

**VILLAGE OF MARSHALL
PLANNING COMMISSION MINUTES
JUNE 27, 2012**

Chairperson Hensler called the Planning Commission meeting to order at 7:00 p.m. Members present: Kiefer, Krebs, Riley, Vick-Peck, Shepler and Hensler were present. Arnold was absent. Others Present: Jeff Lowrey, Christopher Raasch, Erin Ruth-GRAEF, and Sue Peck-Clerk/Treasurer.

1. Review and discussions on proposed changes to the Village's ordinances regarding Signs & Billboards; Title 13 Article H of the Municipal Code.

Mr. Erin Ruth provided a draft ordinance of changes based on previous discussions. Areas being considered for amendment are as follows: (see attached document)

- Pg. H-2 (m) Definition of a portable sign was amended to give more detail. It was asked what about signs that are flag/signs that are put in a base and on a pole. Would those be considered portable? Mr. Ruth thought they would come under temporary signs. Language will be added to address signs on poles with a movable base.
- Pg. H-3 - when permits are required. Temporary signs would be excluded from a permit. What is altered mean? Generally that means if the size is changed. It was recommended to add the wording "significantly altered" to when permits are required. A definition of what "significantly altered" will also be added. It was asked if a sign was switched to electronic would that be considered altered? It was thought that would be a change when it goes to an electronic sign and would require a permit.
- Pg. H-3, Residential sign standards – Added flexibility to non-residential signs in the residential district.
- Pg. H-5, sign projection restrictions. Changed wording that sign can't project over a public right-of-way instead of wording street right-of-way.
- Pg. H-5 removed the language about removal of signs at termination of business. There are regulations in place if the sign isn't structurally sound it would need to be removed.
- Pg. H-6 (h) – Shopping Center Sign restrictions – increases the allowable size to 150 square feet; and further allowing a three (3) foot setback from the right-of-way line of the street.
- Pg. H-6, (i) Total Surface Display Area Restrictions – spells out how multi-tenant buildings are handled for number of signs. Also provides some new exclusions with Plan Commission approval such as awnings, permanent lettering/logs, umbrellas with logos and text, painted murals.
- Pg. H-6, (j) removed projection of signs mounted on buildings restricted. This was redundant language that is addressed under 13-1-104(f).
- Pg. H-6, (k); number of signs permitted – suggested to remove; and add language that would allow one (1) ground sign; unless corner lot they would be allowed two (2). There will be an allowable combination of signs as long as they don't exceed the maximum allowable size per Sec. 13-1-104(i).
- Pg. H-7 temporary sign limitations. Temporary signs such as real estate, construction site, garage sale, community event and political signs would need to be removed within five (5) days after the event.
- Pg. H-8 temporary commercial signs. Commercial businesses would be restricted on temporary signs. Temporary commercial signs wouldn't be allowed for display for no more than thirty (30) days per calendar year without Plan Commission approval.
- Pg. H-8 Temporary signs exceeding twenty-five (25) square feet would be required to have a permit.

- Pg. H-8, Portable signs regulations are being changed. Portable signs shall be displayed during business hours only. Portable signs shall not be placed in a public right of way, except where building is located on the front property line. No more than one (1) portable sign shall be displayed for any business. There was discussion about adding language that the signs can't be placed to impede pedestrian traffic. Further discussion was held about off-premise signage. How restrictive do we want to be? It was decided to leave as is for now in regards to the ability to put the sign off premises.
- Pg. H-11, some language removed and others just clarified.

It was asked what the small signs on metal stakes would be considered. They would be considered temporary signs.

The current fee schedule for signs is a minimum of \$50.00 plus \$.50/sq. ft.

There was some discussion on the enforcement of the ordinance. Who would be enforcing? Most likely we would need to have our Building/zoning administrator enforce the rules. If that happens, the Village Board and Plan Commission need to back him up and stand by the ordinances.

It was asked if there is a list of signs that would be grandfathered in. Mr. Kiefer suggested that there be a grandfathered list started and people could apply to be put on the grandfathered list. All permanent signs that are in place at the adoption of the ordinance would be considered grandfathered in – some would be known as “legal non-conforming”. If the business wished to alter or change their sign they would then be required to meet the new code.

2. Set public hearing for public comment on Title 13 Article H ordinance changes. A public hearing will be held at the August 22, 2012 Planning Commission meeting to hear comments on the proposed changes.

