

- A. The intent of this chapter is to ensure public health, safety, and welfare to the degree that they are affected by the occupancy and maintenance of structures and premises. It is also the intent of this section to help prevent the continuation, extension, and aggravation of blight in Onalaska. This Ordinance is enacted pursuant to the authorization contained in Section 62.23, Wisconsin State Statutes and applies to all structures and premises in the City of Onalaska. The provisions of this section shall not limit the authority of the City or other applicable jurisdictions to abate problems on improperly maintained and unsafe structures or premises pursuant to other applicable laws.

16.01.13 Interpretation

- A. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable standards imposed by any other provisions of this Ordinance or of any other applicable law, Code, Ordinance, resolution, rule, or regulation of any kind, the regulation that is more restrictive or that imposes higher standards or requirements shall govern.

16.01.14 Severability and Conflict

- A. The provisions of this ordinance are severable. If any provision, section, subsection, sentence, clause, phrase or portion of this Property Maintenance Ordinance is found to be unlawful or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. 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 court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment; and if any court or competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

16.01.15 Responsibility

- A. The responsible person, as defined herein, shall maintain their structures and premises in compliance with this Ordinance. The responsible person is the property owner of record according to the La Crosse

County Land Records System. A person shall not occupy, or permit another person to occupy, a structure or premises that does not comply with the provisions of this Ordinance. Occupants, including owner occupants and tenants, of a structure or premises are responsible for caring for and maintaining that part of the structure or premises that they occupy or control. All responsible persons shall be jointly and severally responsible for securing compliance of their structure or premises with this Ordinance.

16.01.16 Inspection Authority and Access Procedures

- A. **Person authorized to conduct inspections.** Agents of the City authorized to conduct inspections pursuant to this section shall include the Planning Department, Inspection Department, Police Department, Fire Department, Public Works Department and/or other authorized agents.
- B. **Inspections with consent.** Authorized agents of the City, upon display of proper identification and the consent of the owner, owner's agent, occupant, or other responsible person, may enter any structure or premises (locked or unlocked) at any reasonable time to determine whether said structures or premises comply with the provisions of this Ordinance. No person shall obstruct or resist any authorized agent of the City acting in their official capacity and with lawful authority.
- C. **Special Inspection Warrant.** The provisions of this Ordinance shall not be construed to allow an authorized agent of the City to inspect structures or premises without the consent of the owner, owner's agent, occupant, or other responsible person. If said person refuses to permit an inspection, an authorized agent of the City may apply to a court for a warrant to inspect the structure and premises pursuant to Section 66.0119, Wisconsin State Statutes. In cases of emergency, a Special Inspection Warrant shall not be required.
- D. **Access by owner or operator.** The provisions of this section shall not restrict the owner, owner's agent, or other responsible person lawful access to structures or premises for the purpose of inspecting, maintaining, repairing, or altering the structure or premises as necessary to comply with the provisions of this Ordinance.
- E. **Confidentiality of complaints.** In the event that the City receives a complaint regarding the maintenance of a structure or premises, the City may request contact information of the complainant. However, the City shall endeavor to keep the identity of all complainants confidential unless a complainant desires his or her name to be revealed. The City shall reveal a complainant's identity if so ordered by a court or required by law and/or as required in Chapter 3 of Title 3: Public Records of the City of Onalaska Code of Ordinances.
- F. **Inspections resulting from anonymous complaints.** Anonymous complaints shall not cause the City to inspect the interior of a structure unless there is reason to believe there is immediate and grave danger to the occupants of the structure or to the occupants of structures on adjacent properties.

16.01.17 Penalties for Violation of This Ordinance and Failure to Maintain Property

- A. **Penalties.** If any responsible person, as defined herein, fails to comply with any provision of this ordinance a citation will be issued to the responsible person for the violation. The violation shall be referred to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) per offense, together with the taxable costs of such action plus reasonable attorney's fees. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation may be enjoined, and the maintenance may be abated by action at suit of the City, the State of Wisconsin, or any citizen thereof. Any subsequent and similar violations of this Ordinance within a twenty-six (26) month period shall be considered a continued offense and as such may cause the usual penalty to double for each subsequent and continued offense up to the maximum allowed by this section.
- B. **Responsible person's liability to City for costs of correction of violation.**
 - 1. **Notification of failure to maintain property.** An authorized agent of the City shall serve written correction orders upon the owner, the owner's agent, or other responsible person, by certified mail or by delivering the order to him or her personally. In the event that the owner, his or her agent, or other responsible person cannot be found, an authorized agent of the City shall do one or more of the following:
 - a. Deliver and describe the written correction order to a person of suitable age and discretion at the owner's or owner's agent's regular place of abode; and/or
 - b. Post the written correction in a conspicuous place on the structure or property affected by the order.
 - 2. **Collection of costs incurred by the City.** If any owner, owner's agent, or other responsible person fails to comply with this Ordinance; and after written notice given by an authorized agent of the City as described in the foregoing subsection, has not complied with the correction orders within the time specified in the written notice, the City may cause such maintenance to be performed. The Finance

Director or other authorized agent shall certify to the County Treasurer of La Crosse County, a statement of the cost incurred by the City to correct the deficiencies. Costs will include all expenses incurred associated with bringing the property into compliance with this Ordinance, including but not limited to administrative and clerical costs, notification and publication fees, equipment charges, tipping fees, contractor fees, and other related expenses. The cost thereof shall be a lien upon such real estate and shall be a personal liability of the owner of said real estate, collectable as any other money judgment. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and may be collected in the same manner as real estate taxes.

- C. **Enforcement of other ordinances and codes.** The provisions in this Ordinance are intended to be coordinated with the enforcement of other City ordinances and codes including the adopted Building Codes.

16.01.18 Procedures for Razing and Vacating Structures

- A. Structures may be raised pursuant to Section 66.0413, Wisconsin State Statutes and the provisions set forth in the City of Onalaska Building Code.

Division 2 Maintenance of Exterior Landscaping

16.01.21 Clean, Safe, Sanitary and Attractive

- A. All exterior property areas shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish, brush, clothing, garbage, recyclables or other refuse.

16.01.22 Vegetation and Landscaping

- A. Vegetation and landscaping shall present an attractive appearance in accordance with generally accepted landscaping practices and as follows:
1. Exposed soils, except exposed soil that is associated with a garden or cultivated farmland, shall be vegetated, landscaped, or paved consistent with this Ordinance to prevent soil erosion.
 2. The Common Council finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and safety hazard in that debris can be hidden in the grass, interferes with the public convenience, and adversely affects property values of other land within the City. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area, wetland area, or where the parcel of land is located within a subdivision where more than seventy percent (70%) of the parcels are unbuilt/vacant, or where natural landscaping as described below has been appropriately utilized. Native grasses and forbs that are part of a managed natural landscape are exempt from the height requirement of this provision.
 3. Natural landscapes shall be permitted in all zoning districts. However, unmanaged vegetation that constitutes a nuisance or hazard shall be prohibited. The Building Inspector/ Zoning Administrator or other authorized agent shall determine whether an existing landscape is a natural landscape or unmanaged vegetation that constitutes a nuisance or hazard. Natural landscapes include existing wooded areas, wetlands, prairies, and similar areas that are generally characterized by a diversity of species native to the area. Natural landscapes also include restored and managed plant communities and wildlife habitats that are comprised primarily of native ferns, grasses, forbs, aquatic plants, trees and shrubs. Where a natural landscape abuts a property or right-of-way that does not have a natural landscape, the property owner with the natural landscape shall provide an adequate grass lawn buffer or other acceptable buffer between the natural landscape and the adjacent property or right-of-way so as to prevent the natural landscape from being a nuisance or hazard or encroachment. Wherein the City is an adjoining property owner, the Public Works Director or other authorized agent shall act as a signatory to the waiver, so long as the vision triangle, public safety, and visibility of public infrastructure are not impacted.
 4. When in the opinion of the Fire Chief or their designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief or their designee may order the cutting of natural lawns to a safe condition by written order. A property owner shall be required to cut the natural lawn within three (3) days upon receiving direction from the Fire Chief or their designee.
 5. Natural lawns shall not be removed through the process of burning unless approval is received from the Fire Chief or their designee and a written permit to burn is issued by the Fire Chief or their designee. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting

permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the City as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000).

6. Vegetation that may impede the proper functioning of a drainage swale shall be removed unless specifically approved in writing by an authorized agent of the City.
7. Vegetation (including gardens) shall be properly and routinely maintained or removed so that it does not present a hazard to structures, persons, or vehicles, impact vision triangles, and visibility/utility of public infrastructure. No person shall maintain, plant, or permit to remain on any private property situated at the intersection of two (2) or more streets/alleys in the City any tree, shrub, or other growth which may obstruct the view or life safety of the operator of any motor vehicle or pedestrian approaching such intersection. No obstructions shall be permitted between the heights of 2.5 feet and ten (10) feet at an intersection measured ten (10) feet along both streets/alleys and forming a triangle by striking an imaginary line between said points. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the City. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
8. Any trees/bushes/shrubbery located upon any private premises adjacent to any public way or public property/areas shall be kept trimmed so not to impede travel. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over the public right-of-way provide a clearance of a minimum of fourteen (14) feet. Clearance from sidewalk to lower branches shall be a minimum of ten (10) feet above the level of a sidewalk.
9. **Brush.** Piles of brush (tree branches, yard waste, etc.) shall not be allowed to accumulate and/or be stored on parcels of residentially-zoned land as said brush becomes habitat for vermin and other associated animals and can become a public nuisance.

