

## REGULATION OF OUTDOOR ADVERTISING

**Section I. Title/Purpose.** This Ordinance is entitled, "Regulation of Outdoor Advertising". The purpose of this Ordinance is as follows:

To provide for the safety, health, and general welfare of the residents of the Town of Shelby by regulating the installation, size, maintenance and types of Signs in the Town. The provisions in this Ordinance shall be binding upon all owners of property in the Town, every lessee and every person responsible for the construction, repair, or alteration of any outdoor Signs in the Town of Shelby.

**Section II. Findings.** Signs are a valuable marketing tool for businesses and organizations, provide an important medium through which individuals convey a variety of messages, and serve as a component for way-finding for both residents and visitors. However, outdoor Signs can also have a substantial impact on the character and quality of the Town; can create traffic hazards, aesthetic concerns and detriments to property values; and, thereby, threaten the public health, safety, and welfare.

**Section III. Adoption of Ordinance.** The Town Board of the Town of Shelby adopts this Ordinance pursuant to section 60.23 (29) 60.61 of Wisconsin State Statutes.

### **Section IV. Definitions.**

- A. "Agricultural Sign" A Sign advertising the sale of farm or forest products, including: edible farm products, plant or nursery products and livestock produced or raised on the premises. Agricultural Signs shall also include those signs indicating a landowner's membership in agricultural associations or cooperatives, or specialization in a particular breed of animal or type of strain of plant.
- B. "Digital Variable Message Unit" Any on-premises Sign capable of displaying words, symbols, figures, or images that can be changed by remote or mechanical means.
- C. "Directional Sign" An off-premises Sign displayed for the sole purpose of assisting way-finding through disclosure of no more than the name of a business or activity, and the distance or directions to such business or activity.

- D. "EVM Sign" An off-premises Electronic Billboard capable of displaying multiple static images controlled by electronic communications.
- E. "Freestanding Sign" Any ground, monument, pole or other Sign, which is supported by structures or supports, in or upon the ground, and independent of support from any building.
- F. "Illuminated Sign" Any Sign that has characters, letters, figures, designs or outlines illuminated by electric lights, luminous tubes, or any other artificial means as part of the Sign.
- G. "Informational Sign" Any Sign for a public, charitable, government, non-profit or religious organization. Such Signs include, but are not limited to, bulletin boards and kiosks.
- H. "Legal Non-Conforming Sign" Any Sign which existed prior to the effective date of this chapter and does not conform to the regulations herein.
- I. "Manual Message Unit" Any Sign whose message may be changed by manual process. Manual Message Units typically have slots or grooves with hooks, brackets or magnets for the individual letters and symbols to be attached to the Sign face to create a message.
- J. "Multi-Vision Sign" A Sign which, through use of louver construction, permits the display of multiple messages in a pre-determined sequence.
- K. "Off-Premise Sign" Any Sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed.
- L. "On-Premise Sign" Any Sign that is appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed.
- M. "Parcel" One piece of land associated with a single entity, which may or may not coincide with a lot of record.
- N. "Political Sign" A temporary portable Sign displaying a candidate for an election or a current election's subject matter.
- O. "Professional Sign" Any Sign that directs the public to a business.
- P. "Real Estate Sign" A temporary, portable, on-premise Sign which is used to offer for sale, lease, or rent, land or property with or without improvements

- Q. "Sign" A publicly displayed structure that promotes, calls attention to, or invites patronage to a specific business, product, service, entertainment event or activity, or other commercial activity.
- R. "Street Frontage" That portion of a parcel abutting a highway or other approved access. A corner lot serves as two street frontages.
- S. "Temporary Portable Sign" Any Sign not permanently attached to the ground, which is designed to be easily moved from one location to another and is not more than thirty two (32) square feet in size.
- T. "Vision Clearance Area" The area providing unobstructed vision at traffic intersections with which structures or landscape fixtures may be regulated to provide for the safe and efficient flow of traffic.