IDENTIFICATION OF TOPICS FOR FUTURE DISCUSSION AND/OR ACTION

1. Next regular meeting will be 7/25/12. There will be a public hearing to amend the Kwik Trip conditional use permit to allow a Redbox vendor at the property.
2. It was asked if vending machines were regulated. At this point they aren't. Some raised concern with the number of them in the Village and if they are installed in a safe manner.
3. The regulation of vendors on the public street selling produce etc. It was questioned how this is regulated. The ordinances will be checked to see if there are regulations for the temporary outdoor display and sales. It was also suggested to look at the vendors and solicitors permits to use that more of a tool to regulate where the temporary vendors are locating.

Adjournment

Having no further business a motion was made by Riley and seconded by Kiefer to adjourn at 8:32 p.m. Motion carried unanimously.

Respectfully submitted,

Sue Peck, Village Clerk-Treasurer

ARTICLE H

Signs and Billboards

(Revised Ord. 2010-04, May 11, 2010)

Proposed GRAEF amendments for Village Plan Commission meeting – June 27, 2012.
Deleted text is ~~red and struckthrough~~. New text is *italicized and highlighted*.

SEC. 13-1-100 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.

SEC. 13-1-101 SIGNS AND BILLBOARDS -- DEFINITIONS.

The following definitions are used in this Article:

- (a) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (b) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (c) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (d) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (e) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (f) **Electronic Message Unit 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 on the premises. This also includes traveling or segmented message displays.
- (g) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (h) **Ground and/or Pole Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign.")

- (i) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (j) **Indirectly Illuminated Sign.** ~~Shall mean a~~ Any sign that is illuminated from a source outside of the actual sign.
- (k) **Marquee Sign.** ~~Shall mean~~ any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (l) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (m) **Portable Sign.** Any sign, *such as a sandwich board sign, that is* not permanently attached to the ground *and* which is designed to be easily moved from one location to another. *Signs mounted on vehicles or trailers are not considered portable signs by this ordinance, and such signs are regulated by Sec. 13-1-107(b) of this ordinance.*
- (n) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than five (5) feet from the face of a wall or building.
- (o) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (p) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (q) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (r) **Temporary Sign.** Any sign intended to be displayed for a short period of time, including real estate, political, ~~or~~ construction site signs, ~~and~~ banners, *signs placed in the ground on stakes or metal wires*, decorative-type displays, or anything similar to the aforementioned, *which provide notice of an event of limited duration.*
- (s) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.
- (t) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

SEC. 13-1-102 SIGN PERMITS REQUIRED.

- (a) **Permit Required.** No persons shall erect, relocate, reconstruct or maintain any signs without first having obtained and having in force and effect a permit therefore from the Building Inspector.

- (b) **Permits.** Signs *other than temporary signs* shall not be erected or altered until a permit has been issued by the Building Inspector. Applications for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator. The applicant shall file with the application plans and specifications, and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line, and by whom it shall be erected. Permits are not required for a copy change when no change in business name is involved. *Temporary signs do not require a permit except where indicated by this ordinance.*
- (c) **Permit Fees.** A permit fee shall be paid to the Village Clerk-Treasurer for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved. The permit fee shall be in accordance with a fee schedule adopted by resolution of the Village Board.
- (d) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Building Inspector who will assure the sign complies with the regulations of this Article.
- (e) **Revocation of Permit; Appeal.** The Building Inspector may, at any time for a violation of this Chapter, revoke a permit or require changes so the sign conforms to this Chapter. The holder of a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals.

SEC. 13-1-103 SPECIFIC RESIDENTIAL SIGN STANDARDS.

In all residential districts established by this Chapter, the following non flashing, non illuminated signs are permitted under the conditions specified:

- (a) **Nameplate and Identification Signs.** Subject to the following:
 - (1) Area and Content -- Residential. There shall be not more than one (1) nameplate, not exceeding one (1) square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. On a corner lot, two (2) such nameplates for each dwelling unit (one facing each street) shall be permitted.
 - (2) Area and Content -- Nonresidential. For nonresidential buildings, a single ~~identification~~ sign, not exceeding nine (9) square feet in area ~~and indicating only the name and address of the building~~, may be displayed. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (3) Projection. Such signs shall be affixed flat against the wall of the building. *One (1) ground sign, not exceeding nine (9) square feet in area and forty-two (42) inches in height, may be permitted in lieu of wall sign with Plan Commission approval, in instances where the Plan Commission deems such a ground sign will not be detrimental to surrounding residential properties. No part of such a ground sign shall be located less than five (5) feet from front property line, and no less than ten (10) feet from any side property line.*
 - (4) Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (b) **"For Sale" and "To Rent" Signs.** Subject to the following:

