

## Chapter 7

### TOWN OF FREMONT BILLBOARD AND SIGN ORDINANCE

#### **7.1 PURPOSE**

The purpose of this ordinance is to provide a uniform set of regulations relating to signs in the Town of Fremont

#### **7.2 INTENT**

It is the intent of this ordinance to promote the public health, safety, welfare and comfort of the general public within the Town of Fremont.

#### **7.3 SCOPE OF REGULATIONS**

Except as may otherwise be noted herein, the regulations of this ordinance shall govern all signs in the Town of Fremont.

#### **7.4 DEFINITIONS**

For purposes of interpreting and enforcing this ordinance, the following definition shall apply:

(a) **Signs** Any words, letters, figures, numerals, phrases, sentences emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway but not including:

- (1) Usual board notices in or about church property or any educational or public institutions;
- (2) Legal notices required to be posted by municipal, state or federal law; or
- (3) Highway or traffic signs authorized to be erected by municipal, state or federal law.

(b) **“Billboard”**. Same as off-premises sign.

(c) **“Off-premises sign”**. Signs which advertise or call attention to goods, products, individuals, businesses, and/or services not sold, available or located on the premises or property on which the sign is located. Off-premises signs are typically of two main types:

- (1) **Poster Panels or Bulletins** — normally mounted on a building wall or freestanding structure with the message/display in the form of pasted paper.
- (2) **Painted Bulletins** — where the message/display is painted directly on the background of a wall-mounted or freestanding sign facing.

(d) Advertising Sign A sign, including a billboard, which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located, e.g. poster panels and painted bulletins.

(e) Business Sign A sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located. Decorative/ landscape features such as wing walls, etc., shall be considered part of the sign, but shall not be included in the sign area computation provided the decorative feature contains neither alphabetic or numeric features (other than one address number) nor any corporate logo or similar design.

(f) Directional Sign A sign for the purpose of directing patrons or attendants to a business establishment, club, church, or other such organization, off the main traveled highway (without advertising).

(g) Informational Signs. Onsite signs necessary for traffic flow and/or operation such as function directional arrows, parking designation areas, entrance/ exit identification, etc...

(h) Temporary Sign Any business sign that is not permanently attached to a structure or the ground and which is displayed for a maximum of ninety (90) days in one calendar month

**7.5 ENFORCEMENT**

(a) 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 may be subject to a forfeiture of not less than \$10 no more than \$200, together with the costs of the action. Each day the violation exists shall constitute a separate violation and be punishable as such.

(b) The Building Inspector, or his/her designee, shall have the authority, as may be necessary, to enforce and administer this ordinance.

**7.6 PERMIT REQUIRED.**

No projecting, or free-standing sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit except those signs excepted in (7.07) below, and without being in conformity with the provisions of this Ordinance. Unless otherwise specified, the basic district standards shall apply for setback and height standards.

**7.7 SIGNS EXCEPTED.**

All signs are prohibited in all residential, agricultural, and public and semi-public districts except as follows:

(a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration, only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(b) Real estate signs which advertise the sale, rental or lease of the premises, and political campaign signs when they are temporarily located.

(c) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.

(d) Bulletin boards and identification signs for public, charitable or religious institutions, apartments, planned residential developments and subdivisions and model homes, in residential districts, provided they:

(1) do not exceed 32 sq. ft. in area except model homes not to exceed 16 sq. ft. in area,

(2) are located a minimum of 10 ft. from the right-of-way,

(3) conform to the other yard requirements of the basic district.

(4) do not exceed in height ten (10) feet above the crown of the road,

(5) meet distance requirements of free standing business signs.

(6) are limited to the number of signs specified for on-premise business signs.

(e) Memorial signs, tablets, names of buildings, and date of erection when cut into masonry surface or when constructed affixed flat against a structure.

(f) Official signs (Municipal), such as traffic control, parking restrictions, information and notices.

(g) Temporary signs or banners when authorized by the Board of Adjustment.

(h) Farm names and identification signs in all agricultural districts.

(i) Signs in existence before the adoption of this ordinance which have been damaged or destroyed by vandalism or other malicious acts.

(j) Change of copy on any billboard/off-premises sign, nor for the repainting, cleaning and other normal maintenance or repair of a lawfully existing billboard/off-premises or sign structure.

## **7.8 BUSINESS SIGNS PERMITTED (ON-PREMISES.)**

(a) Business signs are permitted in all business, industrial and public and semi-public districts.