**Section V. General Provisions:**

- A. For all signs, there shall be a three (3) foot set back from all property lot lines from any feature of the sign.
- B. Sign area or size shall be measured as the entire area within a single continuous perimeter enclosing an individual sign or group of signs, including writing, representation, emblem or other display.
- C. No sign shall be placed within the "highway vision clearance" except for official traffic control and highway signs.
- D. Signs shall not be allowed on public right-of-way, except for signs installed by a municipality for traffic control, parking control, directional signs, address or fire numbers, and signs which identify a subdivision, neighborhood or community.
- E. Signs shall not resemble, imitate or be similar to railroad or traffic signs, signals or devices. Signs shall not obstruct any traffic signals or street signs.
- F. Signs shall be properly secured, supported and shall be kept in reasonable structural condition and shall be kept clean and painted at all times. Signs shall be constructed and maintained in a safe structural manner in accordance with all state and local building and electrical codes.
- G. Signs in disrepair, or determined to be dangerous, dilapidated or unsafe, shall be removed by the owner. The Town shall determine if such sign is in need of repair. Signs for closed businesses shall be removed within six (6) months of when a business closed.

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- H. Illuminated signs shall be illuminated in such a manner so their light is not directed on neighboring properties or onto road right-of-way. Illuminated signs shall only be allowed in commercial or industrial zoned areas.
- I. Electronic billboard signs are not allowed without a variance to this ordinance. Variances shall be applied for to the Town Board, on forms provided by the Town.
- J. Electronic message units greater than twenty four (24) square feet are not allowed without a variance to this ordinance.
- K. Temporary portable signs being used for a special event (fundraiser, game day, auction, etc.) may be used for a period of up to twenty one (21) days per event.

**Section VI. Legal Non-Conforming Signs.** Any existing sign on the effective date of this chapter which does not conform with the provisions of this chapter is considered a legal non-conforming sign. All Off-premise signs are considered non-conforming signs.

- A. Owners of a legal, non-conforming sign shall follow the provisions of this Ordinance relative to maintenance and upkeep of the sign.
- B. Legal, non-conforming signs shall not be moved, enlarged, raised, altered or converted to an electronic message unit, or electronic billboard.
- C. A legal, non-conforming may be reconstructed to its original dimensions if it is damaged due to an accident or storm.
- D. A sign will lose its legal non-confirmed status if one or more of the following occurs:
  - a. Sign is structurally altered, enlarged, raised, improved or converted to electronic, except for normal wear and tear.
  - b. Sign is moved on the subject's site or to a different site.

**Section VII. Residential District A, B, C, Rural, Manufactured Home Community District, Exclusive Agricultural, General Agricultural, Recreational & Natural Resources, and Public Facilities and Institutional District.**

The following signs are allowed in these zoning districts:

- A. Municipal signs on public right-of-way or public park land.

- B. Signs not exceeding ten (10) feet in height.
- C. Informational signs not exceeding sixteen (16) square feet in size.
- D. Political, school choice, portable vendor, church promotion, sporting promotion, etc. signs, not exceeding sixteen (16) square feet in total size accumulation. ( ie. 4 signs, 2X2 each = 16 sq ft)
- E. Signs promoting or designating a new building or development not exceeding thirty-two (32) square feet shall be allowed for up to two (2) years.
- F. Signs designating entrances, exits, service areas, restrooms and others relating to functional operation of a building or parcel that bear no advertising matter and not exceeding ten (10) square feet.
- G. Signs which identify a subdivision or neighborhood community, not exceeding thirty-two (32) square feet.
- H. Real Estate signs not exceeding four (4) square feet.
- I. Agricultural signs not exceeding sixteen (16) square feet.
- J. Rummage sale signs not exceeding eight (8) square feet shall be allowed for up to forty-eight (48) hours prior to the sale, and must be removed within eight (8) hours after sale ends.
- K. Temporary portable signs not exceeding thirty-two (32) square feet, shall be allowed for a period of up to twenty (21) days, and shall not be lighted.

