

## CHAPTER 9

### Signs and Billboards

#### SEC. 8-9-1 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.

The purpose of this Chapter is to establish standards to promote public safety, the aesthetic appearance of the Village, high quality area development, preservation of property values, and the general welfare of the Village. It is intended to: aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; preserve the wholesome and attractive character of the Village; and to recognize that the general welfare of the Village of Hales Corners includes the desire to be beautiful as well as healthy, spacious as well as clean, and to be well-balanced in its growth and development. This Chapter, therefore, establishes minimum standards by regulating the design, size, area, number, location, construction, and maintenance of signs in the Village.

#### SEC. 8-9-2 SIGNS AND BILLBOARDS - DEFINITIONS.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Chapter:

- (a) **Advertising or Advertisement.** Any public notice which informs, notifies, or announces to the public or attracts public attention.
- (b) **Awning.** A hood or cover which projects from the wall of the building, which can be retracted, folded, or collapsed against the face of the supporting structure. The lowest part of any awning shall be at least seven (7) feet above the sidewalk or adjacent grade. Signs are allowed directly on the awning or hanging on the frame, but not less than seven (7) feet above the sidewalk or adjacent grade.
- (c) **Billboard.** A board on which notices or advertising are posted, including, but not limited to, a sign which advertises goods, products or facilities, or services not necessarily available on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign. Blanketing of signs shall not be allowed
- (e) **Building Elements.** Graphics, architectural details, or illumination affixed to a building and visible from the exterior of the building including, but not limited to, lighted panels, neon or other lighting product and all attaching fixtures, arranged in a pattern that promotes, calls attention, or is in the nature of an announcement, direction, or advertisement. These elements shall be considered an integral part of a building façade and are subject to review requirements under 8-2-2(a)(1).
- (f) **Business Sign.** A sign which directs attention to a business or profession conducted upon

- the premises.
- (g) **Business Site.** A property in single ownership or control on which one (1) or more business establishments are located.
  - (h) **Canopy Sign.** A sign mounted on a canopy which is a permanent part of a building or structure.
  - (i) **Directional Sign.** A sign not exceeding three (3) square feet in area intended solely for directing patrons, members or customers to an establishment off the main traveled road and not including promotional advertising unnecessary to such directional purpose.
  - (j) **Directly Illuminated Sign.** Any sign designed to show any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
  - (k) **Directory Sign.** Any sign on which the names or locations of occupants or the use of a building are stated. This shall include office and church directories.
  - (l) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process.
  - (m) **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.
  - (n) **Free Standing Sign.** Any sign which is, wholly or partially, supported by structures or supports in or upon the ground and which is independent of support from any building.
  - (o) **Identification Sign.** Any sign which carries only the name of the business, brand, institution, and/or principal products or services offered on the premises.
  - (p) **Indirectly Illuminated Sign.** Any sign that is illuminated from an artificial light source outside of the actual sign.
  - (q) **Major Highway.** A county trunk highway, a state highway or a federal highway.
  - (r) **Marquee Sign.** 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.
  - (s) **Monument Sign.** A free standing sign less than eight (8) feet in height which is placed directly on a foundation base.
  - (t) **Non-accessory Sign.** A sign is non-accessory when it directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises or only incidentally on the premises, if at all.
  - (u) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.
  - (v) **Portable Sign.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another. Portable signs are defined as being on wheels, or a trailer, or motor vehicle and parked on a street or property for the purpose of advertising any object, product, place, activity, person, institution or business. Signs mounted on trucks, taxicabs or other motor vehicles as a secondary or incidental use of said vehicle shall not be considered as a portable sign for purposes of this Chapter. Any motor vehicle or trailer having a nonpermanent or detachable sign and parked for a period in excess of seventy-two hours in the same site within a ninety-six (96) hour period is be presumed to be a portable sign; such presumption may be rebutted by clear and convincing evidence that such parking

