

2.21 Signs

In addition to any zoning district sign regulations found in this Ordinance, the provisions Wisconsin State Statutes 86.19 and 84.30 and Wisconsin Administrative Code rules pertaining to signs, the following sign regulations shall apply:

- 1) Purpose: The purpose of this Section is to indicate the requirements for signage for all properties within the Town of Merrimac in order to keep them consistent with the overall character of the community.
- 2) Definitions: The following definitions shall be used by this Section to assist in the establishment of clear cut signage regulations.
- 3) Sign: Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Definitions of particular functional, locational, and structural types of signs are listed in this Section.
 - a) Advertising sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards.
 - b) Auxiliary sign: A sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, and menu boards.
 - c) Business sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.
 - d) Community Information sign: An officially designated sign which is limited to the display of information of interest to the general community regarding scheduled public events and public activities.
 - e) Directional sign, Off-Premise: A sign which indicates only the name, direction, and/or distance of a business or activity.
 - f) Directional sign, On-Premise: A sign which indicates only the name or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.

- g) Freestanding sign: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs and pylon signs.
- h) Ground level: The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding grounds. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- i) Identification sign: A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.
- j) Marquee: An overhanging sign which advertises represent and scheduled events.
- k) Mobile or Portable sign: A sign mounted on a frame or chassis designed to be easily relocated.
- l) Monument sign: A freestanding sign whose bottom edge is located within one foot of ground level and whose top edge is located no more than 8 feet from ground level.
- m) Projecting sign: A sign, other than a wall sign which is attached to and projects generally perpendicular from a structure or building face.
- n) Pylon sign: A freestanding sign erected upon one or more pylon or post.
- o) Sign area: Measurement of sign area.
- p) Sign face: The surface(s) of a sign used for display purposes.
- q) Temporary sign: A sign or advertising display intended to be displayed for a period not exceeding thirty days within any 12 month period. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.
- r) Wall sign: A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than 18 inches from its surface.

3) Measurement of Sign Area

Sign area shall be measured in the following manner:

- a) In the case of freestanding and marquee signs: sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, the maximum area which can be viewed simultaneously from any point shall be considered the sign face area.
- b) In the case of a sign (other than freestanding or marquee) whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
- c) In the case of a sign (other than freestanding or marquee) whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.

4) Sign Height Regulations

- a) Monument signs shall not exceed 8 feet in height nor shall they be otherwise erected so that they impede visibility or hinder public safety.
- b) The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the building on which it is mounted.

5) General Signage Regulations

The regulations contained in this Section apply to signs in all districts.

- a) numerals and identification signs not exceeding one square foot in area; (2) legal notices; (3) on-premise directional signs which bear no advertising; and (4) temporary signs which conform to the requirements as described in definition 2-q.
- b) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Article, and result in no change No person shall erect, alter, or relocate within the Town of Merrimac any sign without first obtaining a sign permit with the following exceptions: (1) address in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- c) The owner, lessee, or manager of a sign, and the owner of the land on which

the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

- d) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
- e) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
- f) No sign shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
- g) No flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations shall be permitted.
- h) Private signs shall be allowed within road right-of-way lines only per the regulations of the Town of Merrimac.
- i) No sign shall be mounted on a roof.
- j) No sign shall be located within a required bufferyard or within a permanently protected green space area.
- k) No sign, temporary or otherwise, shall be affixed to a tree or utility pole.
- l) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible. No internally illuminated signs are allowed. All illuminated signs shall comply with the State Electrical code.
- m) No advertising signs shall be permitted in the Town of Merrimac.
- n) No mobile or portable signs shall be permitted.
- o) Projecting signs may only be permitted at commercial establishments as a conditional use if they are unobtrusive and consistent with the community character. The bottom edge of such sign shall be located a minimum of eight feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. In no instance shall such sign be located directly over a public or private street, drive, or parking area.