- (b) Business signs clearance standards:
  - (1) Projecting signs shall not be less than ten (10) feet above the grade nor fifteen (15) feet above a driveway or an alley.
  - (2) Free-standing signs.
    - (a) Located above a walkway or driving area shall not be less than ten (10) feet above a walkway nor less than fifteen (15) feet above a driveway or an alley.
    - (b) Located within 100 feet centerline of the intersection of two streets: the bottom of the sign shall not be less than ten (10) feet above existing grade or grade of existing structure at the time of permit approval.
    - (c) Located within 30' of a driveway centerline and road right-of-way the bottom of the sign shall not be less than ten (10) feet above existing grade or grade of existing structure at the time of permit approval.
- (c) Business Sign Standards.

- (1) Street Minimum - 10 ft. Unless otherwise specified in Conditional Use Approval.
- (2) All Other District Yards Minimum - Same as basic district, unless otherwise specified in Conditional Use Approval.
- (3) Size Area Minimum - None Maximum All faces combined, per side, shall not exceed 100 square feet. Signs designed to have more than two sides shall reduce the overall area of all sides combined to not exceed 200 square feet total, with no one side exceeding 100 square feet, all faces combined. Size may be increased to 150 square feet, per side, all faces combined, for a corner lot if the owner agrees to limit the number of signs to one (1). Any lot that includes two (2) or more businesses may increase the maximum size so that all faces combined, per side, shall not exceed 200 square feet. Signs designed to have more than two sides shall reduce the overall area of all sides combined to not exceed 400 square feet total, with no one side exceeding 200 square feet, all faces combined.
- (4) Height Maximum - 80 ft. above crown of road.

**7.9 NON-CONFORMING SIGNS.**

Signs existing at the time of adoption of this ordinance which do not conform to the provisions of this ordinance shall become nonconforming. As such, these signs shall adhere to the nonconforming provisions of Sec. 17.29 and Sec. 17.20 of this ordinance and to the following:

Two or more signs located closer than the distance standards indicated in this ordinance shall become nonconforming for the purposes of this section, regardless of which sign was erected first and regardless of whether the nearest sign measured from is located within or outside of The Town Zoning or County Shoreland zoning jurisdiction.

**7.10 INFORMATIONAL SIGNS**

Informational signs are allowed without permit as an accessory use to all parking areas, and in all business, industrial, and public district subject to the following:

(a) Standards

- (1) Size Area Maximum 4 sq. ft.
- (2) Number Maximum 1 sign per each entrance and exit. Additional signs may be placed on the property as needed for the operation of the business.
- (3) Yard All-Minimum projection must be within property lines.
- (4) Height Maximum 7 ft. above crown of road.

**7.11 FACING.**

No business, advertising or directional sign, except those permitted in Sec. 17.27-3 shall be permitted to face a residential or public and semi-public district within fifty (50) ft. of such district boundary.

**7.12 SHAPE AND ILLUMINATION.**

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, driveway, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility. Externally illuminated signs shall be lighted by white light only; no sign shall flash, oscillate, or rotate, except public service time and temperature signs or as specified under 7.16 Electronic Message Signs. However, in all cases externally illuminated signs shall be shaded, shielded, or directed from surrounding properties and vehicular traffic.

**7.13 DILAPITATED, UNMAINTAINED AND ABANDONED SIGNS.**

- (a) Dilapidated and Unmaintained Signs. Signs allowed by this ordinance shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance of the sign. Signs that are determined by the County to be dilapidated,

unmaintained and/or unsafe shall be subject to the razing provisions of Section 66.05, Wis. Stats.

(b) Abandoned Signs shall be removed by the owner or lessee of the premises, when, for a business sign, the business it advertises is not longer conducted; and for an advertising or directional sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the County shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the County may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

#### **7.14 DISTANCE STANDARDS.**

Business signs shall be allowed at a distance of one business sign per lot of record, except that where a multiple frontage lot occurs, each frontage shall be allowed one business sign.

#### **7.15 REGULATIONS**

(a) It is hereby determined that the number of billboard/off-premises signs existing in the Town of Fremont is distracting to motorists and pedestrians, creates a traffic hazard, and mars the appearance of the Town.

(b) Billboard-off-premises signs are hereby prohibited with the exception described in (7.15) (c) and (7.15) (d) in the Town and no billboard/off-premises sign may be constructed, erected or placed upon any premises, public or private, within the Town on or after the adoption of this ordinance.

(c) Billboard/off-premises signs existing prior to the adoption of this ordinance may be legal non-conforming signs and may be permitted to be continued and maintained in their current location/condition provided such signs meet the following requirements:

(1) The sign(s) was (were) covered by a sign permit or a permit for construction/erection of the sign(s) was (were) issued prior to the date of the adoption of this section, if one was required.