- was not for advertising purposes.
- (w) **Projecting Sign.** Any sign extending more than twelve (12) inches, but less than five (5) feet from the face of a wall or building.
  - (x) **Pylon Sign.** A sign which is erected on a pole or structure and is more than eight (8) feet in height.
  - (y) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
  - (z) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
  - (aa) **Rummage Sale Signs.** Any sign used to advertise or direct a private sale of household goods and items on a residential property. Signs may only be placed on private property with the owner's consent.
  - (bb) **Sign.** A sign shall include anything that supports advertising, including, but not limited to, that which promotes, calls attention, or invites patronage (or anything similar to the aforementioned) to a business, message, location, or product. This includes any structure or natural object such as a tree, brush, rock, or the ground itself or part hereof or device attached thereon or painted or represented thereon, used to advertise any object, product, place, activity, message, person, institution, organization, or business, or used to display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation which is in the name of announcement, direction, or advertisement.
  - (cc) **Sign Area.** The exposed face area, including any background or backing constructed or installed as an integral part of such sign, but not any structural elements lying outside the display area of the sign. The sign area of a double-faced sign shall be the area of the larger single face. For signs composed of individually mounted letters, the sign area shall be computed as the sum of the areas of the individual letters with the area for the individual letters computed as the area within a single continuous perimeter enclosing the extreme limits of the words or symbols.
  - (dd) **Sign Height.** The vertical distance measured from the ground level adjacent to the sign to the highest part of the sign, including all illuminators and embellishments.
  - (ee) **Temporary Sign.** Any sign intended to be displayed for a short period of time, including, but not limited to, real estate, political, or construction site signs, and manners, decorative-type displays, or anything similar to the aforementioned.
  - (ff) **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. No wall sign shall be located so as to project above the parapet line, unless approved by the Plan Commission, considering the purposes and intent of this Chapter.
  - (gg) **Window Sign.** Any sign, including, but not limited to, a painted scene, paper advertising, neon elements, or graphics placed inside or upon an interior or exterior window surface, which is or is intended to be seen from the exterior of the building.
  - (hh) **Changeable Copy Sign.** A sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic, or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

- (ii) **Changeable Copy Sign, Electronic.** A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official governmental, time, or temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.
- (jj) **Electronic Graphic Display Sign.** A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization, or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other signs.
- (kk) **Video Display Sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effort to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion or motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

**SEC. 8-9-3 SIGN PERMIT REQUIRED.**

Except those specified in Section 8-9-4, no signs shall hereafter be located, maintained or allowed to exist, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Hales Corners. Signs of a type defined in this chapter with characteristics other than as specifically described in this Chapter, i.e., a directional sign greater than 3 feet in area or a monument sign greater than 8 feet in height, are prohibited.

**SEC. 8-9-4 SIGNS EXCEPTED FROM PERMIT REQUIREMENT.**

All signs must have a sign permit, except the following, provided that the following exempt signs may not be located on or over a public road right-of-way or in, on or over public water:

- (a) **Memorial Signs.** Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface of a building or when constructed of metal and affixed flat against the structure of a building.
- (b) **Professional or Business Signs.** A sign not exceeding one and one-half (1-1/2) square feet

in area stating only the name and business or profession of the occupant or the character of the use of the premises on which the sign is maintained. These signs shall be set back at least three (3) feet from any lot line.

- (c) **Municipal, Religious, Schools, Etc.** Signs used for directional purposes not in excess of two (2) square feet when located off the premises. In all cases, these signs shall not be subject to the approval of the Building Inspector in regard to design and location. Signs located off the premises shall be set back at least five (5) feet from any lot line.
- (d) **Utility Signs.** Utility signs, if necessary for the safety or convenience of premises invitees, frequenters, or the public, as approved by the Building Inspector, the approval including design and location, considering the purpose and intent of this Chapter.
- (e) **Building Construction Signs.** A sign not exceeding forty (40) square feet in area pertaining to the construction of a building on the premises, placed entirely on the premises with a minimum of at least five (5) feet from the lot lines and maintained only during the construction of the building, but not to exceed eighteen (18) months in any instance.
- (f) **Contractor's Signs.** A sign not exceeding sixteen (16) square feet in the area pertaining to contractual work being performed on a property. Allowed only during the duration of the work activity.
- (g) **Interior Signs.** Signs completely within the interior of a mercantile establishment except as otherwise specifically set forth, shall not be subject to a permit requirement or the other provisions of this Chapter.
- (h) **Real Estate/Lease Signs.** One (1) sign advertising only the premises upon which the sign is located for sale or for rent, constructed in a neat and workmanlike manner. In all residential districts, not more than six (6) square feet and in business districts, not more than sixteen (16) square feet in area and set back at least five (5) feet from any lot line.
- (i) **Official Signs.** Signs required by federal, state, county, Administrative Code or local ordinance which include, but are not limited to, traffic signs, street signs, Civil Defense signs and notices required by law.
- (j) **Election and Political Campaign Signs.** Except as provided in Section 8-9-11 herein.
- (k) **Rummage Sale Signs.** As defined in Section 8-9-2(aa)
- (l) **Window Signs.** Signs located behind the window areas for the purpose of being viewed from the outside of the building provided it does not exceed 25% of the total window area, including all windows and doors on each side of the building. Neon signage not to exceed 10% of the total window area, with the exception of "open" and "closed" signage.
- (m) **Other Special Use Signs.**
  - (1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, or names of occupants or premises.
  - (2) Flags and insignia of any government, except when displayed in connection with business promotion not exceeding 60 square feet in area.
  - (3) Legal notices, identification information, or directional signs erected by governmental bodies.
  - (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
  - (5) Signs directing and guiding traffic and parking on private property, but bearing no