16.01.23 Noxious Weeds, Nuisance Weeds And Invasive Species

- A. The species listed herein are not native to Onalaska and have a tendency to prohibit the successful growth of native plant communities. These plants are not naturally occurring in Onalaska and become capable of spreading and developing a significant population that destroys ecologic relationships, habitats, and create an overall loss in plant diversity.
- B. As listed herein, some of these species are prohibited while others are encouraged to be eradicated. In situations where the Building Inspector/ Zoning Administrator or other authorized agent determines that a plant is causing or has the potential to cause negative impacts on neighboring properties, said plant(s) shall be properly removed and disposed.
- C. **Noxious Weeds.** Pursuant to Section 66.0407, Wisconsin State Statutes, a person owning, occupying, or controlling land shall destroy and remove all noxious weeds on said land. View Section 66.0407, Wisconsin State Statutes, for an updated list of noxious weeds in the State of Wisconsin.
- D. **Nuisance Weeds.** Pursuant to Section 23.235, Wisconsin State Statutes, it is prohibited to sell, distribute, plant, or cultivate Nuisance Weeds. View Section 23.235, Wisconsin State Statutes, for an updated list of nuisance weeds in the State of Wisconsin.
- E. **Prohibited & Restricted Invasive Species.** Pursuant to NR 40, Wisconsin Administrative Code, the listed prohibited invasive species of terrestrial plants are currently not found in Wisconsin with the exception of small pioneer stands and are prohibited. They shall be eradicated from properties and may not be transported, possessed, transferred (including sale), or introduced. Pursuant to NR 40, Wisconsin Administrative Code, the listed restrictive invasive species of terrestrial plants are already established in the state and are restricted. They may not be transported, transferred (including sale), or introduced. If they are already on your property, you are encouraged, but not required to remove them. View NR 40, Wisconsin Administrative Code, for an updated list of prohibited invasive species and restrictive invasive species in the State of Wisconsin.

Division 3 Maintenance of Exterior Uses And Storage

16.01.31 Composting

- A. Composting shall be allowed in all residential zoning districts subject to the following conditions:
 1. Composting shall be conducted within an enclosed container (or containers) not to exceed a sum total of one hundred fifty (150) cubic feet per parcel. A compost container shall be made of durable material such as wood, block, plastic, or sturdy metal fencing and shall have been constructed exclusively for composting.

2. Compost containers shall not present an aesthetic, health, or odiferous nuisance to neighboring properties.
3. Compost containers are prohibited in any front or side yard. Compost containers shall not be located in any drainage swale. Further, compost containers shall be located a minimum of three (3) feet from parcel lines, five (5) feet from an alley right-of-way; ten (10) feet from a principal structure; and three (3) feet from another neighboring accessory structure.
4. Only kitchen wastes or other products labeled "compostable" that break down in compost containers and yard waste (free of logs, large branches, and diseased plants) may be placed in compost containers.
5. Meat, bones, fat, oil, dairy products and other kitchen wastes that do not break down in compost containers, as well as plastic synthetic fibers, and human or pet waste shall not be placed in compost containers.
6. Compost shall be maintained within the container to keep the material aerated, minimize odor, reduce potential rodent harborage, and promote effective decomposition of the material.

16.01.32 Harborage of Pests

- A. All premises shall be kept free from non-domesticated rodents, vermin, insect infestation, rock doves (feral pigeons), starlings, skunks and other pests as determined by the Building Inspector or other authorized agent of the City. Where such pests are found, they shall be promptly exterminated or removed in a lawful manner that will not be injurious to human health. After extermination, proper precautions shall be taken to control harborage of pests and to prevent reinfestation. Bats shall be removed from a structure as determined by Animal Control in consultation with the Building Inspector or Zoning Administrator when they cause a health or structural issues to a residence. Eradication methods of bats shall be consistent with WDNR rules.

16.01.33 Animals, Animal Enclosures and Feces

- A. All animal pens, runs, exercise areas, fenced areas, structures, and enclosures shall comply with the provisions of this Ordinance and shall be kept clean, sanitary, and free from odor, feces, insects, and other unsightly or objectionable matters, which constitute a public nuisance or are otherwise detrimental to public health, safety, or welfare.
- B. The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.
- C. Domestic animal feces shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors. Property owners are required to prevent the overall accumulation of domestic animal feces on private property.

16.01.34 Fences

- A. All fences shall be maintained in good repair, not lean, be structurally sound and plumb. Fences shall be free of rust, corrosion, deterioration, decay, missing parts, peeling, flaking, and chipped paint. Wood surfaces, other than decay-resistant wood, must be protected from the elements and decay by paint or other protective covering or treatment. The finished side or decorative side of a fence shall face the adjoining property.

16.01.35 Miscellaneous Outdoor Storage

- A. All furniture, furnishings, appliances, household goods (except those items designed and intended for outdoor use), clothing, vehicle parts, tools, equipment, and similar items shall be stored within a completely enclosed structure or properly and promptly disposed of. Furniture may be placed for use on a covered porch, so long as said furniture is protected from the elements and kept in good repair. Further, in particular, the following may not be stored outdoors:
 1. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks, implements and/or equipment or other unsightly debris which substantially depreciates property values in the neighborhood. The applicable provisions of Wis. Stat. §175.25 entitled "Storage of junked automobiles," including any revisions or amendments thereto, are hereby adopted by reference. A motor vehicle shall include but not be limited to, an automobile, truck, recreational vehicle, motor home, bus and trailer that can be licensed. The term "junked automobile" shall mean any automobile or motor vehicle which is incapable of operation or use upon a highway including failure to register the vehicle or which has been dismantled for parts or scrap.

2. Tires. No person shall store tires outside where they may collect rain and harbor a breeding place for the mosquito species that carries La Crosse Encephalitis, a serious viral disease.
3. Building waste/Construction materials. All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor and is not permitted to be stored outdoors.
4. No person shall leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator, freezer or other containers which has an airtight door or lid having a capacity of 1 ½ cubic feet or more, without first removing the door and/or chaining the door with a padlock.

16.01.36 Graffiti

- A. The existence of graffiti on public or private property is in violation of this Ordinance and is expressly declared to be a public nuisance as defined and stated in Chapter 3, Title 11 pertaining to Offenses Against Property. Therefore, it is the responsibility of the owner, owner's agent, occupant, or other responsible person of the property to which the graffiti has been applied, to at all times, keep the property clear of graffiti, pursuant to the removal provisions found within Chapter 3, Title 11.

16.01.37 Firewood Storage

- A. Firewood storage associated with permitted outdoor sales shall be consistent with the outdoor sales provisions of the appropriate zoning district. All other stored firewood shall be used on premises and shall be stored pursuant to the following conditions:
 1. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of delivery.
 2. Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than eight (8) feet from grade, except adjacent to a fence where firewood can be stacked as high as the fence. Fences as used in this section shall not include hedges or other vegetation.
 3. All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
 4. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Ordinance.
 5. Any tarp or similar material used to cover a firewood stack shall be made of durable and wind/water-resistant materials, shall be properly tied or anchored down, and shall be repaired or replaced when necessary.

14.01.38 Dumping and Littering

- A. Dumping of any garage, rubbish, furniture or furnishings, brush, junk, stone, construction materials, appliances, grease, solvents, petroleum products, vehicles and vehicle parts, in any place in any manner is prohibited in all zoning districts unless such dumping is within an approved landfill or recycling center. Further, all waste/refuse containers and their storage areas shall be maintained in a nuisance & odor-free condition and so as to prevent the scattering of contents by weather conditions or animals. Litter shall not be allowed to accumulate.
 1. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City or upon property within the City owned by the Onalaska School District, or upon the surface of any body of water within the City.
 2. Litter from Conduct of Commercial Enterprise.
 - a. Scope. The provisions of this section shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - b. Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - c. Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required above within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty (20) percent for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If

such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this section.

Division 4 Maintenance of Vehicles

16.01.41 Vehicles

- A. Parking and storage of vehicles in all residential zoning districts.
1. Parking and storage of registered, licensed, and operable vehicles. Vehicles shall be kept fully operational, licensed and used on a regular basis. Oil and other vehicle fluids shall not be permitted to spill onto the ground, which may create an aesthetic nuisance and/or migrate into the City's right-of-way or utility systems. In all districts, parking and/or storage of registered, licensed and operable vehicles, including automobiles, vehicles and trailers used for recreational purposes over twenty-five (25) feet in length (not including trailer tongue) and commercial vehicles under twenty-five (25) feet in length, shall be consistent with the following:
 - a. All vehicles shall be appropriately parked on an approved hard surface (including, but not limited to: gravel, asphalt, concrete or similar surface), or stored in an enclosed structure, or on a driveway.
 - b. No person shall park or store, or permit any other person to park or store, a vehicle on lawn/grassed surface.
 2. Parking of vehicles and trailers. Vehicles and trailers under twenty-five (25) feet in length (not including trailer tongue) not required by the State of Wisconsin to be licensed or registered, including cargo trailers, travel trailers, boats, and other such items, as well as registered and licensed vehicles and trailers used for recreational purposes, including snowmobiles and all-terrain vehicles, shall not be parked on front yards (excluding corner properties) unless parked on a driveway or parking area described pursuant to the provisions of the Unified Development Ordinance. Such vehicles if parked in the driveway shall not extend over a public sidewalk and/or City Right-of-Way. Such vehicles/trailers may be parked in rear and side yards.
 3. All recreational vehicles stored on a property shall be owned by the resident on whose property the unit is parked for storage.
 4. Vehicles or trailer used for storage of goods. No vehicle, trailer, or similar device shall be used for the storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
 5. Parking or storage of unregistered, unlicensed, or inoperable vehicles on private property. Any unregistered, unlicensed, or inoperable vehicles (including automobiles and vehicles and trailers used for recreational purposes) shall not be stored for more than ten (10) days on private property on an approved hard surface, unless stored within an enclosed structure.
 6. Parking or storage of unregistered, unlicensed, or inoperable vehicles on public property. Except as permitted on State of Wisconsin property, no person shall park any unregistered, unlicensed, or inoperable vehicle upon any public street, alley, highway, or public property.
 7. Abandoned vehicles. A vehicle is considered abandoned if the vehicle is parked and left unattended in the same place for forty-eight (48) consecutive hours without the permission of the owner of the premises and is in public view. The City of Onalaska Police Department shall be responsible for the removal and disposition of vehicles abandoned on public premises. Vehicles abandoned on public property shall be disposed of per Section §342.40, Wisconsin Statutes. For private properties, the Onalaska Police Department's involvement is limited to issuing appropriate parking tickets and it is the responsibility of the property owner to appropriately remove and dispose of vehicles abandoned on private property. Any person who abandons a vehicle on public or private premises may be punished by imposition of forfeiture as detailed in this Ordinance.
 8. Responsibility for parking violations on premises. The registered owner of a vehicle shall be responsible for any violations of the parking provisions of this Ordinance. If a vehicle has been abandoned or the owner of the vehicle is unknown, then the owner of the property on which the vehicle is located shall be responsible for any violation of the parking provisions of this Ordinance.

