

# Title 14 Sign Code

## Chapter 01 Introductory Provisions

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### 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 of 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

- D. 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.

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## 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 than 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 (1) 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 (2) 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 (1) nit is equal to one (1) cd/m<sup>2</sup> (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 (2) 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.

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## 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 14.01.32 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 14.01.31.A above. The Zoning

Administrator or Designated Authorized Agent shall have a maximum of thirty (30) days to approve or deny a sign permit or recommend the applicant apply for a Special Exception Permit.

1. **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:
  - a. Whether the sign is designed, constructed, installed or maintained in such a manner that it does not endanger public safety or traffic safety.
  - b. 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.

**E. Enforcement and Revocation of a Sign Permit.**

1. 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.
2. In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within one hundred and eighty (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.
3. 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.

**F. Fee.** The fee for each sign permit shall be set forth on the City's Fee Schedule.

**G. 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.

**H. 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.

**I. 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.

**J. 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.

**K. Removal of Signs in Violation of this Sign Ordinance.**

1. 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.
2. 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.

3. 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.
4. 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

- L. 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 purpose, 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 a minimum of 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 Design Overlay District (Planned Unit Development, Downtown Planned Unit Development, Planned Commercial Industrial District, or Medical Campus District).
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

- M. 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.

#### 14.01.36 Special Exceptions

- N. 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 14.01.37.A.2.b 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 14.01.37.A.2.b.i. above, except for activities noted in Section 14.01.37.A.2.b.ii. 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 14.01.31.Q. Removal of Signs.