- product or message advertising matter.
- (6) The temporary use of searchlight for advertising purposes may be permitted by the Building Inspector in commercially zoned districts, 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. Searchlights shall not be permitted for a period of more than five (5) days in any six (6) month period.

**SEC. 8-9-5 SIGN SETBACKS REQUIRED.**

- (a) **Side and Rear Yard Setbacks.** All signs, except when specified otherwise in this Chapter, shall conform to the district requirements of this Zoning Code for side yards and rear yards, except in the case of unaltered signs on or near structures existing on October 28, 1963, that themselves do not conform to such requirements.
- (b) **Front Yard Setbacks.** All monument signs shall be located at least ten (10) feet from the front property line. All pylon signs shall be located at least twenty-five (25) feet from the front property line. All other signs, except when specified otherwise in this Chapter, shall not project beyond the front lot line. When the building line on a structure existing on October 28, 1963 is within eight (8) inches of the lot line, a wall sign may project no more than eight (8) inches beyond the building line. *Note: All ground mount sign locations are subject to review regarding vehicular hazard and obstruction.*

**SEC. 8-9-6 GENERAL PROHIBITIONS.**

- (a) **Compliance.** No person shall erect, maintain, or allow to exist on premises owned by the person, any sign within the Village which is defective or dangerous or otherwise not in conformity with this Chapter.
- (b) **Access Hindrance.** No sign, or any part of such sign, or any anchor, brace or guy rod shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe. No sign or any part of a sign or any anchor, brace, or guy rod shall be erected or maintained so as to cover or obstruct any door, doorway or window of any building so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such buildings by the fire department as necessity may require.
- (c) **Illumination Limitation.** Directly illuminated signs, including, but not limited to, exposed or bare neon, fluorescent, incandescent, and mercury sodium halogen bulbs are prohibited unless specifically approved by the Plan Commission in business and manufacturing districts to ensure architectural compatibility with building and surrounding area. Indirectly illuminated signs that illuminate only the immediate areas of the sign, concentrating light within or upon the sign, without radiating light upon adjacent public or private property, or public rights-of-way, are permitted in business and manufacturing districts. Illuminated signs located within residential districts are prohibited. Floodlighting of residences offered for sale shall not be permitted between 10:00 p.m. and 7:00 a.m.
- (d) **Traffic Hazard and Nuisance Signs.** No signs shall be allowed which create a hazard or

dangerous distraction to vehicular traffic or which creates a nuisance. Such signs are prohibited and subject to immediate removal by the Police Department and shall include, but not be limited to, signs that are intermittent, flashing, rotating, mobile or moving, except signs that give information on time and temperature.

- (e) **Intoxicating Beverage Signs.** No sign advertising intoxicating beverages or an establishment for the sale thereof shall be permitted within three hundred (300) feet of the property line of a school or church. However, where there is an intoxicating beverage licensed premises within three hundred (300) feet of the property line of a school or church by reason of a nonconforming use, signs shall be permitted with size, illuminations, locations, etc., subject to other provisions of this Chapter.
- (f) **Non-accessory Signs.** Non-accessory signs are prohibited, except on immediately abutting the premises supporting the principal use to which the sign directs attention, if both premises are identically zoned.
- (g) **Roof signs.** Roof signs are prohibited except as would be approved by appeal under Section 8-9-13.
- (h) **Painted Wall Signs.** Signs painted on any wall of a building are prohibited, except where permitted under Section 8-9-14.
- (i) **Residential Districts.** Only nonilluminated signs permitted by Sections 8-2-9(e)(4), 8-9-6(c), 8-9-9(g), 8-9-10 and 8-9-11 are permitted.
- (j) **Balloons, Flags, and Streamers.** No advertising display of balloons, flags, and streamers are permitted unless approved under Section 8-9-10.
- (k) **Signs placed in Right-of-Way.** No banners, flags, streamers, balloons, or signs of any type shall be placed on the right-of-way of any street or attached to any pole, tree, lamppost, street sign, or railing within said right-of-way unless specifically approved by the Building Inspector or Plan Commission, considering the safety of the public and the purposes and intent of this Chapter.
- (l) **Neon Displays.** The use of neon to outline, enclose, or draw attention to a window is prohibited.