16.01.42 Propane Fuel Tanks

- A. Fuel tanks shall not be stored in any front or side yard.

Division 5 Maintenance of Public Right of Ways

16.01.51 Rubbish in Public Rights-of-Way

- A. To protect the City's storm water system, pedestrian safety, and vehicular traffic in public rights-of-way, dirt, mud, rocks, leaves, grass clippings, and/or rubbish/refuse of any kind may not be dropped, deposited, or directed towards the public right-of-way. Dirt, mud, rocks, leaves, grass clippings, and/or other rubbish/refuse unintentionally directed towards the public right-of-way shall be removed and properly disposed of.
- B. Removal of debris and dirt from sidewalks, streets and public grounds.
1. No abutting property owner shall, upon any sidewalk, street, alley or public ground, so maintain their land or any building situated thereon so that, by erosion, by travel or by act of the responsible person, parts of the soil or other substance shall be deposited upon the abutting sidewalk, street, alley or any public ground, and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within twenty-four (24) hours after receiving notice thereof.
 2. No abutting property owner shall maintain their adjacent land within three (3) feet of any sidewalk, street, alley or public ground so that by erosion, debris, or other substances creates a public nuisance or that the maintenance of the adjoining lands shall be such that over time said conditions will cause destruction and disrepair of the sidewalk, street, alley or public grounds. That within the twenty-four (24) hours after receiving notice thereof, said property owner shall remedy any public nuisance or conditions which may cause destruction and disrepair of sidewalks, streets, alleys or public grounds.

16.01.52 Snow/Ice Removal and Storage

- A. The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to the width of the sidewalk. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping. In case snow shall continue to fall for some time, then it shall be removed immediately after it shall cease to fall. If snow should begin to fall again within the initial twenty-four (24) hours, the twenty-four (24) hour time shall be reset to when the snow ceases to fall the following time. The owner, agent, occupant or person in charge of a corner lot shall also clear, sand or salt, as set forth herein, to the curb that portion of the sidewalk commonly referred to as the corner crosswalk. A corner lot is defined as a lot abutting upon two (2) or more streets. If the owner fails to maintain sidewalks in the manner as stated above, the City may cause the snow and/or ice to be so removed from the full width of the sidewalk. Costs incurred by the City for the removal of snow and/or ice shall be fully accounted and charged back to the parcel of land adjoining said sidewalk. The City shall charge a minimum fee as set forth on the City's fee schedule for said snow removal work, in addition to the City administrative fee as set forth on the City's fee schedule per parcel. If the costs and expenses remain unpaid, the charges shall be entered onto the tax roll as a special charge and shall be collected as other taxes upon real estate are collected.
- B. No person shall push, shove, plow, throw or in any way deposit any snow or ice onto any public streets, alley, sidewalk, or public lands dedicated to public use except for parcels or lots where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exists from the City right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks only onto the public streets. Snow from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. The deposit of any snow or ice upon any sidewalk, alley or public street of the City, contrary to the provisions of this section, is a nuisance; and the City may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.

16.01.53 Obstructions/Encroachments into the Right of Way

- A. No person shall encroach upon or cause an encroachment/obstruction of any street, alley, sidewalk, or public grounds.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___ day of _____, 2019.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED:

Eric Rindfleisch, Administrator

[Signature]
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrod Holter, City Engineer

C. J. Holter 9-16-19
(signature)

No Fiscal Impact

Budgeted Item - *INSP ECTIONS*

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Charles Ashbeck
~~Troy Miller~~, Chief of Police

Chief Ashbeck 9-17-19
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

Fred Buehler - 9-17-19
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

**AN ORDINANCE TO CREATE TITLE 14 OF THE CODE
OF ORDINANCES OF THE CITY OF ONALASKA RELATING TO SIGNS**

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Title 14 Sign Code is hereby created as follows:

Title 14 Sign Code

Chapter 01 Introductory Provisions

Division 1 Establishment of Sign Code

14.01.11 Statement of Purpose

- A. The purpose of the Sign Ordinance is to create the legal framework of a comprehensive and balanced system of signage. The intent of this Sign Ordinance is to accomplish the following:
1. Encourage the effective use of signs as means of communication in the City while preserving the rights of free speech under the First Amendment to the United States Constitution;
 2. Facilitate economic development by allowing signs that identify businesses on site, while promoting an attractive streetscape;
 3. Reduce confusion and traffic hazards that result from excessive and prolific use of sign displays.
 4. Permit signage that is designed, constructed, installed, and maintained in an aesthetically pleasing manner;
 5. Encourage a positive business atmosphere;
 6. Promote the health, safety, and general welfare of the citizens of Onalaska by ensuring that signs do not create a hazard by:
 - a. Collapsing, catching fire or otherwise deteriorating or decaying;
 - b. Confusing or distracting motorists; or
 - c. Impairing drivers' ability by obstructing the awareness or visibility of pedestrians, obstacles or other vehicles or to read traffic control devices.
 7. Control the number, size, height, location, lighting and design characteristics of signs to avoid visual clutter which leads to decline in the community's appearance and property values and reduces the effectiveness of the signs;
 8. Effectively regulate issues pertaining to the location, size, height, and lighting of signs in an effort to assure compatibility with adjoining land uses, architecture, and landscaping and compatibility with the City's Comprehensive Plan;
 9. Provide for consistent and fair application and enforcement of regulations pertaining to signs; and
 10. Address the latest and emerging technologies in the sign industries in a way that allows persons and businesses to convey and communicate.

14.01.12 Applicability

- A. **Generally.** The provisions contained in this Sign Ordinance shall be binding alike upon every owner, every lessee and every person in charge or responsible for or who causes construction, repair, relocation or alteration of any outdoor sign or other advertising structures in the City of Onalaska. Signs may be erected, placed, established, painted, created or maintained only in conformance with the provisions of this Sign Ordinance.
- B. **No Restriction on Content.** This Sign Ordinance regulates only the sign structure or copy design, and not the sign's content. Despite any other provision of this Sign Ordinance, no sign is subject to any limitation based on the content of its message.
- C. **Exemptions.**

1. **Addressing.** Because address signs further compelling governmental interest of assisting emergency service personnel, law enforcement, fire protection and other public safety officials in identifying locations needing emergency assistance, numbers and letters for addressing are exempted from this Sign Ordinance, provided that such street addresses shall be posted as required under City Ordinances.
2. **Subordination.** City of Onalaska is subordinate to the laws of the Federal Government and State of Wisconsin, except under home rule powers, this Sign Ordinance does not prohibit signs, require sign or regulate sign locations or sign characteristics to the extent that they are required to be permitted by State or Federal Law or allow signs that are prohibited by State or Federal law.
3. **Government Signs.** In order to promote the compelling interest of the City, State and Federal governments in managing traffic; protecting against public hazards and nuisances; and announcing the location of government facilities, infrastructure, rights-of-way and other public areas, government signs are exempt from this Sign Ordinance.

14.01.13 Substitution

- A. Subject to the property owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the structure or mounting device is legal without consideration of message content. Such substitution or message may be made without additional approval or permitting. This provision prevails over any provision to the contrary in this Sign Ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted. The term "commercial speech" means any sign, wording, logo or other representation advertising a business, profession, commodity, goods, services, or entertainment for business purposes. The term "noncommercial speech" means any message that is not commercial speech, including without limitation, messages concerning political, religious, ideological, public service and information topics.

14.01.14 Severability and Conflict

- A. The provisions of this ordinance are severable. If any provision, section, subsection, sentence, clause, phrase or portion of this Sign Ordinance is found to be unlawful or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. 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.

Division 2 Definitions

14.01.21 Definitions

- A. The following definitions are used in this Sign Ordinance:
 1. **Awning.** A cloth, plastic, or other non-structural covering that is permanently attached to a building or can be raised or retracted to a position against the building when not in use.
 2. **Billboard.** A permanent sign in a fixed location advertising products not made, sold, used or served on the premises where the sign is located or which provides a non-commercial or informational message.
 3. **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
 4. **Canopy.** A structure other an awning made of cloth, metal or other material with frames affixed to a building and carried by a frame that may extend into a setback or over the public sidewalk.
 5. **Changeable copy.** Copy those changes at intervals [of more than once every six (6) seconds].
 6. **Commercial.** Proposing or otherwise encouraging one or more commercial transactions.
 7. **Community Event.** An advertised event held open to the public.
 8. **Day.** A day shall be designated as a period of time in terms of calendar days.