- (1) Area and Number. There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed twelve (12) square feet in area nor be closer than eight (8) feet to any other zoning lot.
 - (2) Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than seven (7) feet in height, measured from the soil grade to the top of the sign post.
- (c) **Signs Accessory to Parking Area.** Subject to the following:
- (1) Area and Number. Signs designating parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each. One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (2) Projection. No sign shall project beyond the property line into the public way.
 - (3) Height. No sign shall project higher than seven (7) feet above curb level.
- (d) **Signs Accessory to Roadside Stands.** Subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (2) Area and Number. The signs shall be on the same zoning lot as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
 - (3) Projection. No sign shall project beyond the property line into the public way.
 - (4) Height. No sign shall project higher than fifteen (15) feet above curb level.
- (e) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the Following:
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
 - (2) Area, Number and Setback. Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) Height. No sign shall project higher than five (5) feet above curb level.
 - (4) Time Limitations. The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of the zoning certificate.
- (f) **Subdivision Identification Signs.** Subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
 - (2) Area and Number. There shall be not more than one (1) sign located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area.

- (3) Height. No sign shall project higher than six (6) feet above curb level; the Plan Commission may, however, temporarily authorize a larger sign for a period not to exceed two (2) years.
- (g) **Nonflashing, Illuminated Church Bulletin**. Subject to the following:
- (1) Area and Number. There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other zoning lot.
- (2) Projection. No sign shall project beyond the property line into the public way.
- (3) Height. No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

SEC. 13-1-104 SPECIFIC BUSINESS AND INDUSTRIAL SIGN STANDARDS.

Signs are permitted in all Business and Industrial Districts, subject to the following restrictions:

- (a) **Signs Prohibited in Public Ways**. No sign shall be placed upon, over or in any public way, provided that this Subsection shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal, or other traffic device, or any other signs authorized by law or specifically permitted to project into the public way by this Chapter.
- (b) **Signs Not to Constitute a Public Hazard**. No sign shall be erected at any location where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words "stop", "look", "drive-in", "danger", or any other word which could be mistaken for an official sign.
- (c) **Illuminated Sign**. No sign shall be illuminated by intermittent, rotating or flashing lights.
- (d) **Ground Signs**. Ground signs shall be placed no closer than one (1) foot to the street right-of-way, shall have no projections and shall not exceed fifty (50) square feet in area. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (e) **Vacant Lot Maintenance**. Vacant lots upon which advertising signs now exist or which are erected pursuant to this Section shall be maintained in orderly fashion by the frequent and periodic removal of rubbish and maintenance of any vegetation growing on the lot.
- (f) **Sign Projection Restrictions**. No sign shall project over any part of any **street public right of way** except where a business structure is located on the front property line. In such case, a sign may not extend more than four (4) feet into any **street public right of way**.
- (g) ~~**Removal of Signs at Termination of Business**. At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the~~

~~public view. Responsibility or violation shall reside with the property owner according to the latest official tax roll listings.~~