#### SEC. 8-9-7 PERMIT PROCEDURES AND FEES.

- (a) **Permit Procedure.**
  - (1) **Application.** Any person desiring to erect, alter or relocate a sign shall make application to the Building Inspector stating full information relating to the construction, size and dimension and the kind of materials to be used in such sign and the number(s) of the building or premises upon which such sign is to be erected. A detailed sketch, in true color and to scale, shall accompany the application and shall indicate the appearance of the sign and its location on the premises and its relationship to other structures and property lines. The application shall further include the number of existing signs on the premises on which the new sign is to be located, including the location and size of each such existing sign.
  - (2) **Review and Approval.** It shall be the duty of the Building Inspector, upon filing of an application for a sign permit, to examine such plans, specifications, and other

pertinent data. He shall determine whether the proposed structure is in compliance with the requirements of this ordinance and all other regulations of the Village of Hales Corners. Following the review of the sign permit application, the Building Inspector shall take one of the following actions:

- a. If the proposed sign does not conform to the requirements of the sign ordinance or other regulations of the Village, the Building Inspector shall deny such permit stating the specific items of noncompliance.
- b. If the proposed sign complies with all dimensional and structural requirements, the Building Inspector shall consider the purpose, appearance, location, lighting, height, size, and impact of the sign relative to the purposes and intent of this ordinance. If the Building Inspector determines there is a question as to whether or not the proposed sign is in accordance with the purposes or intent of this ordinance, he shall refer the sign permit application to the Plan Commission. The Plan Commission shall approve, approve with modifications, or deny the sign application, considering the purposes and intent of this ordinance.
- c. If the Building Inspector determines that the sign is in compliance with the purposes and intent of this ordinance and all other regulations of the Village of Hales Corners, he shall issue the permit.
- d. If the proposed sign is directly illuminated with exposed or bare lights, the Plan Commission must approve as to whether or not the design is compatible with the building's architectural character and the colors have been selected to the complement of the building's exterior.

(3) Permits. Upon approval of the application and upon payment of the fee hereunder prescribed, the Building Inspector shall issue a sign permit which shall authorize the erection, alteration or relocation of the exact sign for which application was made. Any alteration, modification or improvement, including any change in wording or design but not including the repainting of existing display matter, shall require a new permit, except for signs so constructed or designed as to accommodate a preprinted message. An electrical permit shall be obtained for an illuminated sign prior to the installation of such sign.

- (b) **Permit Fee.** Permit fees for signage shall be assessed at \$1.50 per square foot with a \$50.00 minimum fee. Temporary signs shall be assessed a fee one-half (1/2) of the regular fee. An additional fee, as specified in the Electrical Code, shall be paid for all illuminated signs.

#### SEC. 8-9-8 DESIGN, CONSTRUCTION, AND MAINTENANCE STANDARDS.

- (a) **Design.** All signs erected in the Village of Hales Corners shall be well maintained and aesthetically attractive. Every sign shall have satisfactory scale and proportion in its design and visual relationship to buildings and surroundings. Every sign must be designed as an integral architectural element of the buildings and the site to which it principally relates. The colors, materials, and the lighting of every sign shall be constrained and in conformance with the building and site to which it principally relates. The number of graphic elements on a sign

shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face. Each sign must be compatible with signs on or adjoining premises and shall not compete for attention. Identification signs of prototype design or corporation logos must conform to the criteria for all other signs. Site identification signs shall utilize through design, colors, or materials, the architectural identity of the buildings on the site and adjacent areas.