9. **Digital Billboard.** Any billboard sign utilizing LCD, LED or similar electronic technology, capable of changing the static message or copy on the sign electronically.
10. **Dynamic element.** Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign face or its components, whether the apparent movement or change is in the sign, the sign structure itself, or any component of the sign. This definition includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This definition also includes any graphic that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
11. **Electronic Message Center Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale.
12. **External illumination.** Illumination of a sign that is affected by an artificial source of light not contained within the sign.
13. **Façade.** The side of a building below the eaves.
14. **Flag.** Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols and is attached to a pole and which is intended to be permanently affixed to the ground or attached to a building.
15. **Ground/Freestanding Sign.** A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes "pole" graphics and "monument" graphics.
16. **Government Sign.** A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
17. **Height.** The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign. (The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height).
18. **Illumination.** A source of any artificial or reflective light, either directly from a source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.
19. **Indirect Illumination.** A source of external illumination, located away from the sign, that lights the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk, or adjacent property.
20. **Integral Sign.** A sign that is embedded, extruded or carved into the material of a building wall façade.
21. **Internal Illumination.** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.
22. **Marquee.** A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.
23. **Monument Graphic.** A ground/freestanding sign permanently affixed to the ground at its base, supported entirely by a base structure made of a decorative feature of brick, wood, metal or other material which is intended to serve as an entry feature or focal point.
24. **Multi-Tenant Complex.** A grouping of two or more business establishments that either share common parking on the parcel where they are located or that occupy a single structure or separate structures that are physically or functionally related or attached. Multi-tenant signs are encouraged to market shopping center destinations rather than individual businesses. Sign regulations are based upon the applicable zoning district in which they are located.
25. **Nit.** A photometric unit of measurement referring to luminescence. One nit is equal to one cd/m² (candela per square meter).
26. **Non-conforming Sign.** Any sign that was lawfully established or installed prior the adoption of amendment of this Sign Ordinance and was in compliance with all of the provisions of this Sign Ordinance then in effect, but which does not presently comply with this Sign Ordinance.
27. **Occupant.** A use/business establishment located in a multi-tenant building or complex.

28. **Parcel.** A lot, tract, plot or portion of a subdivision or other parcel of land in single ownership and not divided by a public right-of-way, so long as such area of land complies with the City of Onalaska Code of Ordinances. The terms lot or tract may also refer to a parcel.
29. **Peak.** The highest point on a roof or the highest point on another architectural element that blocks the rear view of a sign.
30. **Pole Sign.** A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or base structure.
31. **Portable Sign.** A structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
32. **Projecting Sign.** A sign attached to and projecting from the wall of a building.
33. **Right-of-Way (ROW).** A sidewalk, curb, street, alley, bike path or lane, or other similar public improvement located in a public right-of-way normally used for the travel of pedestrians, motor vehicles, bicycles or like vehicles.
34. **Roof Sign.** A sign that is displayed above the eaves and under the peak of a building.
35. **Shopping Center.** A commercial development under unified control consisting of two or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.
36. **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** One area enclosed by a box or outline or within a single continuous perimeter enclosing the extreme limits of characters, letters, illustrations, ornamentations, or other figures.
37. **Size.** The total area of the face that is used to display a sign not including its support poles or structures.
38. **Sign.** Any structure that has a visual display of a name, identification, description or illustration, visible from a public right-of-way, which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign.
39. **Structure.** Anything built that requires a permanent or temporary location. This term includes a building
40. **Temporary Sign.** A sign intended to be displayed for a transitory or temporary period that are portable or not permanently embedded in the ground or not permanently affixed to a building or sign structure and are constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials.
41. **Traffic Control Device.** A sign, signal, marking or other device placed on or adjacent to a public right-of-way or private street, parking lot or highway to regulate, warn or guide traffic.
42. **Wall Sign.** A sign painted on or attached to a wall of a structure and in the same plane as the wall and presented in an orientation that is parallel to the roadway projecting.
43. **Window Sign.** A sign applied, painted, or affixed to the exterior window of a building.

Division 3 Administration

14.01.31 Administration and Sign Permits – Application, Enforcement and Revocation

- A. **Administration.** The Zoning Administrator or Designated Authorized Agent shall be responsible for administering and enforcing the provisions of this Sign Ordinance. The Zoning Administrator or Designated Authorized Agent shall examine all sign permit applications, issue permits and denials, authorize the continued use of signs that conform with the requirements of this Ordinance, record and file all applications for permits with any accompanying plans and documents, and inspect signs in the City of Onalaska. A sign shall also meet all other structural requirements of other applicable codes and Ordinances of the City of Onalaska.
- B. **Permits Required.** It shall be unlawful for any person to locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign, canopy, awning, or billboard without a sign permit and without

being in conformity with the provisions of this Sign Ordinance or cause the same to be done in the City of Onalaska without first obtaining a sign permit for each such sign from the Planning Department, except those specified in Section 16-1-6 or as otherwise noted. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Any sign permit granted hereunder may not be assigned or transferred to any other sign or sign structure. Each individual sign shall require an individual sign permit.

- C. **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Planning Department which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from parcel lines; and the person, firm or corporation erecting or altering the sign.
- D. **Granting and Issuance.** The Zoning Administrator or Designated Authorized Agent shall review the application to ensure it is complete per the requirements of Section 16-1-5 (3) above. The Zoning Administrator or Designated Authorized Agent shall have a maximum of thirty (30) days to approve or deny a sign permit.
- E. **Basis for Granting a Sign Permit.** In deciding whether to grant a sign permit, the Zoning Administrator or Designated Authorized Agent shall determine whether the proposed sign(s) is in compliance with the provisions of this Sign Ordinance. In such review, the Zoning Administrator or Designated Authorized Agent may also consider the following factors:
 - F. Whether the sign is designed, constructed, installed or maintained in such a manner that it does not endanger public safety or traffic safety.
 - G. Whether the sign is in compliance with all provisions of the City of Onalaska Code of Ordinances, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- H. **Enforcement and Revocation of a Sign Permit.**
 - I. A sign permit may be revoked if the applicant has failed to comply with the provisions of this Sign Ordinance or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator or Designated Authorized Agent for Zoning Ordinance violations.
 - J. In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days or six (6) months, from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. In such cases a new permit shall be obtained to complete the work and a new permit fee shall be required.
 - K. Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within forty-five (45) days of such revocation. Revocation shall not result in reimbursement of permit fees paid.
- L. **Fee.** The fee for each sign permit shall be set forth on the City's Fee Schedule.
- M. **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Planning/Inspection Department before the sign permit is granted.
- N. **Sign Permit Appeal.** Any person, firm or corporation aggrieved by any sign permit denial or decision by the Planning Department relative to the provisions of these sign regulations may appeal and seek review of such decision to the Plan Commission.
- O. **Alterations.** For signs erected before the adoption of this Sign Ordinance, said signs shall be rebuilt or relocated to conform to this Sign Ordinance if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- P. **Violations of Sign Ordinance.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Sign Ordinance prior to the granting of a sign permit shall pay a penalty of Fifty Dollars (\$50.00) for the first offense, with the penalty for each subsequent offense increasing by Fifty Dollars (\$50.00). Any person, firm or corporation who violates any provision of this Sign Ordinance shall be subject to the penalties prescribed in the Sign Ordinance and each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

Q. Removal of Signs in Violation of this Sign Ordinance.

- R. If the Zoning Administrator or Designated Authorized Agent determines that any sign exists in violation of this Sign Ordinance are hereby declared public nuisances within the meaning of this Code of Ordinances, the Zoning Administrator or Designated Authorized Agent shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within sixty (60) days of receipt of said notice on penalty of automatic revocation of any sign permit and that removal of the sign by the City may occur at the expense of the owner of the property in the manner set forth in the Wisconsin Statutes.
- S. If notification is sent and the violation is not corrected within sixty (60) days, the Zoning Administrator or Designated Authorized Agent shall revoke the associated sign permit that is in violation of this Sign Ordinance. It shall be the duty of the Zoning Administrator or Designated Authorized Agent to cause removal of such signs.
- T. The expense of removing such sign and all sign support structures shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within thirty (30) days of being billed therefore, or has not made arrangements for payment satisfactory to the Finance Director, then such expense shall become a lien on the property and shall be placed upon the tax roll in addition to a one hundred (\$100.00) dollar administrative fee charged for processing payments/invoicing.
- U. Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator or Designated Authorized Agent.

14.01.32 Signs Not Requiring a Permit

- A. The following is a list of signs that do not require an issued sign permit. If a sign similar in nature to those listed below is proposed, the Zoning Administrator or Designated Authorized Agent shall determine if the proposed sign requires a permit.
1. Banners on Utility Poles (including privately-owned Utility Poles and City Banners on City-owned Utility Poles) under ten (10) square feet per side.
 2. On-site Directional Signs on private property that includes a directional arrow or symbol that directs people to a specific destination within a development or site. Institutional signs erected to display facility/campus locations, building identification, transportation routes, or similar signs that are not visible or intended to be visible from public street rights-of-way or non-adjacent parcels. Directional signs shall not exceed fifteen (15) square feet per sign face with a maximum height of six (6) feet and a maximum of two (2) sign faces per sign.
 3. On-site Directional Signs as mandated by a government entity.
 4. Building Management Identification Sign which indicates the name and/or address of the property owner, tenant, and/or manager of a property not to exceed thirty-two (32) square feet.
 5. On-Site Warning Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order rule or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours, "No Trespassing," "No Loitering," "Customer Parking Only," "Handicap Parking," or signs indicating danger or aids to service or safety.
 6. Traffic Control Signs/Devices erected for control of traffic and other regulatory purposes, direction signs, railroad crossing signs.
 7. Memorial signs, plaques, tablets, names of buildings, dates of erection, etc. that are cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or other non-combustible material not more than twenty-four (24) square feet of area shall be allowed without a sign permit.
 8. Public notices posted by Authorized Designated Agents of the City or other official Governmental Agencies.
 9. Signs on trucks, buses, trailers or other vehicles while operating in the course of normal business, which is not primarily the display of signs.
 10. Signs may be installed no earlier than sixty (60) days prior to an election and shall be removed within ten (10) days following said election. Signs shall be placed on private property and with the consent of the property owner. Each sign shall not exceed four (4) square feet on residential properties or thirty-two (32) square feet on non-residential properties. No more than five (5) such signs may be

allowed at a single time on a single property to allow for pedestrian and vehicular safety.