- (h) **Shopping Center Sign Restrictions.** In a shopping center or industrial park, one free-standing identification sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. The area of said sign shall not exceed ~~sixty (60) square feet~~ *one hundred fifty (150) square feet total, and sign components for each individual tenant shall not exceed fifteen (15) square feet.* Said sign shall not be permitted within ~~twenty (20) three (3)~~ *three (3)* feet of the right-of-way line of the street.
- (i) **Total Surface Display Area Restrictions.** The total surface display area of business or industrial signs on the front facade of a building *(or tenant of a multi-tenant building)* shall not exceed in square feet two (2) times the number of linear feet of width of the building frontage *(or business frontage width for tenants in multi-tenant building)*. In the case of a building located on a corner lot, such square foot display area on the side facing the secondary street may be increased by 1.0 times the number of linear feet of the length of the building *(or business length for tenants in multi-tenant building)* which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 times the number of linear feet of the width or length of the building frontage *(or business width for tenants in multi-tenant building)* on such parking lot. Such increased display area shall only be utilized by the erection of a permitted sign on that part of the building which abuts said parking lot. In no case shall the wall area usable for sign display be in excess of two hundred (200) square feet and in no case shall more than one (1) of the above-mentioned criteria be used to calculate allowable sign area on any one (1) building facade.
- (1) *The following signage types may be excluded from maximum sign area calculations, if approved by the Plan Commission.*
- a. *Ground floor awnings containing text or logos located above windows or glazed entries.*
 - b. *Permanent lettering or logos painted directly onto window or entry glazing. Such painted signage must leave the glazing substantially transparent.*
 - c. *Logos and text on umbrellas located in any permitted outdoor seating area.*
 - d. *Painted murals on non-street or rear building elevations. Murals are not permitted on street fronting building elevations. Murals shall contain graphics or logos in addition to text, and shall be professional in appearance. Secondary product advertising shall comprise no more than 20% of any mural.*
- ~~(j) **Projection of Signs Mounted on Buildings Restricted.** Business and industrial signs mounted on buildings shall not be permitted to project more than four (4) feet beyond the property line.~~
- (k) **Number of Signs Permitted.** *(rev. 9/96)*
- ~~(1) **No more than one (1) business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases.**~~

- ~~Only one (1) business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.~~
- ~~(2) Multi-tenant buildings shall be allowed only one (1) of the following types of signs for each tenant for advertising or identification purposes:~~
- ~~a. Projecting sign.~~
 - ~~b. Wall sign. The maximum size of each sign shall be determined by dividing the total surface display area set forth in Article H, Section 13-1-104(1) for the building by the number of tenants.~~

(1) *No more than one (1) ground sign shall be permitted. On corner lots an additional ground sign may be installed on the secondary street frontage.*

(2) *Any number of wall, projecting, canopy, and electronic message signs meeting the requirements of these regulations are permitted such that the total area of such signage does not exceed the maximum allowable size per Sec. 13-1-104(i).*

- (l) **Directional Ground Signs.** Necessary directional ground signs which shall not exceed four (4) square feet in area shall be permitted. Permission to erect such signs must be obtained from the Police Department and the Village Board.
- (m) **Lighting.** Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- (n) **Signs Causing Obstruction Prohibited.** Any sign so erected, constructed or maintained as to obstruct or to be attached to any fire escape, window, door or opening used as means of ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation, is prohibited.
- (o) **Signs at Intersection Prohibited;** No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (p) **Canopy Signs Restricted.** Signs shall be permitted to hang from canopies or covered-walks in Business or Industrial Districts provided that there shall be only one (1) sign, not to exceed five (5) square feet, for each business and that the sign shall be at least ten (10) feet above ground level.

SEC. 13-1-105 MISCELLANEOUS SPECIFIC SIGN REQUIREMENTS.

(a) Temporary Sign Limitations.

- (1) All temporary signs such as real estate, construction site, *garage sale, community event,* and political signs shall ~~be removed within ten (10) days after their use has discontinued~~ *provide notice of an event of limited duration and shall be removed within five (5) days after the event has ended, except for signage regulated by 13-1-105(1)(3).*
- (2) Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.

- (3) Temporary commercial signage shall provide notice of a specific event such as a grand opening or going out of business sale, and such signage shall be removed immediately after the event has ended. No more than one (1) such sign shall be displayed on a property at any time. In total, all temporary commercial signage on a property shall be displayed for no more than thirty (30) days per calendar year without Plan Commission approval.
- (4) Temporary signs exceeding twenty-five (25) square feet shall not be installed without a permit.

(b) **Electronic Message Unit Signs.**

- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
- (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.

(c) **Portable Signs.**

- ~~(1) Such signs shall be limited in use to thirty (30) days at a time, and not more frequently than three (3) times per year at any one location.~~
- (2) The maximum size shall be twenty-five (25) square feet on each face, back to back.
- (3) Portable signs shall be displayed during business hours only.
- (4) Portable signs shall not be placed in a public right of way, except where building is located on the front property line.
- (5) No more than one (1) portable sign shall be displayed for any business.

(d) **Location Adjacent to Residence District.** No advertising signs shall be permitted within seventy-five (75) feet of any residence district boundary line unless said sign is completely screened from said residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two (2) feet shorter than the height of the sign at the time said evergreens are planted; said evergreens shall be spaced not more than one-half (1/2) the height of the tree for regular varieties and one-third (1/3) the height of the tree for columnar varieties of trees; said evergreen planting shall be continuously maintained.