- (b) **Materials.** All projecting and wall signs shall be constructed of steel, galvanized iron, copper, brass or any non-corrosive incombustible material and shall be maintained free of defects. Ground signs may be constructed of combustible materials provided they are erected upon posts, poles and standards sunk in concrete at least four (4) feet below the natural surface of the ground. All posts, anchors and bracing of wood shall be treated to protect them from moisture by approved methods when they rest upon or enter the ground. Temporary, directional and utility signs shall conform to the same standards to the extent deemed practical by the Building Inspector.
- (c) **Stability.** Signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface and will be otherwise structurally safe and shall be securely anchored or otherwise fastened, suspended or supported so that they will not be a menace to persons or property.
- (d) **Illumination.** All illuminated signs and the materials and fitting therefor shall be constructed and maintained in accordance with the Wisconsin State Electrical Code and the Electrical Code of the Village of Hales Corners.
- (e) **Grounding.** Adequate provision shall be made for grounding signs.
- (f) **Sign Maintenance.** All signs shall be properly secured, supported, and braced and shall be kept in a reasonable structural condition and shall be kept clean and well painted at all times. All electrical components shall be in a safe and operable condition. 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 Building Inspector.

#### SEC. 8-9-9 SPECIFIC SIGN RESTRICTIONS.

##### (a) **Single Business Sites.**

###### (1) Gasoline/Service Stations/Convenience Stores.

Allowed: One (1) monument sign not exceeding thirty-five (35) square feet in area, no greater than eight (8) feet in height. Two (2) canopy signs not exceeding five (5) square feet in area per sign. Two (2) building signs not exceeding forty (40) square feet in area per sign.

###### (2) Restaurants with drive-thru use.

Allowed: One (1) monument sign not exceeding thirty-five (35) square feet in area, no greater than eight (8) feet in height. Two building signs not exceeding forty (40) square feet in area per sign.

###### (3) Restaurants/Night Clubs/Hotel.

Allowed: One (1) monument sign not exceeding forty (40) square feet in area, no

greater than eight (8) feet in height. Two building signs not exceeding forty (40) square feet in area per sign or One (1) building sign not exceeding seventy-five (75) square feet in area. *Note: One (1) pylon sign not exceeding sixty (60) square feet in area, no greater than twenty (20) feet in height may be permitted after determination by the Plan Commission that site considerations warrant pylon signs.*

(4) Office/Professional.

Allowed: One (1) monument sign not exceeding thirty-five (35) square feet in area, no greater than eight (8) feet in height. One (1) building sign not exceeding sixty (60) square feet in area.

(5) Retail Stores.

Allowed: One (1) monument sign not exceeding thirty-five (35) square feet in area, no greater than eight (8) feet in height. One (1) building sign not exceeding sixty (60) square feet in area. *Note: One (1) pylon sign not exceeding forty (40) square feet in area, no greater than twenty (20) feet in height may be permitted after determination by the Plan Commission that site considerations warrant a pylon sign.*

(b) **Multiple Tenant Business Sites. (Four (4) units or less with common entrance.)**

(1) Office/Professional/Retail Stores/Mixed Use.

Allowed: One (1) monument sign not exceeding forty (40) square feet in area, no greater than eight (8) feet in height. Four (4) building signs, one (1) per tenant, not exceeding sixteen (16) square feet per sign. *Note: One (1) pylon sign not exceeding sixty (60) square feet in area, no greater than twenty (20) feet in height may be permitted after determination by the Plan Commission that site considerations warrant a pylon sign.*

(c) ~~Multiple Tenant Business Sites. (Four (4) units or less with individual entrances.)~~

(1) Office/Professional/Retail Stores/Mixed Use.

Allowed: One (1) monument sign not exceeding forty (40) square feet in area, no greater than eight (8) feet in height. Four (4) building signs, one (1) per tenant, not exceeding forty (40) square feet per sign.

(d) **Multiple Tenant Business Sites. (More than four (4) units with common entrance.)**

(1) Office/Professional/Retail Stores/Mixed Use.

Allowed: One (1) monument sign, for site identification only, not exceeding sixty (60) square feet in area, no greater than eight (8) feet in height. Two (2) building signs, for identification only, not exceeding sixty (60) square feet per sign.

(e) **Multiple Tenant Business Sites. (More than four (4) units with individual entrances.)**

(1) Office/Professional/Retail Stores/Mixed Use.

Allowed: One (1) monument sign, for site identification only, not exceeding sixty (60) square feet in area, no greater than eight (8) feet in height. One (1) building sign per tenant. Allowable square footage is determined by the length of façade. Sign areas for individual tenants shall be determined in accordance with the following table:

<u>Length of Façade</u>	<u>Allowable Sq. Ft. of Signing Area</u>	<u>Length of Façade</u>	<u>Allowable Sq. Ft. of Signing Area</u>
25 ft. or less	40 sq. ft.	45 ft.	60 sq. ft.
30	45	50	65
35	50	55	70
40	55	60 ft. or more	75

Where an individual tenant has business entrances on more than one (1) side of the building or structure, his signing area shall be limited to one (1) side upon which he elects to erect his sign.