14.01.33 Prohibited Signs

- A. **Prohibited Sign Area.** No signage shall be permitted on the west side of Second Avenue North (State Highway 35) from John Street to Sunset Vista Road.
- B. **Signs with Flashing, Blinking, or Traveling Lights.** No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to an adjoining residential property shall be permitted in any district.
- C. **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control devices and as otherwise specified in this Sign Ordinance.
- D. **Signs at Intersections.** Signs at intersections shall comply with traffic visibility standards in the Unified Development Code.
- E. **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- F. **Blanketing.** Blanketing of signs shall not be allowed.
- G. **Signs on City Property/Rights-of-Way.** No person shall: paste, tape, staple, or otherwise affix/fasten any paper or similar material to, nor paint, stencil or otherwise write or color any object, vegetation or pavement located within any street right-of-way or on City property; including, but not limited to trees, lamp posts, utility poles, fire hydrants, or similar features, nor shall any of such object, vegetation or pavement be defaced in any manner.
- H. **Human Signs.** Human signs that (a) are located in or within 10 feet of the public right of way; (b) carry or operate flashing or illuminated objects, or (c) operate after daytime.
- I. **Vehicular Signs.** Signs placed on semi-trailers, pull-behind trailers, vehicles, shipping containers or portable storage units, unless: (a) the trailers, containers or portable storage units are functional, used for their primary storage propose, and if subject to registration, have current registration and tags; (b) the signs are subordinate to the use for temporary storage, pick-up, or delivery, and (c) the semi-trailer is parked in a designated loading area or on a construction site at which is being used for deliveries or storage.
- J. **Any sign not expressly permitted.** Any sign not expressly permitted by this Sign Ordinance and constructed pursuant to the standards set forth in this Sign Ordinance shall be prohibited.

14.01.34 General Provisions, Design and Maintenance Standards

- A. **Compatibility.** To the maximum extent practical, signs shall be compatible and complimentary to their surroundings in terms of size, shape, color, texture and lighting. Buildings and sites shall be designed so that the signs are an integral part of the building and/or site. Signs shall not visually detract from other conforming signs.
- B. **Protection of First Amendment rights.** Any sign under this Sign Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location
- C. **Sign Measurements:** Sign area and sign height measurements shall be calculated as follows:
 - 1. **Signable Area for Projecting Signs, Awnings, Roof Signs, and Wall Signs.** The sign copy and graphic area shall be calculated by means of the smallest four-sided figure (such as a rectangle) that encompasses the extreme limits of characters, writing, representation, emblem, ornamentation, illustrations or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign and copy graphic area from the structure.
 - 2. **Sign Structure Area.** Where a maximum allowable sign structure is specified in this Sign Ordinance, the sign structure area shall include the sign copy and graphic area.
 - 3. **Sign Structure Height.** The height of a ground/freestanding sign shall be measured from the average grade of the adjacent street to the top of the sign structure.
- D. **Buildings with a secondary public entrance at the rear or side of the building.** In addition to the allowable signage with a use in a particular district, commercial, public and institutional uses that have a

secondary entrance for the public that does not front a public right-of-way, may have, at the secondary entrance, one (1) sign not to exceed thirty-two (32) square feet.

- E. **Placement of Ground/Freestanding Signs.** The placement of such signs shall comply with the following standards:
1. Minimum required distance from parcel lines. All ground/freestanding signs shall be placed at least five (5) feet from all parcel boundaries.
 2. Outside the required vision triangle. No sign shall obstruct the required vision triangle as specified in the Unified Development Code.
 3. Outside drainage and utility easements. No sign shall be placed in a drainage, utility or other easement without first obtaining all applicable authorizations and a copy of said authorizations provided to the City.
 4. The distance between ground/freestanding signs shall be a minimum of two hundred (200) feet throughout the street frontage in order to prevent congestion and maintain traffic visibility. Ground/freestanding signs may be placed at less than two hundred (200) feet where the street frontage of the parcel and adjacent parcels is less than two hundred (200) feet and does not permit the minimum spacing. Where this condition exists, the maximum spacing available must be maintained and such ground/freestanding signs shall be monument style only and not exceed fifteen (15) feet in height and sixty (60) square feet per side in area. Notwithstanding any other provision of this Sign Ordinance, in no case may a ground/freestanding sign be placed at less than one hundred (100) feet from another ground/freestanding sign on the same street frontage.
 - a. Distance between ground/freestanding signs and approved On-Site Directional Signs to be a minimum of twenty (20) feet.
- F. **Allowable Number of Signs.** No more than two (2) signs of any type are allowed on a single parcel, unless the parcel has multiple street frontages which shall allow two (2) sign types for each street frontage, excluding canopies and/or awnings and additional signage may be allowed as otherwise noted in specific zoning district regulations or through an approved overlay district (Planned Commercial Industrial District, Planned Unit Development, etc.).
1. Any signs exempt from sign permits are not considered in determining the allowable number of signs, and shall be in addition to the allowable number of signs under this Sign Ordinance.
- G. **Design and Construction Standards.** All signs shall comply with the following construction standards:
1. All signs shall be constructed in a safe structural manner in accordance with the National Building Code and National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.
 2. All signs shall be constructed of durable, weather-resistant materials.
 3. Electrical service to signs shall comply with applicable electrical codes. No sign shall have exposed electrical wires and electrical service to signs shall be concealed wherever possible to preserve aesthetic values. Contractors to apply for Electrical Permits when installing new electric services to signs or modifying services (new technology, etc.) to signs.
 4. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires or other support intended to illuminate a sign or other advertising device is prohibited. All sign lighting shall be so designed, located, shielded, or hooded to prevent the casting of glare or direct illumination upon adjacent roadways, surrounding properties or into the sky.
 5. All signs in newly annexed areas shall comply with this Sign Ordinance within five (5) years of annexation.
- H. **Installation and Maintenance.** All signs shall be installed and maintained as follows:
1. Safety. All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task.
 2. Indemnification for sign installation and maintenance. All persons engaged in the business of installing or maintaining signs that involves in whole or in part, the erection, alteration, relocation, or maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property that is used or encroached upon by the sign contractor, shall hold the City of Onalaska harmless and indemnify the City of Onalaska, its officers, agents and employees from any and all claims for bodily injury or property damage resulting from the erection, alteration, relocation, or

- maintenance of a sign or any sign work.
3. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Inspection Department.
 4. All signs, including supports and attachments, shall be properly maintained in good repair in accordance with all applicable building codes, be kept clean, and protected from the elements to prevent decay and rust by the periodic application of weather-coating material. The immediate surrounding premises of signs shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- I. **Illumination of Signs.** The following illumination requirements apply to all signs for which illumination is allowed including, but not limited to, freestanding signs and other similar signs.
1. **Compliance with the Electrical Code.**
 2. **Hazards.** Artificial light used in conjunction with the lighting of any sign shall not be directed or reflected onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
 3. **Shield the Light Source.** The light source, whether internal or external, shall be shielded from view or directed so that the light intensity or brightness is directed away from the public right of way or boundary of any residential zoning district or residentially-used property. Ground mounted external flood lighting shall be shielded and properly placed and directed to avoid direct visibility of the directed light to passing motorists.
 4. **Light Trespass.** No sign or associated luminaire shall create light spillover of more than 0.1 foot-candles at any property line within or bounding a residential use or district.
 5. **Use of a Projected Light Source.** Illumination by a projected light shall be an indirect spotlight or gooseneck down light. External lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign. Such lighting shall be placed so as to provide even illumination to the signage and to avoid hot spots or dark areas on the signage.
 6. **Prohibited Illumination.** A sign shall not:
 - a. Be illuminated by flashing, intermittent or moving lights;
 - b. Contain or display animated, moving video or scrolling advertising;
 - c. Display messages for a period of less than eight seconds and use transitions or frame effects with an interval of more than two seconds;
 - d. Include audio, pyrotechnic, or bluecasting (Bluetooth advertising) components;
 - e. Consist of a static image projected upon a stationary object; or
 - f. Be a mobile sign located on or attached to a truck or trailer.
 7. **Luminosity.**
 - a. Daytime. During the daytime, based on normal daytime illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape.
 - b. During nighttime hours, a maximum luminosity is limited to 350 nits.
 - c. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 400 nits for this method of calibration and testing is suitable.
 - d. Incremental luminance limits between the nighttime limit and the full sunlight shall require automatic luminance controls for overcast or foggy days and for dawn and dusk hours by means of automatically controlling sign luminance based on the ambient lighting conditions, to restrict luminance between the sunny-day and night maximum luminosity range.
 - e. Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instruments manufacturer's instructions. Readings should be taken from the area where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
 8. **Safety.** Electronic Message Centers and Digital Billboards shall:
 - a. Include systems and monitoring to either turn the display off or show "full black" on the display and contain a default mechanism that freezes the sign in one (1) position at the maximum illumination in the event of malfunction; and

- b. Be designed so if a catastrophic power surge occurs, the sign will go dark or it will have maximum brightness limitations in place; and
- c. Automatically adjust the intensity of its display according to natural ambient light conditions.