(2) If no sign permit was required for the sign(s) in question and the sign(s) was (were) in all respects in compliance with applicable laws/ordinances on the date such sign was constructed/installed.

(d) Certain off-premises signs may be allowed if the following conditions are complied with:

- (1) The off-premises sign shall be a directional sign identifying the location of businesses or industries that are not easily accessed by major collectors or arterials.
- (2) The off-premises sign shall allow for the identification of multiple businesses or industries.
- (3) The off-premises sign shall be limited to one sign per business or industrial area. These areas shall be determined by the Town Board as necessary.
- (4) All off-premises signs shall be reviewed by the Town Board a recommendation of approval or denial shall be made to the Town Board based on the above criteria and other information provided by the applicant, staff and others at a regular Town Meeting.
- (5) The Town Board shall approve or deny the recommendation based on compliance with the above criteria, any other information deemed appropriate to the off-premises sign, and furthermore, reserves the right to approve or deny the request for an off-premises sign on a case-by-case basis.

(e) A billboard/off-premises sign which has been designated as legal non-conforming may retain such designation so long as the following conditions are complied with:

- (1) No structural modification of a legal non-conforming sign is permitted. Structural modification shall not include changing of the sign copy or normal maintenance such as cleaning, painting, or scraping of the sign or sign structure.
- (2) The sign shall not be relocated.
- (3) The sign shall not be replaced.

(f) A legal non-conforming billboard/off-premises sign or sign structure which, by any means, is destroyed or damaged may be restored only after the owner has shown that the damage to such sign did not exceed fifth (50) percent of the assessed value of such sign existing at the time it became legal non-conforming. If such sign or sign structure is destroyed or damaged to an extent exceeding (50) percent of the aforesaid value, it shall be removed within sixty (60) days of the date of damage occurred and shall not be reconstructed or replaced in the Town of Fremont. "Removal" as referred to in this ordinance shall include both the sign and sign structure regardless of which incurred the damage. Restoration of a damaged sign shall first require issuance of a sign permit.

(g) At such time as the owner of any building or lot, on which a legal non-conforming billboard/off-premises sign is located, request Town Board approval for any change to the use, zoning, building or lot upon which

premises said sign is located, the Town Board may require that such legal non-conforming sign be removed as a condition of approval.

(h) Any sign which does not wholly comply with the provisions of this ordinance and which is not classified as legal non-conforming shall be ordered removed. If the sign owner, lessee or owner of the premises on which such sign is located fails to remove such sign, the Town Board may contract for removal of such sign(s) and assess all costs associated with such removal as a special tax against the property on which the sign(s) was (were) located, such tax to be collected in the same manner as property taxes are collected in the Town of Fremont.

#### **7.16 ELECTRONIC MESSAGE SIGNS**

Electronic message signs shall be allowed with the specific standards:

- (a) Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.
- (b) No part of the message shall give the appearance of movement.
- (c) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).
- (d) Lighting levels at the sign face shall not exceed 5,000 NITs from dawn to dusk (i.e., daytime hours) and 500 NITs from dusk to dawn (i.e., nighttime hours).
- (e) Electronic message displays shall not exceed 200 square feet in area, unless required to be smaller as specified in this ordinance.

#### **7.17 FEES**

Fees as specified in Appendix A Fee Schedule

#### **7.18 APPEALS**

The Town of Fremont Board of Supervisors may waive or modify the provisions of this ordinance where, in its judgment, such waiver modification would further the public interest and uphold the purpose and intent of this ordinance as set forth. Any request for an appeal to this ordinance shall first be presented to the Town Board for review and recommendations.

#### **7.19 SEVERABILITY**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If an application of this ordinance to a particular sign or sign structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.



Table 1  
Sign Placement

Signs (as defined)	Sign Area maximum : square feet	Height maximum: feet	Front Setback minimum: feet	Spacing maximum
Business Signs (On-	100 (1) (2)	80	10	1 per each street frontage
Business Signs 2 or More Businesses On One Lot ( On-Premises)	200 (3)	80	10	1 per each street frontage
Informational Signs	4	7	0	1 per entrance
Occupation & Warning Signs	2	NA	0	NA
Identification Signs	32 (4)	10	10	NA
Directional Signs (Of	32	25	3	As per Town Board (5)

- (1) Area can be increased to 150 square feet per side if a lot with multiple frontages only installs one sign. (See (8) (c) Business Sign Standards.
- (2) Area is per sign face. Total area shall not exceed 200 square feet all faces combined.
- (3) Area is per sign face. Total area shall not exceed 400 square feet all faces combined.
- (4) Area limited to 16 square feet for model home identification signs.
- (5) Placement of off premises directional signs is subject to approval by the Town Board on a case by case basis.