(f) **Multi-Family Sites.**

(1) Apartment Complexes containing twenty-four (24) units or less.

Allowed: One (1) monument sign not exceeding twenty-four (24) square feet in area, no greater than eight (8) feet in height.

(2) Apartment Complexes containing more than twenty-four units.

Allowed: One (1) monument sign, per street exposure, not exceeding thirty-five (35) square feet in area per sign, no greater than eight (8) feet in height.

(g) **Institutional and Governmental.**

(1) Churches/Schools.

Allowed: One (1) monument sign not exceeding fifty (50) square feet in area, no greater than eight (8) feet in height. One (1) building sign not exceeding forty (40) square feet in area.

(2) Lodges/Clubs/Fraternal Organizations/Other Government Uses.

Allowed: One (1) monument sign not exceeding thirty-five (35) square feet in area, no greater than eight (8) feet in height. One (1) building sign not exceeding forty (40) square feet in area.

(h) **Area Exceptions.** Business and Institutional/Governmental sites located on two (2) acres or more may increase the area of the monument or pylon signs, when specifically reviewed and approved by the Plan Commission, in accordance with the following formula:

More than two (2) acres. Permitted Sign Area X 1.25

More than three (3) acres. Permitted Sign Area X 1.50

Over four (4) acres. Permitted Sign Area X 1.75

(i) **Subdivision Identification Signs.** Individual signs for subdivisions within the Village may be permitted in accordance with this section.

(1) Registered Office and Registered Agent. Each subdivision desiring any subdivision identification sign shall have and continuously maintain in the Village office, a registered individual resident in this state upon whom any process, notice, or demand

required to be served by this Code may be served. Service shall be made on such registered agent by mail. Sub-dividers for new plats shall file such information with the data required under Subsection (3) hereof. For an existing subdivision, any six (6) owners of lots therein may act on behalf of the subdivision and designate the registered office and agent for the purpose of these sign regulations, but only the first person so designated shall be such agent unless a majority of the owners in such subdivision designates a successor office and agent. A registered agent may resign by filing such resignation with the Village Administrator.

- (2) Existing Subdivision Signs. Any subdivision sign presently in place which was in existence before September 9, 1963 which has not been moved from its original site or which was placed at a new site within one (1) year from the date of removal shall be deemed to conform to this requirement of this Chapter.
- (3) New Subdivision Signs. Subdivision signs shall not exceed twelve (12) square feet in area and shall conform with the construction standards under Section 8-9-8 hereof. Any registered agent desiring to erect or maintain a subdivision identification sign shall make application to the Plan Commission stating full information relating to the construction, size, or dimension and the kind of materials to be used in such signs. A sketch to scale shall accompany the application and shall indicate the appearance of the sign and the location within the subdivision; the application shall further include the number, location, and size of each existing subdivision identification sign within such subdivision.
- (4) Approval Authority. The Plan Commission may approve an application upon expressed findings that such sign meets all of the following requirements: it conforms to the construction standards under Section 8-9-8 hereof; it has aesthetic appeal; it will not constitute a traffic hazard; it will not create a nuisance to any owner of abutting lands. The Plan Commission shall notify by mail at least five (5) days prior to its hearing the owners of all lands within three hundred (300) foot radius of the proposed site of the sign, the time, and place of such hearing.
- (5) Maintenance Requirements. Each subdivision shall be responsible for the maintenance of all subdivision identification signs. No relocation shall be permitted without complying with all requirements for a new subdivision identification sign. The governing body or the Building Inspector or other designated officer who, in his judgment, finds any such sign so old, dilapidated, unpainted, out of repair, or a traffic hazard or nuisance by reason of change of conditions may order the designated agent to make the necessary repairs or remove such sign; the order shall specify a time within which the agent shall comply therewith and specify repairs, if any; it shall be served on the registered agent by registered mail; if the agent fails or refuses to comply within the time prescribed, the Building Inspector or other designated officer shall cause such sign to be removed. In the event a subdivision fails to designate a registered office and agent, the Building Inspector or other designated officer shall serve such order by registered mail on the four (4) owners of subdivision lands nearest such subdivision identification sign.