14.01.35 Landscape Features

- A. Landscape features such as plant materials, berms, boulders, fencing, masonry columns and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

14.01.36 Special Exceptions

- A. Special exceptions to these sign regulations may be granted by the Plan Commission, with appeals of a Plan Commission determination made to the Common Council.

14.01.37 Nonconforming Signs

- A. **Signs Eligible for Characterization as Legal Nonconforming.** Any permanent existing sign located within the City of Onalaska of the date of adoption of this Sign Ordinance hereafter which does not conform with the provisions of this Sign Ordinance, is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
 - 1. The sign was covered by a proper sign permit prior to the date of adoption of this Sign Ordinance; and
 - 2. If no permit was required under the 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 Sign Ordinance.
 - a. **Continuation of Legal Nonconforming Signs.**
 - i. Nonconforming signs shall be maintained and repaired in a manner so as to comply with safety standards within this Sign Ordinance.
 - ii. Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Sign Ordinance. See Section 16-1-18 (2) (a), below, for what would constitute an alteration of a sign.
 - b. **Alteration of Nonconforming Signs.**
 - i. For the purpose of this Sign Ordinance, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator or Designated Authorized Agent.
 - ii. Altering a sign does not include maintaining the existing appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages, or changing the sign face.
 - c. **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
 - i. If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or structurally altered as noted in Section 16-1-18 (2)(a) above, except for activities noted in Section 16-1-18 (2)(b) above. The sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the sign shall be brought into compliance with the requirements of this Sign Ordinance. If the sign is not reconstructed within three (3) months, the sign shall be removed.
 - ii. The sign is relocated so as to be a minimum of five (5) feet from a parcel line (off the right-of-way) and is outside the required vision triangle as specified in the Unified Development Code.
 - iii. The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
 - iv. On the date of occurrence of any of the above activities, the sign(s) shall be immediately brought into compliance with this Sign Ordinance with a new sign permit secured therefore or shall be removed.

14.01.38 Abandoned Signs and Their Structures Where a Business is no Longer in Operation

- A. Vacation of a building, portion of a building, structure or site shall have the following effect:
1. At ninety (90) days, nonconforming signs shall lose their legal nonconforming status.
 2. At ninety (90) days, the owner of the property shall take action regarding any signage/signage structures, associated with the vacancy and either removal all such signage and structures associated with the vacancy or replace the face of such signage with a blank sign face (no sign permit required).
 3. Sign structures that have been left without modifying the sign face for a continuous period of ninety (90) days, shall be deemed abandoned and shall be removed by the owner of the sign structure in accordance with the standards set forth in Section 16-1-5(11): Removal of Signs.

Chapter 02 General Standards

Division 1 Standards for Specific Types of Signs

14.02.11 Awning and Canopy Signs

- A. **Awning and Canopy Signs.** All awning and canopy signs require a sign permit and shall comply with the following requirements and conform to the regulations of the zoning district in which they are to be located. Awning/canopy signs are defined as an awning/canopy which displays text, logo, or similar feature. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted below in 16-1-9 (1) e.
1. **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Inspection Department for compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 16-1-8. All canopies shall be attached to a building and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 2. **Height.** All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be a minimum of eight (8) feet above the level of the public sidewalk or public thoroughfare.
 3. **Setback from Curb Line.** No awning shall extend beyond a point four (4) feet into the right-of-way and no canopy shall extend beyond four (4) feet from the face of a wall or building.
 4. **Text and Copy Size Limitations:**
 - a. Awnings. Text, copy and characters shall not exceed eight (8) inches in average height on the front and side edges.
 - b. Canopies. Text, copy and characters shall not exceed twenty-four (24) inches in average height on the front and side edges.
 5. **Insurance and Release Requirements.** Every applicant for a sign permit for an awning and/or canopy which will overhang a public street or sidewalk shall, before the sign permit is granted, file with the Planning/Inspection Department an indemnification and hold harmless agreement for the sign and a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for any one (1) accident and Ten Thousand Dollars (\$10,000.00) for property damage which shall indemnify and save harmless the City of Onalaska from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said sign permit.

14.02.12 Electronic Message Center Signs

- A. All electronically or mechanically energized/digital signs shall comply with the following standards:
1. **Message Timing.** Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 2. **Dimmer Control.** Electronic Message Center Signs shall have an automatic dimmer control such as:

a photocell or other ambient light sensing mechanism that automatically adjusts the sign's brightness in direct correlation with the natural ambient light conditions.

3. **Light Sensor Required.** All Electronic Message Center Signs that are directly illuminated shall include a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or that can be adjusted to comply with the foot-candle requirements set out below without human assistance.
4. **Brightness.** Electronic Message Center Signs shall not exceed a brightness level of 5,000 nits (candela per square meter) during daylight hours and 500 nits between sunset and sunrise and at no time exceed 0.3 footcandles above natural ambient light conditions. Such measurements shall be taken using a footcandle (Lux) meter at a preset distance depending on the sign area, measured as follows in the table below. Signs found to exceed the brightness levels shall be adjusted to meet the below standards after notification by the City of Onalaska.

Area of Sign (SF)	Measurement Distance (FT)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

5. **Certification Required.** Prior to the issuance of a sign permit for an Electronic Message Center Sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed 5,000 nits and that the intensity level is protected from end-user manipulation by password-protected software or other method that will effectively deter end-user manipulation and that the Electronic Message Center Sign includes a sensor or similar device in compliance with Subsections (c) & (d) above.
6. **Additional Location and Size Requirements shall be as follows:**
 1. Electronic Message Center Signs are not permitted within one hundred (100) feet of a residential district parcel line. Such signs are allowed within one hundred (100) feet of a residential district parcel line, only if the residential district parcel is separated from the sign/property in question by a public right-of-way.
 2. All Electronic Message Center signs within three hundred (300) feet of a residential district parcel line shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet for both sides. Such Electronic Message Center Signs may only be operational between 7:00A.M. and 10:00P.M. to preserve the integrity of the surrounding neighborhood.
 3. Electronic Message Center Sign faces shall not exceed one hundred (100) square feet per side and a total of two hundred (200) square feet total on both sides when located beyond three hundred (300) feet from a residential district parcel line.

14.02.13 Ground/Freestanding Signs

- A. For the purpose of this Sign Ordinance, a monument sign, multiple pole sign, or single pole sign shall be considered a ground/freestanding sign. Unless specified elsewhere in this Sign Ordinance, all ground/freestanding signs shall comply with the following standards:
1. **Allowable sign area and sign height.** The allowable sign area and sign height shall be as specified in the applicable zoning district.
 2. **Monument sign base.** In the case of a ground/freestanding monument sign, the width of the base of the sign shall be at least sixty (60) percent the width of the sign.
 3. **Materials.** Ground/freestanding signs shall be constructed of durable and quality materials that are compatible with surrounding development. In the case of a monument sign, the base and exposed foundation shall be covered with a finished material such as brick, stone, metal or wood.

14.02.14 Signs Adjacent To Drive-Thrus

- A. Signs adjacent to drive-thrus where allowed pursuant to this Sign Ordinance shall be subject to the following conditions:
1. **Allowable sign area and sign height.** The sign shall have a maximum sign copy of fifty (50) square feet.
 2. **Orientation.** The sign shall be single-sided and oriented in such a manner so that the signs are directly visible to the patrons using a drive-thru facility only.

14.02.15 Billboards

- A. All Billboard signs shall be permitted subject to the following standards:
1. **Location Requirements:** all Billboard signs must be:
 - a. A minimum of one hundred (100) feet from a residential district parcel line for Billboards. A minimum of seven hundred fifty (750) feet from a residential district parcel line for Digital Billboards.
 - b. A minimum of one hundred (100) feet from an intersection.
 - c. A minimum of three hundred fifty (350) feet from a church and/or school parcel line.
 - d. A minimum of one thousand (1,000) feet from another Billboard. Digital Billboards must be at least five thousand two hundred eighty (5,280) feet from another Digital Billboard.
 - e. A minimum of five (5) feet from right-of-way and parcel lines.
 - f. Erected in a ground/freestanding design and without back-bracing or guy wires.
 - g. Further than three hundred fifty (350) feet of the east and west rights-of-way of STH 157 and/or US 53 from Federal Interstate 90 to CTH OT.
 - i. A Digital Billboard may be allowed not less than two hundred fifty (250) feet and not more than three hundred fifty (350) feet of the east and west rights-of-way of US 53 from Federal Interstate 90 to CTH OT provided that all other setback requirements listed in Section 16-1-9(5)(a)(1-6) above are met.
 - h. Further than three hundred fifty (350) feet of the east and west rights-of-way of Sand Lake Road (STH S) from Main Street to CTH OT.
 2. **Allowable sign area and sign height.** The maximum size of a Billboard sign shall be three hundred (300) square feet per side of a sign structure. The height of the Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.
 3. **Digital Billboards.**
 - a. Digital Billboards may be allowed to up to three hundred seventy eight (378) square feet per side and a total of seven hundred fifty six (756) square feet total on both sides.
 - b. Technology. Any technology that complies with the performance standards including maximum brightness as set forth in this Sign Ordinance is permitted.
 - c. Public Service Announcement. Digital Billboards shall display up to ten (10) holds/flip messages annually, each hold/flip to occur once per minute for one (1) week prior to an event requested by the City of Onalaska free of charge.
 - d. Digital billboards images and messages must be static and each display/message must be

maintained for a minimum of seven and one-half (7.5) seconds. The transition from one static display/message on a digital billboard to another display/message must be instantaneous and without special effects or video.