- p) Permanent subdivision or P.A.D. identification signs are authorized if approved as part of an approved site plan. Detailed plans of proposed signs must be submitted at the time of subdivision review. Such sign shall not exceed 100 square feet in area. Such sign shall comply with the visibility standards of this Section.
 - q) Off-premise directional signs shall not exceed 6 square feet in area.
 - r) Pylon signs are not permitted.
 - s) The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing which has a minimum height of one foot.
 - t) All signs shall be constructed and mounted so as to withstand a wind pressure of 30 pounds per square foot.
 - u) Maximum total sign area per sign for a business is 32 square feet. Maximum number of signs is 2. Maximum total of all signs on a single property is 50 square feet.
 - v) Outdoor vending machines are not considered signs for the purpose of this Ordinance.
- 6) Maintenance of Signage
- a) All signage within the jurisdiction of this Ordinance shall remain in a state of proper maintenance. (See Subsection (b), below.)
 - b) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
 - c) Signage found to be in violation of this provision of this Ordinance shall be removed within 30 days of receipt of notice of Zoning Administrator.
- 7) Nonconformance
- a) Nonconforming Signs
 - 1) Signs existing as of the effective date of this Ordinance which do not conform to the provisions of this Ordinance, shall be nonconforming signs and shall be subject to the following provisions. No nonconforming sign shall be moved to a new location without being brought into compliance with the requirements of this Ordinance.

- 2) Business signs on the premises of a nonconforming use or building may be continued, but such signs shall not expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of adoption of this Ordinance.
- 3) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use. Closing businesses must remove their signs within 60 days of closing.
- 4) Signage not in compliance with the provisions of this Ordinance shall be subject to the provisions for the removal of nonconforming signs (Section 2).

b) Removal of Nonconforming Signs

1) Altering Signs

- a) For the purpose of this Ordinance, altering a sign is considered to be any change to its exterior appearance or support structure.
- b) This includes: changing the color of the support structure, changing the materials of the support structure, changing the face of the sign, changing the colors of the sign face, changing the message of the sign (except for changeable copy signs), changing the height of a sign, and changing the location of the sign on the subject property.
- c) Altering a sign does not include replacing the sign face or the supporting structure with identical materials, colors, and messages.

- 2) Advertising signs in existence at the adoption of this Ordinance shall be removed upon expiration of the lease between the advertising company or advertiser and the land owner or 5 years, whichever comes first
- 3) Temporary signs shall be removed within 5 days after the completion of the event for which they are posted. Name and address must be on the sign. Permanent signs shall be removed upon closure of business.
- 4) All signs must be kept in good repair.
- 5) Any person who shall violate any provision of this section shall upon conviction be punished by a forfeiture of not less than \$25.00 or more than \$100.00 for each day of violation from the date of notification to the

day of conviction.

2.23 Fees

Fees for land use permits, sign permits, conditional use hearings, Board of Appeals hearings, and zoning amendment hearings shall be as set by a resolution of the Town Board and shall be subject to periodic review and change.

2.24 Enforcement and Penalties

- 1) Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors or their agents) shall be deemed an unlawful structure or use.
- 2) The Town of Merrimac attorney may bring an action to enjoin, remove or vacate any use, erection, moving or structural alteration of any building or use in violation of this Ordinance.
- 3) The provisions of this Ordinance shall be enforced under the direction of the Town Board. Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per day as long as the violation shall exist, together with the costs of action, and in default of payment thereof, to imprisonment in the county jail for a period of not less than one day nor more than six months, or until such fine and costs are paid. Compliance therewith may be enforced by injunctive order at the suit of the Town or the owner of land within the district affected by the regulations of this Ordinance.

2.25 Wetlands

The Town of Merrimac adopts the Federal Wetland Map dated June 1, 1984 as the designated wetlands within the town.

Ordinance adopted November 10, 1992

Approved by the Sauk County Board of Supervisors January 19, 1993

Effective January 19, 1993

Amendment recommended for approval by the Planning & Zoning Commission March 27, 2019

Approved by the Merrimac Town Board on May 1, 2019

Approved by the Sauk County Board of Supervisors May 18, 2019