**SEC. 8-9-10 TEMPORARY SIGNS.**

Temporary signs may be placed on a property, but shall not be located on or over a public right-of-way and shall not interfere with public or private street or driveway vision clearance. Temporary signs may be authorized by the Building Inspector and shall conform to the intent of the Zoning Code and specifically the purposes and intent of this Chapter. Permits are required for temporary signs and are assessed at one-half (1/2) the regular permit fee. Temporary signs are permitted for the duration of fourteen (14) days, except signs erected due to highway construction, which may be placed for the term of the construction project. Temporary signs shall not exceed 35 square feet in area.

- (a) Temporary Grand Opening banners or flags shall be allowed for new businesses or new multi-family occupancies provided that no such advertising shall cause a traffic or other hazard. Such Grand Opening displays shall be limited to a time period not to exceed fourteen (14) days for businesses and four (4) months for multi-family occupancies. Said Grand Opening signage shall require the procurement of a permit and approval of the Building Inspector. "Grand Opening" means an event for the purpose of advertising a new business, a new occupant or a new owner of new construction, or when major renovation or alterations have taken place in an existing structure.
- (b) Transient merchants, farmers markets, and peddlers are permitted two (2) single sided signs of sixteen (16) square feet in area per sign or one (1) double faced or sandwich board of sixteen (16) square feet per side. All signs must be located at least five (5) feet from the street or curb and be removed when unattended. Signs must have a clean and professional appearance.

**SEC. 8-9-11 CAMPAIGN SIGNS.**

Notwithstanding the other provision of this Chapter, any person who shall place election campaign signs within the Village shall comply with the requirements of this Section:

- (a) **Definition.** An "election campaign sign" is a sign advocating the selection of a person or persons for public office or the advocacy of a referendum issue.
- (b) **Permitted Placements.** An election campaign sign may be placed upon any private property in any zoned district within the Village, subject to electioneering laws. An election campaign sign shall not exceed 11 square feet in area, excepting a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure, if the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by the Building Code(s) to remain unobstructed. The property owner upon whose property an election campaign sign is placed, must consent to such installation.
- (c) **Permit Exemptions.** No permit shall be required for an election campaign sign.
- (d) **Prohibitions.** Campaign/election signs shall:
  - (1) Not be placed within any public right-of-way.
  - (2) Be placed more than fifteen (15) feet from the edge of the pavement or the curb, or more than two (2) feet from the inside edge of a sidewalk.

- (3) Not be of a flashing or rotating type.
- (4) Be limited to two (2) single signs or one (1) double-faced sign for any one (1) candidate or referendum issue on any individual property site.
- (e) **Time Limitations.** An election campaign sign shall not be placed within the Village more than two (2) weeks preceding the primary election date and shall be removed within five (5) days after the succeeding general election date.
- (f) **Enforcement.** The Building Inspector shall cause an election campaign sign violating the provisions of this Chapter to be removed without the necessity of giving any notice. In the event the owner of the property fails voluntarily to remove such sign violating the provisions of this Chapter or in the event the sign has been placed within a prohibited area, the Building Inspector shall cause the immediate removal of any such sign violating the provisions of this Chapter. The Building Inspector shall store such sign and return it to the candidate on demand until ten (10) days after the general election, when the Building Inspector shall no longer have any duty to store such sign and may dispose of same without any liability therefore to any person.

#### **SEC. 8-9-12 DANGEROUS AND ABANDONED SIGNS.**

- (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 judgement 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 the cost of the owner, following fourteen (14) days written notice. The owner may appeal the Building Inspector's decision to the Board of Appeals.

#### **SEC. 8-9-13 VARIANCES OR EXCEPTIONS.**

The Plan Commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest and uphold the purposes of this ordinance as put forth in Section 8-9-1. Such waiver or modification may be based on, among other things, site specific hardships such as topographic aberrations, visual encumbrances, and design complications.

#### **SEC. 8-9-14 NONCONFORMING SIGNS.**

- (a) **Signs Eligible for Characterization as Legal Nonconforming.** Any sign located within the limits of the Village of Hales Corners prior to the date of adoption of his Chapter or located in an area annexed to the Village of Hales Corners hereafter which does not conform with the provisions of this Chapter shall be characterized as a legal nonconforming sign provided it meets the following requirements:
  - (1) The sign was permitted by a legally required and issued sign permit prior to the date of adoption of this Chapter.
  - (2) If no permit was required under the applicable law for the sign in questions and the

sign was, in all respects, in compliance with applicable law on the date of adoption of this Chapter.

- (b) **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 Chapter than it was before alteration or the cost or value of such alteration exceeds 50% of the value of such sign before alteration as determined by the Village Assessor;
  - (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) The sign is destroyed or damaged, by any cause, to the extent that the cost of repair or replacement would exceed 50% of the value of such sign before such damage or destruction as determined by the Village Assessor.
- (c) **Compliance.** On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Chapter with a new permit secured therefore or shall be removed.

**SEC. 8-9-15 CHANGEABLE COPY, ELECTRONIC GRAPHIC, AND VIDEO DISPLAY SIGNS.** All electronic changeable copy and electronic graphic display signs require Plan Commission review and approval.

- (a) Video display signs are not permitted.
- (b) **Location and Placement.**
  - (1) Electronic changeable copy and electronic graphic display signs shall not be permitted within 300 feet of an illuminated traffic control.
  - (2) Electronic changeable copy and electronic graphic display signs shall not be permitted within 150 feet of a residential district.
  - (3) Electronic changeable copy and electronic graphic display signs must be separated from other such electronic message signs by a minimum of 35 feet.
  - (4) Electronic changeable copy and electronic graphic display signs are prohibited in R-1, R-2, R-3, and R-4 residential districts.
  - (5) Electronic changeable copy and electronic graphic display signs are not permitted as part of building signage.
  - (6) Signs shall be located 10 feet from the property line.
- (c) **Size/Percentage of Sign Allocated for Electronic Changeable Copy or Electronic Graphic Display Signs.**
  - (1) The following table shows the allowable square footage for single business sites, multi-tenant sites, and institutional and governmental sites:

**MONUMENT SIGNS**

Site Categories	Total Allowable Square Feet	30% of Sign Allocated for LED/Digital Message
<b>Single Business Sites</b>		
Retail	35	10.5
Gasoline/Convenience	35	10.5
Restaurant	40	12
Restaurant with Drive-thru	35	10.5
Office	35	10.5
Churches/Schools	50	15
Government	35	10.5
<b>Multi-tenant Sites</b>		
4 or less with Common Entrance	40	12
4 or less with Individual Entrances	40	12
4 or more with Common Entrance	60	18
4 or more with Individual Entrances	60	18
<b>Institutional and Governmental</b>		
Churches/Schools	50	15
Lodges/Clubs/Fraternal Organizations/Other Governmental Uses	35	10.5

**PYLON SIGNS**

Site Categories	Total Allowable Square Feet	30% of Sign Allocated for LED/Digital Message
Retail	40	12
Gasoline/Convenience		0
Restaurant	60	18
Restaurant with Drive-thru		0
Office		0
Churches/Schools		0
Government		0
<i>* Requires determination by Plan Commission that site considerations warrant a pylon sign.</i>		

- (2) The electronic changeable copy and electronic graphic display signs shall be secondary to the tenant identification.

- (3) Fuel pricing shall not be included in the percentage requirement subject to fuel prices not exceeding nine (9) inches.
- (d) **Number of Messages.**
  - (1) Electronic changeable copy and electronic graphic display signs shall not display off-premise commercial advertising.
- (e) **Frequency of Messages.**
  - (1) The electronic changeable copy and electronic graphic display signs may be changed no more than once every five (5) seconds.
  - (2) The electronic changeable copy and electronic graphic display signs shall not flash, scroll, twirl, or otherwise move during the change in messages.
- (f) **Illumination/Brightness.**
  - (1) The electronic changeable copy and electronic graphic display signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to ambient outdoor illumination.
  - (2) Periodic inspections of the software settings may be required by the Village of Hales Corners.
- (g) **Text and Graphic Images.**
  - (1) The text of the sign must be limited to 10 words.
- (h) Electronic changeable copy and electronic graphic display signs shall be integral to and part of the original approved monument sign.

**SEC. 8-9-16 ENFORCEMENT.**

- (a) **Enforcement Officer.** The Building Inspector may remove or cause to be removed any sign not in compliance with this Chapter or any defective or dangerous sign if not repaired or brought into compliance by the owner, operator or licensee within five (5) days after deposit in the public mail of a letter addressed to the licensee, operator or owner of record of the premises upon which such sign is located. The Building Inspector may refuse a permit for any sign which may imperil life or property. The Building Inspector shall enforce the provisions of this Chapter.
- (b) **Enforcement.** Any violation of any term or provision of this Chapter shall be subject to the penalty provisions under section 19.04 of the Municipal Code. Any substantial or repeated violation of this chapter as it pertains to a single sign, sign structure or premises is hereby declared to be a public nuisance, subject to an action for abatement and damages. In addition to such actions, the Village may obtain compliance with this Chapter by way of all other available legal and equitable actions.