- e. Brightness. Signs found to be too bright shall be adjusted to meet the standards set forth in Section 16-1-8(9) and Section 16-1-9 (2) (d) above upon notification by the City of Onalaska.
 - f. Each image and message shall be complete and self-contained.
 - g. Height. The height of the Digital Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.
 - h. A Digital Billboard, existing or for which a permit has been issued for prior to the adoption of this ordinance, must still meet the above requirements for brightness as set forth herein.
4. **Compliance.** Billboards and Digital Billboards shall meet all federal, state and local requirements prior to issuance of a sign permit.

14.02.16 Projecting Signs

- A. Unless specified otherwise in this Sign Ordinance, all projecting signs shall comply with the following standards. If any sign is suspended or projects above a right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City of Onalaska harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City of Onalaska may reasonably from time to time determine, provided that the amount of such liability insurance shall be as noted in Section 16-1-9 (1) e above.
- 1. **Allowable sign area and sign height.** Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty-four (24) square feet in an area for any one (1) premises and not exceed a height of twenty (20) feet above the mean centerline street grade. Projecting signs must be of a scale consistent with and appropriate for the building to which they are affixed.
 - 2. **Allowable extension from building.** Projecting signs shall not extend closer than six (6) feet to the edge of the public right-of-way or extend closer than ten (10) feet to a side parcel line. Properties located along Main Street between State Highway 35 and 4th Avenue and located along State Highway 35 from Quincy Street to Oak Forest Drive shall be allowed to install a sign where the lowest portion thereof is a minimum of ten (10) feet above the level of the public sidewalk or public pedestrian thoroughfare or extend beyond four (4) feet over the public sidewalk or public pedestrian thoroughfare.
 - 3. **Clearance above grade.** All projecting signs shall maintain a minimum of ten (10) foot vertical distance between the bottom of the sign and the grade immediately below the sign.

14.02.17 Wall Signs

- A. **Allowable Sign Area.** The allowable sign area is specified in the applicable zoning districts.
- B. **Sign Placement.** Where feasible, wall signs shall be placed in the traditional sign band above the entrance to the building and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall as specified in the applicable zoning. In no case shall a sign be placed higher than the cornice.
- C. **Attachment to Building/Structure.** Wall signs placed against the exterior of buildings shall not extend more than sixteen (16) inches out from a building wall's surface.

14.02.18 Roof Signs

- A. Roof signs shall comply with the following standards:
- 1. Allowable Sign Height. In no case shall a roof sign exceed fifteen (15) feet in height above the parapet line or higher than thirty (30) feet above the mean grade of the centerline of the street from which access to the premises is obtained.
 - 2. Roof sign structures shall be constructed entirely of steel or aluminum and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

14.02.19 Temporary Signs

- A. The following temporary signs shall be allowed with a temporary sign permit issued by the City of

Onalaska's Planning Department as required below, provided they are not located over, on or in a public road right-of-way or in, on or over public water. Temporary signs may not be illuminated and for purposes of the following sections, the length of time is measured within a calendar year. The City of Onalaska Planning Department or their designee may remove any temporary sign which does not meet the requirements of this Sign Ordinance without notice. For purposes of this Sign Ordinance, the lessor of a property is considered the property owner, as to the property the lessor holds a right to use exclusive of others. If there are multiple lessors of a property, then each lessor shall have the same rights and duties as the property owner as to the property the lessor leases, and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessor has the sole right to occupy under the lease.

1. **Non-Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.
 - a. One (1) temporary sign per street frontage, up to thirty-two (32) square feet in size, may be located on a parcel when that property is being offered for sale.
 - b. One (1) temporary sign up to thirty-two (32) square feet may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property.
 - c. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than fourteen (14) days in a calendar year.
 - d. Up to three (3) temporary signs may be located on a property in which an active construction site of a new building or substantial remodel for which a building permit exists provided such temporary signs are attached to construction trailers or are free standing. Parcels are allowed up to an aggregate of one hundred (100) square feet of such temporary signage. For parcels abutting I-90, the sign face may be up to seventy-two (72) square feet provided that approval is granted by the Wisconsin Department of Transportation. In addition to the three temporary signs, banners may be installed on the construction site fence to the same length and height as the fence surrounding a construction site. Signs or banners may not be installed until after issuance of a Site Plan Permit or Building Permit. The signs shall be confined to the construction/development site and shall be removed within thirty (30) days of completion or prior to issuance of a Final Occupancy, whichever is sooner.
 - e. One (1) temporary sign up to thirty-two (32) square feet may be located on the owner's property when that property is being offered for rent at the time of a known vacancy.
 - f. Up to three (3) temporary signs may be located on a property for a seven (7) day period immediately after construction work has been completed by a licensed contractor. Signs may be up to thirty-two (32) square feet in area (per side).
 - g. One (1) temporary sign, per street frontage, up to thirty-two (32) square feet in size may be located on a property up to 14 days in advance of a registered Community Event. Such signs shall be removed within 24 hours of the community event. If included on an electronic message center sign, the electronic message center sign shall be at least one hundred (100) feet from any residential district line and may only be illuminated from 6:00 A.M. until 10:00 P.M.
 - h. Two (2) temporary signs, up to thirty-two (32) square feet in area (per side) may be located on a parcel if a temporary outdoor displays, sales area, or tent event is taking place on the property throughout the duration of said event. A Temporary Sign Permit is required prior to installation approved by the Planning Department.
 - i. A property owner may place one (1) temporary sign with a sign face no larger than thirty-two (32) square feet on the property at any time for up to ninety (90) days in a year. A Temporary Sign Permit for the calendar year is required prior to installation approved by the Planning Department.
 - j. Sidewalk sign. Each parcel is allowed (1) sidewalk sign per street frontage, up to twelve (12) square feet in size. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated.

Sidewalk signs may be located at the subject parcel, unless a structure has been constructed in a manner where no street yard setback exists. In these instances, a sidewalk sign may be placed immediately adjacent to the subject parcel in a manner that does not present a pedestrian safety issue or vehicle hazard. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located closer to the building face, rather than the curb. A sidewalk sign shall not be located in the required vision triangle as specified in the Unified Development Code.

- B. **Residential Districts.** Temporary Signs Allowed Generally. The below temporary signs do not require a Temporary Sign Permit unless as noted.
1. One (1) temporary sign per street frontage, up to four (4) square feet in size, may be located on a parcel when that property is being offered for sale.
 2. One (1) temporary sign may be located on the property for a period of fifteen (15) days following the date on which a contract of sale has been executed by a person purchasing the property, up to four (4) square feet in size.
 3. One (1) temporary sign may be located on the owner's property when the property owner is opening the property to the public; provided, however, that this type of sign may not be used for more than four (4) days in a year, up to four (4) square feet in size.
 4. One (1) temporary sign may be located on the owner's property when that property is being offered for rent, up to four (4) square feet in size.
 5. Up to three (3) temporary signs may be located on a property in which an active construction site of a new residence or substantial remodel for which a building permit exists provided such temporary signs are attached to fencing, construction trailers or are free standing. The maximum size of any one sign shall be nine (9) square feet for a single parcel. Where a new residence or substantial remodel for which a building permit exists and for which the construction site is fenced, banners may be installed on the construction site fence to the same length and height as the construction fence.
 6. Up to three (3) temporary signs may be located on a property for the seven (7) day period immediately after construction work has been completed by a licensed contractor. Individual signs may be up to three (3) square feet in area (per side).
 7. One (1) temporary sign, per street frontage, up to four (4) square feet in size, may be located on a property up to fourteen (14) days in advance of a registered Community Event. Such signs shall be removed within twenty-four (24) hours of the community event.
 8. One (1) temporary sign, per street frontage, up to four (4) square feet in area (per side) may be located on a parcel for the seventy-two (72) hours prior to a time when the owner of the parcels holds the property open to the public for a garage or alley sale and for up to twenty-four (24) hours afterwards.
 9. A property owner may place one (1) sign with a sign face no larger than two (2) square feet on the property at any time for up to ninety (90) days in a calendar year.
 10. Up to three (3) temporary signs may be located on a new subdivision in which an active construction site of new residences exists provided such temporary signs are attached to fencing, construction trailers or are free standing. Installation of the signs may not occur until after the approval of a Final Plat. The maximum size of any one (1) sign shall be thirty-two (32) square feet for a single parcel. A Temporary Sign Permit is required prior to installation approved by the Planning Department.
 11. Sidewalk signs are allowed for conditional uses in Residential Districts and conditional and permitted uses, in the Multi-Family Residential District, up to twelve (12) square feet in size. Each parcel is allowed one (1) sidewalk sign per street frontage. A sidewalk sign shall have a professional designed appearance and be constructed of durable, weather-resistant materials (cardboard, paper, fabric, and other similar materials are prohibited). Sidewalk signs shall be constructed in a workmanlike manner that is consistent with all applicable codes. A sidewalk sign shall have no moving parts, except for wheels to move the sign to and from a display location and shall not be electric or illuminated. Sidewalk signs shall be located at the subject parcel. Under no circumstances shall a sidewalk sign obstruct vehicular parking stalls, bus stops, benches, fire

hydrants, or other features located legally in the public right-of-way. A sidewalk sign shall be located closer to the building face, rather than the curb. A sidewalk sign shall not be located in the required vision triangle as specified in the Unified Development Code.