(e) **Sign Mounting.** All signs shall be mounted in one of the following manners:

- (1) Flat against a building or wall;
- (2) Back to back in pairs so that the back of the sign will be screened from public view;
- (3) In clusters in an arrangement which will screen the back of the signs from public view; or
- (4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with the surrounding environment.

SEC. 13-1-106 EXCEPTIONS TO SIGN REGULATIONS.

The following signs and related items shall not be included in the application of the regulations contained in this Article:

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (c) Legal notices, identification information or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (f) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (g) Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.
- (h) Window signs directing attention to a business or profession conducted on the premises, or to a product, service or entertainment sold or offered on said premises, shall be permitted without a permit.

SEC. 13-1-107 PROHIBITED SIGNS.

- (a) No sign will be permitted that resembles the size, shape, form or color of official traffic control signs, signals or devices.
- (b) No persons shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.
 - (1) This Subsection shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.
- (c) No sign in a conspicuous state of disrepair shall be permitted to exist. The Village Board may order removal on a twenty (20) day public notice or immediately if public danger exists.

SEC. 13-1-108 DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.
- (b) **Alterations.** Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.

- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board or Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

SEC. 13-1-109 VARIANCES OR EXCEPTIONS.

Variations or exceptions to these sign regulations may be granted by the Board of Appeals.

SEC. 13-1-110 CONSTRUCTION AND MAINTENANCE REGULATION FOR SIGNS.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept ~~clean and well painted~~ **legible** 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 Village Board~~ **as determined by all applicable codes.**
- (b) **General Requirements.**
- (1) **Awnings.** The lowest part of any awning shall be **no less than** seven (7) feet above the sidewalk. ~~Signs are allowed directly on the awning or hanging on the frame, but not below seven (7) feet.~~
 - (2) **Animated Suns.** Signs with any moving parts or beacon lights shall not be permitted.
 - (3) **Flashing Signs.** Flashing signs will not be permitted.
 - (4) **Roof Signs.** No sign shall be located so as to project above the parapet line, unless approved by the Building Inspector.
 - (5) **Illuminated Signs.** Any illuminated signs shall not interfere with traffic.
 - (6) **Projection.** Signs including supports shall not interfere with traffic.
 - (7) **Blanketing.** Blanketing of signs shall not be allowed.
 - (8) **Maintenance.** All signs, including supports and attachments, shall be **legible and** properly maintained ~~and have an appearance that is neat and clean.~~
- (c) **Requirements Per Zoning District.**
- (1) **Exceptions to Height and Setback Requirements.** Signs may be allowed in the setback area if they are below three (3) feet or are pole mounted and above twelve (12) feet to the bottom of the sign. The pole diameter of pole-mounted signs shall not exceed twelve (12) inches and the sign shall be located so as to project above the parapet line, unless approved by the Building Inspector.
 - (2) **Prohibitions.**
 - a. No sign shall be erected so that any portion of the sign or its supports attach to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.
 - b. No sign shall be erected that will interfere with, obstruct, confuse, or mislead traffic.
- (d) **Residential Development Identification Signs.** Residential development identification signs shall not exceed thirty-two (32) square feet in sign area. A maximum of two (2) such signs is permitted per development after review and approval by the Building Inspector.
- (e) **Search Lights.** The Village Board may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (f) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public right-of-ways except for traffic control, parking and directional signs and as otherwise

specified in this Chapter. A sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line shall not have red, green, or amber illumination.

- (g) **Wind Pressure and Dead-Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the Village.

SEC. 13-1-111 NONCONFORMING SIGNS.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Marshall limits of the date of adoption of this Chapter or located in an area annexed to the Village of Marshall hereafter which does not conform to the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, provided it also meets the following requirements:
- (1) The sign was covered by a proper sign or building permit prior to the date of adoption of this Sign Code.
 - (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 Code.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
- (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

SEC. 13-1-112 ABANDONED BILLBOARDS AND SIGNS.

Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Building Inspector shall give the owner sixty (60) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the

Village Board or Building Inspector may take any other appropriate legal action necessary to attain compliance.

SEC. 13-1-113 THROUGH SEC. 13-1-119 RESERVED FOR FUTURE USE.