**Section VIII. Commercial, Light Industrial, and Industrial Districts.**  
The following signs are allowed in these zoning districts:

**On Premise:**

- A. Municipal signs on public right of way or public park land.
- B. Signs not exceeding twenty (20) feet above ground level at the base of the sign.
- C. Illuminated signs whose light is not directed to shine off the site.
- D. Free standing signs designed without bracing or guy wires, unless they are on a building.

- E. Digital Variable Message Unit signs, not exceeding twenty-four (24) square feet in size, with the following conditions:
  - a. Message changes not more than every 8 seconds,
  - b. Sign must be more than fifty (50) feet from a road intersection.
  - c. Digital Variable Message Unit signs may be illuminated between the hours of 6:00 am and 10:PM only, except during the hours of operation of the business or entity if the hours of operation exceed such times.
  - d. No more than one sign allowed per street frontage.
- F. Manual message units not exceeding sixty-four (64) square feet and fifteen (15) feet in height.
- G. Wall signs not exceeding two hundred (200) square feet.
- H. Signs designating entrances, exits, service areas, restrooms and others relating to functional operation of a building or parcel that bear no advertising and not exceeding ten (10) square feet.
- I. Informational and Professional signs, not exceeding two hundred (200) square feet. (Size is total visible area. One two-sided sign, 10 X 10, is 200 square feet). Up to three (3) signs shall be allowed per street frontage on any parcel, subject to the total accumulation of size.
- J. Political signs not exceeding thirty-two (32) square feet.
- K. Real Estate signs not exceeding thirty two (32) square feet.
- L. Signs promoting or designating a new building or development not exceeding thirty-two (32) square for up to two (2) years.
- M. Rummage sale signs not exceeding eight (8) square feet shall be allowed for up to forty-eight (48) hours prior to the sale and must be removed within eight (8) hours after sale ends.
- N. Temporary portable signs not exceeding thirty-two(32) square feet, shall be allowed for up to twenty-one (21) days, and shall not be lighted.

**Off Premise:** Not allowed

**Section IX. Administration.** The Town shall enforce the provisions of this Ordinance as follows:

- A. The Town shall develop a Sign Permit and Application Form for all new and structurally altered signs except for the following: municipal, political, school choice, portable vendor, church promotion, sporting promotion, etc signs not exceeding sixteen (16) square feet in total size accumulation.
- B. The Administrator, or his or her designee, is hereby authorized to approve applications for signs that are permitted by this Ordinance.
- C. The Town Clerk shall retain records in connection with the administration of the Ordinance including, permit applications, sign inspections and any other activities related to the Ordinance.
- D. Appeals: Any person or entity wishing to appeal the decisions relating to the ordinance or to construct a sign not allowed by this ordinance may file an appeal with the Shelby Town Clerk. The Shelby Town Board will review said appeal and notify the public as appropriate for the magnitude of the variance. The appeal shall be heard by the Shelby Town Board and their decision is final.

**Section X. Severability:** If any portion of this Ordinance is judged to be unenforceable or invalid, the remainder of the Ordinance shall not be affected.

**Section XI. Enforcement and Penalties:** Any person, firm, company or corporation who violates, omits, neglects or refuses to comply with this Ordinance shall be subject to a fine of one hundred dollars (\$100) for each occurrence. Each day of violation shall constitute a separate offense.

**Section XII. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: June 9, 2014

Timothy L. Candahl  
Timothy L. Candahl, Town Chair

Tim D. Ehler  
Timothy D. Ehler, Town Supervisor

Joyce R. Wichelt  
Joyce R. Wichelt, Town Supervisor

ATTEST:

Catherine Onsager  
Catherine Onsager, Town Clerk