Division 2 Standards by District

14.02.21 Allowable Signs in R-1 (Low Density Residential), R-2 (Low-Medium Density Residential) R-3 (Medium Density Residential), R-4 (High Density Residential), R-MMH (Residential Manufactured and Mobile Home) Zoning Districts

- A. **Intent.** The R-1, R-2, R-3, R-4, and R-MMH Zoning Districts accommodate primarily residential uses and a limited amount of other compatible non-residential uses. The signage in these districts is intended to relate to the predominately residential character of the districts.
- B. **Allowable signs.** The following are the only types of signs allowed:
1. **Ground/Freestanding sign.** Ground/freestanding signs shall comply with the standards specified in Section 16-1-9 (3). In addition, the following standards shall apply:
 - a. One (1) ground/freestanding sign shall be allowed per primary entrance of subdivisions containing at least: (a) six (6) single-family residential parcels or (b) at least twelve (12) two-family dwelling units in the subdivision;
 - b. One (1) ground/freestanding sign shall be allowed per primary entrance of a multi-family development that has three (3) or more dwelling units.
 - c. The maximum height of the ground/freestanding sign structure shall not exceed eight (8) feet.
 - d. The maximum total area of the ground/freestanding sign structure shall not exceed seventy-five (75) square feet (including base).
 - e. Signs for properties with conditional uses in these districts may have one (1) ground/freestanding sign per public road frontage a maximum of four (4) square feet per side.
 - f. Permitted home occupations are allowed one (1) sign up to four (4) square feet.
 - g. Signs shall not be internally illuminated.
 2. **Wall sign.** Wall signs shall comply with the standards specified in Section 16-1-9 (7). In addition, the following standards shall apply:
 - a. Multi-family uses. One (1) wall sign per building wall fronting a public street shall be allowed for a multi-family use that is a permitted or conditional use in the district, with a maximum sign square footage of thirty-two (32) square feet and shall not be illuminated.
 - b. Signs with properties with conditional uses in the district, may have one (1) wall sign per premise, not exceeding four (4) square feet in area. Sign shall be a permanent sign and not illuminated.
 3. **Government Signs.**
 4. **Traffic Control Devices.**
 5. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet and no more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

14.02.22 Allowable Signs in B-1 (Neighborhood Business), B-2 (Community Business), B-3 (Regional Business), M-1 (Light Industrial) and M-2 (Heavy Industrial) Zoning Districts

- A. **Intent.** The B-1, B-2, B-3, M-1 and M-2 Zoning Districts accommodate primarily commercial and industrial uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.
- B. **Allowable signs.** The following are the only types of signs allowed:
1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 16-1-9 (3). In addition, the following standards shall apply:
 - a. Ground/freestanding signs may have a maximum of two hundred (200) square feet per side for

- any one (1) premise.
 - b. Ground/freestanding sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which access to the premises is obtained.
 - c. An Electronic Message Center Sign may be permitted pursuant to the standards in Section 16-1-9 (2).
 - d. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.
 - e. Parcels that front a Federal Aid Primary (FAP) Highway are allowed a maximum of three hundred (300) square feet per side and the sign structure shall not exceed a height of forty-five (45) feet above the centerline of the grade of the street from which access to the premises is obtained.
2. **Wall Sign.** Wall signs shall comply with the standards specified in Section 16-1-9 (7). In addition, the following standards shall apply:
 - a. Wall signs are allowed up to a maximum of five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller), per wall for any one (1) premise and such sign(s) shall not exceed the height of the wall for which it is displayed.
 - b. Multi-tenant facilities and/or businesses may have one (1) wall sign per distinct and unrelated service.
 3. **Billboards.** Billboard and Digital Billboard signs shall comply with the standards specified in Section 16-1-9 (5) as applicable. Billboards and Digital Billboards are allowed only in B-1, B-2, B-3, M-1 and M2 Districts.
 4. **Roof Sign.** Roof signs shall comply with the standards specified in Section 16-1-9 (8).
 5. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 16-1-9 (6).
 6. **Sign Adjacent to Drive Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 16-1-9 (4).
 7. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 16-1-9 (1).
 8. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
 9. **Government Sign.**
 10. **Traffic Control Devices.**
 11. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
 12. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for flags that are sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

14.02.23 Allowable Signs in T-C (Transitional Commercial), MU-N (Mixed Use Neighborhood), and MU-C (Mixed Use Community) Zoning Districts

- A. **Intent.** The T-C, MU-N and MU-C Zoning Districts accommodate a mixture of residential and commercial uses. The signage in this district is intended for vehicular traffic moving at speeds ranging up to twenty-five (25) miles per hour.
- B. **Allowable signs.** The following are the only types of signs allowed:
 1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 16-1-9 (3). In addition, the following standards shall apply:
 - a. Ground/freestanding signs may have a maximum of sixty (60) square feet per side.
 - b. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
 - c. Ground/freestanding sign structure shall be setback a minimum of ten (10) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.

- d. An Electronic Message Center Sign may be permitted pursuant to Section 16-1-9 (2).
 - e. Parcels that front on a Federal Aid Primary (FAP) Highway may have a sign with a maximum of one hundred and fifty (150) square feet per side and the sign structure shall not exceed a height of thirty (30) feet above the centerline of the grade of the street from which access to the premises is obtained.
2. **Wall Sign.** Walls signs shall comply with the standards specified in Section 16-1-9 (7). In addition, the following standards shall apply:
 - a. Wall signs are allowed a maximum of one (1) sign up to forty (40) square feet of signage per building wall per approved use within the structure and such signs shall not exceed the height of the wall for which it is displayed.
 - b. Multi-tenant facilities and/or businesses may have one (1) wall sign per distinct and unrelated service.
 3. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
 4. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 16-1-9 (6).
 5. **Sign Adjacent to Drive-Thrus.** Signs adjacent to drive-thrus shall comply with the standards specified in Section 16-1-9 (4).
 6. **Awning/Canopy Sign.** Awning/Canopy Signs shall comply with the standards specified in Section 16-1-9 (1).
 7. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
 8. **Government Sign.**
 9. **Traffic Control Devices.**
 10. **Flags.** Provided that such flags shall not exceed twenty-five (25) square feet per face. The maximum flagpole height shall be twenty-five (25) feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

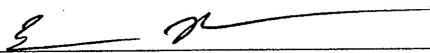
14.02.24 Allowable Signs in P-1 (Institutional), P-2 (Public) and A-1 (Agricultural) Zoning Districts

- A. **Intent.** The P-1, P-2 and A-1 Zoning Districts are intended for institutional, public uses and agricultural uses. These districts accommodate a variety of uses including parks, governmental and cultural uses, schools, places of worship and farming/ agricultural uses. The signage in these districts is intended for vehicular traffic moving at speeds ranging from twenty-five (25) to forty-five (45) miles per hour.
- B. **Allowable signs.** The following are the only types of signs allowed:
 1. **Ground/Freestanding Sign.** Ground/freestanding signs shall comply with the standards specified in Section 16-1-9 (3). In addition, the following standards shall apply:
 - a. Ground/freestanding signs are allowed up to a maximum of up to sixty-four (64) square feet per side.
 - b. Ground/freestanding sign structure shall not exceed a height of fifteen (15) feet above the centerline of the grade of the street from which access to the premises is obtained.
 - c. Ground/freestanding signs shall be setback a minimum of five (5) feet from parcel boundaries and shall follow traffic visibility standards found in the Unified Development Code.
 - d. An Electronic Message Center Sign may be permitted pursuant to Section 16-1-9 (2).
 2. **Wall Sign.** Walls signs shall comply with the standards specified in Section 16-1-9 (7). In addition, the following standards shall apply:
 - a. Wall signs are allowed an aggregate of up to three hundred (300) square feet, with a maximum of one hundred (100) square feet per wall façade.
 3. **Entrance Sign.** A property owner may place a sign no larger than four (4) square feet adjacent to the main entrance of a building or structure.
 4. **Projecting Sign.** Projecting signs shall comply with the standards specified in Section 16-1-9 (6).
 5. **Awning/Canopy Sign.** Awning/Canopy signs shall comply with the standards specified in Section 16-

FISCAL IMPACT OF ORDINANCE 1656 – 2019

Please route in this order

Eric Rindfleisch, Administrator

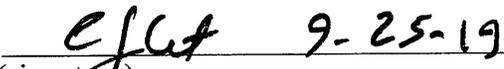

(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Jarrold Holter, City Engineer

 9-25-19
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Charles Ashbeck, Chief of Police

 9-26-19
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

Fred Buehler, Financial Services Director

 10-1-19
(signature)

No Fiscal Impact

Budgeted Item

Will need \$ _____ for _____ to meet the requirements of this ordinance.

1-9 (1).

- 6. **Window Sign.** Window signs shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
- 7. **Government Sign.**
- 8. **Traffic Control Devices.**
- 9. **Flags.** Provided that such flags shall not exceed one hundred (100) square feet per face. The maximum flagpole height shall be forty-five (45) feet for flags sixty (60) square feet or smaller and the maximum flagpole height shall be fifty (50) feet for flags larger than sixty (60) square feet. No more than two (2) flagpoles shall be allowed per parcel. The minimum setback for flagpoles shall be one (1) foot for every one (1) foot of flagpole height. Flags that meet these requirements shall not count toward any maximum sign provisions. A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use.

14.02.25 Allowable Signs in Specialty Overlay Districts (BP: Bluffland Protection, WHP: Municipal Well Recharge Area, PUD: Planned Unit Development, PCID: Planned Commercial Industrial District, TND: Traditional Neighborhood Development, CCD: Conservation/Cluster Development, I-90 EO: I-90 Economic Overlay, MCD: Medical Campus District, and F/OD: Form Overlay District)

- A. **Intent.** Signs within the BP, WHP, PUD, PCID, TND, MCD, and F/OD Overlay Districts are intended to have a unified appearance that is integral to the design concepts. Signs should generally comply with the sign standards associated with the underlying districts or uses that most reflect the proposed uses in the Overlay Districts, but may deviate from those standards pursuant to approved plans.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this ___ day of _____, 2019.

CITY OF ONALASKA

By: _____
Joe Chilsen, Mayor

By: _____
Caroline Burmaster, Clerk

PASSED:
APPROVED:
PUBLISHED: