

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #7-2010**

**Ordinance Amendment offered by Supervisors of the Planning and Zoning
Committee**

Whereas, several Towns expressed a desire to regulate on-premise signs; and

Whereas, the Planning and Zoning Committee agreed that Towns should be allowed to regulate and enforce their own On-Premise Sign Ordinance; and

Whereas, a Public Hearing was held on November 3, 2010; and

Whereas, the Towns of Crescent, Minocqua, Nokomis, Sugar Camp, Three Lakes and Woodruff want their Towns to regulate and enforce their own Sign Ordinance.

Whereas, the Towns of Cassian, Hazelhurst, Lake Tomahawk, Lynne, Newbold, Pelican, Pine Lake and Woodboro would prefer Oneida County to regulate and enforce a County wide Sign Ordinance; and

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby repealed as far as any conflict exists.

Section 2: This ordinance shall take effect on April 1, 2011 after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Additions noted by underline; deletions noted by ~~striketrough~~. Chapter 9 of the Oneida County Zoning & Shoreland Protection Ordinance is amended as follows:

9.33 EXCEPTIONS TO ZONING PERMIT REQUIREMENT (#39-2004 & 05-2005)

H. On-Premise Signs.

A zoning permit shall not be required for the construction of an on-premise sign.

H. I. Other Requirements Apply

The exceptions to the zoning permit requirements contained in this article do not excuse a property owner from applying for and obtaining all other permits required by the Oneida County Ordinances or other local, state or federal laws or regulations.

9.78 SIGN REGULATIONS (#01-2000, #08-2000, #26-2004, #10-2005, #21-2006, #19-2007, #20-2008)

A. Purpose

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1. Oneida County recognizes that it is abundant with much natural beauty. Many recreational and tourist activities are enhanced by this natural beauty. As a consequence, greater emphasis must be placed on preserving our Northwoods aesthetics. At the same time, Oneida County wishes to permit the careful planning, future growth and efficient maintenance of our public roadways, while protecting the natural beauty and amenities of our landscape by regulating the placement of signs throughout the County. It is the intent of this ordinance to promote the safety, convenience and enjoyment of public travel, to accentuate the natural beauty of Oneida County, to protect the public investment in roadways, to regulate the erection and maintenance of advertising signs, displays and devices adjacent to public roadways and waterfront property, and to aid in the free flow of commerce. Therefore, it is hereby deemed necessary in the public interest to regulate the erection, and maintenance of billboards and other advertising devices adjacent to public roadways and waterfront properties.
2. No off-premise signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved County sign permit unless specifically exempted by this ordinance. It may be necessary to also obtain local, state or federal permits.

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B. ~~On-Premise Signs~~ Free Standing Signs

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~~No sign(s) shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved sign permit unless specifically exempted by this ordinance. It may be necessary to obtain local, state or federal permits.~~

- ~~1. a. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel. An on-premise free standing sign shall be no greater than 250 sq. ft. per face.~~
- ~~b. A home occupation as allowed by 9.43 of this ordinance shall be permitted one free standing sign no greater than 12 sq. ft. per face.~~

~~2. In addition:~~

- ~~a. Every business shall be permitted a building sign as follows:~~

- ~~(1) Two "flat" signs a maximum of 32 sq. ft. mounted flat against the building or on the roof for a building with a face of 1250 sq. ft. in area or less OR a maximum of 64 sq. ft. sign mounted flat against the building or on the roof for a building with a face of greater than 1250 sq. ft. area. No part of this sign including supports shall be more than 30 ft. from ground level. Only one flat sign per building face.~~
- ~~(2) And one projecting sign not to exceed 16 sq. ft. and cannot extend more than 5 feet from the wall which it is attached, the bottom of such sign shall be at least 8 feet above the grade directly below the sign and the top of such sign shall not extend above the building's roof. Projecting signs must comply with the requirements of Section 9.70, 9.71 and 9.94 highway, side yard and waterfront setbacks.~~

- ~~(3) A home occupation as allowed by 9.43 of this ordinance shall be~~

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allowed one sign mounted flat against the building no greater than 12 sq. ft.

~~b. Other freestanding signs. If there exists more than one unrelated business within the building, shopping center, or more than one business building on the lot, one additional double-faced freestanding sign shall be permitted. In any event there shall be no more than two freestanding signs. This additional freestanding sign shall be no greater than 64 sq. ft. per face. This sign shall be a minimum of 10 ft. from any other freestanding sign including border, trim and support, permitted on the premises.~~

~~c. Electronic message signs to display commercial messages that pertain to products or services of a business located and/or used on the same premises. Electronic message signs shall comply with all of the following:~~

- ~~(1) Be a maximum size of 32 sq. ft.~~
- ~~(2) Consist of numbers or letters only.~~
- ~~(3) Consist of white or amber lights only.~~
- ~~(4) Each change of message shall:~~

- ~~(a) be accomplished in one second or less;~~
- ~~(b) remain in a fixed position for at least six (6) seconds;~~
- ~~(c) the use of traveling or segmented messages is prohibited.~~

~~Electronic message signs shall be allowed as part of the total signage on the premises allowed under Section 9.78(B) of this ordinance.~~

~~Electronic message signs shall only be located in those zoning districts designated as #06 Business and #07 Business.~~

~~3. In addition to any sign permitted under paragraphs 1 and 2, an activity may be permitted any number of signs not designed to be read from the roadways whose sole purpose is to direct or control traffic which has already entered the property on which the advertised activity is conducted.~~

~~1. 4. Freestanding signs must comply with the requirements of sections 9.70, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs other than directional arrow signs that are 64 square feet in area or less may be erected in the highway setback area, except that at all intersections they shall meet the highway setback requirements.~~

~~2. 5. Freestanding signs must comply with the requirements of section 9.71, side and rear lot line setbacks.~~

~~6. Entrance signs, not to exceed two, may be located at the entrance to a recorded residential subdivision, development or industrial park and shall be limited to one face each no greater than 32 square feet per face. Such entrance signs shall be used to identify the name of the residential subdivision, development, or industrial park, and may identify the contents of the residential subdivision, development or industrial park without specifically identifying the name of any owners or businesses contained in said residential subdivision, development or industrial park. Each sign shall be erected or placed on a permanent structure, will not obstruct the vision of traffic, or create a safety hazard. The overall height of said structure and sign shall not exceed 10 feet.~~

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C. Off-Premise Signs

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1. Size. No off-premise sign shall exceed 128 sq. ft. per face.
2. Spacing. The minimum distance between off -premise signs shall be 1,320 ft. measured along the road right-of-way line between points at right angles from the closest part of the sign structures intersecting with the road right of way along each side of the highway and shall apply only to structures located on the same side of the highway. Off-premise sign locations must be located a minimum 300' from an intersection located on either side of the highway and 300' from dwelling units.
3. When an off-premise sign is proposed to be located adjacent to a Federal or State highway, county or town roads, the parcel of land must be zoned "Business" or "Manufacturing / Industrial" to allow placement.
- ~~4. When an off-premise sign is proposed to be located adjacent to County or town roads, the zoning district in which the sign is to be located, must allow the placement.~~
- ~~5. Freestanding signs must comply with the requirements of sections 9.70, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs other than directional arrow signs that are 64 square feet in area or less may be erected in the highway setback area, except that at all intersections they shall meet the highway setback regulations.~~
- ~~6. Freestanding signs must comply with the requirements of section 9.70, side and rear lot line setbacks.~~
47. All off-premise signs shall identify the owner of the land on which the sign is placed and the sign owner in letters at least 2 inches tall but not greater than 4 inches tall and include the sign owner's telephone number.

D. Prohibited Signs

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Any signs placed in violation of this provision may be removed immediately by authorized town or County personnel and held for a period of thirty (30) days after which any remaining unclaimed signs may be destroyed.

1. No sign shall be erected, placed or maintained on any traffic median or on a public sidewalk or bicycle path.
 - ~~a. Traffic control signs and informational signs erected and maintained by the appropriate federal, state, County or local official~~
 - ~~b. Directional arrow signs that are either 40" long or 72" long and 7-1/2" wide that are painted with a white background and black trim and block lettering that are erected at the correct intersection where the traveling public must turn to arrive at the noticed place. At those intersections where it is necessary for more than one directional arrow, a common posting standard shall be constructed. One directional arrow per address or location.~~
2. Signs shall not be erected, placed or maintained which imitate or resemble any official traffic sign, signal or device or bear the words "Stop", "Slow", "Caution", "Danger", or similar commands.
3. Signs shall not be erected, placed or maintained upon trees, or painted or drawn upon rocks or other natural features.

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4. Signs shall not be erected, placed or maintained which are structurally unsafe or in substantial disrepair.
5. Illuminated signs which have flashing, intermittent, or moving lights are prohibited, ~~except those giving public service information such as time, date, temperature, etc., except electronic messages signs permitted by Section 9.78(B)(2)(c).~~
6. No sign shall be so illuminated in excess of 500 watts of illumination that it interferes with the effectiveness of, or obscures an official traffic sign, signal or device. No illuminated sign shall be erected unless all manufactured and field assembled electrical components carry a nationally recognized testing laboratory label. No illuminated signs shall be erected without displaying a nationally recognized testing laboratory label on the outside of the sign in a visible location.
7. Illuminated signs which are not shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of public roadways and which are of such intensity or brilliance as to cause glare or to impair the vision of the operator of any vehicle, or which otherwise interferes with any operator's operation of a vehicle are prohibited.
8. ~~No on-premise sign face shall exceed 250 sq. ft. per face, 25' in width, or 30' in height including supports.~~ No part of an off-premise freestanding sign shall be more than 20' above existing grade or landscaped berm. Landscaped berms on which signs are placed shall not exceed 5 feet in height above existing grade.
9. No sign may be erected, placed or maintained that is illegible or has an objectionable appearance due to vandalism, fading, deterioration, or other causes.
10. Off-premise signs, which also come under the jurisdiction of the Wisconsin Department of Transportation must be located in a "Business" or "Manufacturing / Industrial" zoning district.
11. No freestanding off-premise sign shall be situated on the same lot as a freestanding on-premise sign.
12. Off-premise signs shall not be placed less than 1,320' apart which are situated on the same side of the roadway.
13. "On-premise" or "off-premise" signs placed in zoning districts that do not allow placement are prohibited.
14. No business sign may be erected or maintained for any business that fails to conform with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.
15. Signs made obsolete or abandoned by either the closing of a business or changing of business or landowner are prohibited.
16. Signs advertising a business or event which has become inactive, closed or terminated, excluding seasonal closure, shall be removed or covered within 30 days following the event or business being inactive, closed or terminated.
17. Signs mounted, placed in, attached or painted on trailers, boats, motorized vehicles or ice shanties when used as additional advertising signs on- or off-premise. Automobiles, semi-trailers and trucks used in the ordinary course of business are exempt from this provision.
18. No inflatable devices shall be permitted to display advertising or attract attention to an event or business.

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19. No sign, which by reason of location, size, color, or designs, shall interfere with public traffic or be confused with any official traffic signal of traffic making or obstruct the view or effectiveness of any official traffic signal or traffic marking.
20. No sign except attached on-premise signs shall be permitted in a vision triangle.

E. Signs Specifically Exempted from This Ordinance

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1. Official governmental signs and notices.
2. Temporary promotional signs such as banners or electronic message signs displayed for no more than 10 days for specific events sponsored by local governments or not-for-profit entities such as churches, chambers of commerce or service organizations provided written permission is issued in advance by the local town board and which addresses prompt removal following the event. When the nature of the event occurs in an unforeseen or unanticipated manner, which precludes a municipal entity from approving the message display, the Oneida County Zoning Director shall be notified.
3. Public utility signs.
4. Political and holiday signs provided that:
 - a. The sign does not exceed ~~12 sq. ft.~~ 32 sq. ft. in surface area.
 - b. The sign is erected entirely on private property with the property owner's consent.
 - c. The sign contains no commercial content.
 - d. Time Limit
 - (1) Political signs may be erected during the election campaign period as defined within Wisconsin Statute Chapter 12.
 - (2) Holiday signs may be erected no more than 45 days before the holiday for which it is intended and removed within 10 days after the holiday for which it is intended.
 - e. The sign does not contain flashing lights or moving parts.
 - f. The sign is not erected in a location where it constitutes a traffic or pedestrian hazard.
 - g. Provided that it complies with the other requirements of this ordinance.
5. Real estate "For Sale" signs provided that:
 - a. The sign does not exceed 12 sq. ft. in surface area.
 - b. There is no more than one real estate sign on the property facing each direction of travel for each controlled highway from which a sign on the property is visible.
 - c. The sign does not contain flashing lights or moving parts.
 - d. The sign is not erected in a location where it constitutes a traffic hazard.
 - e. The sign is not erected until the property is actually offered for sale or lease, and is removed within 7 days after the property has been sold or leased.
 - f. Provided, further, that all applicable setbacks are met. Signs 8 square feet or less may be placed within the waterfront setback area provided they are placed above the ordinary high water mark of the lake and conform to all other aspects of the ordinance.

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6. Service clubs and religious signs relating to meetings of non-profit service clubs or charitable associations or religious services which do not exceed 8 square feet.
7. Temporary construction signs at sites under construction provided that:
 - a. Sign does not exceed 12 sq. ft.
 - b. Only one such sign shall be permitted on each parcel of land and it shall be removed within 7 days after completion of the project.
 - c. Provided, further, that all applicable setbacks are met.
8. Name, no trespassing, no fishing, occupation and warning signs not to exceed one square foot in area.
9. Directional arrow signs that are either 40" long or 72" long and 7-1/2" wide that are painted with a white background and black trim and block lettering that are erected at the correct intersection where the traveling public must turn to arrive at the noticed place. At those intersections where it is necessary for more than one directional arrow, a common posting standard shall be constructed. Only one directional arrow per address or location shall be permitted.
10. Memorial signs, tablets, names of buildings and dates of erection when cut into the masonry surface or when constructed of metal and affixed flat against structure.
11. On-premise Signs placed on the interior surface of windows of buildings.
12. Traffic control signs and informational signs erected and maintained by the appropriate federal, state, county or local government.
13. Traffic control signs and informational signs less than 70 square feet per face erected and maintained by a licensed hospital per HFS 124 of the Wisconsin Administrative Code, and medical clinics offering urgent/emergency care services.
14. Flags. A piece of cloth, plastic film or similar material used as the symbol of a nation, state or local governmental entity. A flag containing a logo for a commercial entity shall not be exempt from the regulation of this ordinance.

F. Lapse of Sign Permit

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A sign permit shall have lapsed and be void unless the permitted sign is erected within one year from the date of its issuance.

G. Legal Pre-Existing Off-Premise Signs

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1. Off-premise signs lawfully existing before the effective date of this ordinance may be continued until October 1, 2010, although the use, size or location does not conform with the provision of this ordinance. However, those off-premise signs that do not conform shall be deemed legal pre-existing structures and must be brought into compliance by October 1, 2010. If two or more off-premise signs are legal pre-existing because they are not separated by the minimum distance required in section 9.78(C) 2, the first of these signs brought into compliance with all other aspects of the ordinance shall be allowed to remain.
2. If a legal pre-existing off-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value exceeding 50 percent of the reproduction value (fair market value of

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- construction materials and labor), it shall not be restored except in conformity with the current regulations of this ordinance.
3. No repair made to any off-premise legal pre-existing sign shall exceed 50 percent of its assessed value or its true market value over the life of the sign exceeding 50 percent of the reproduction value (fair market value of construction materials and labor).
 4. If a legal pre-existing off-premise sign is removed, it shall not be replaced with another legal pre-existing sign.
 5. All legal pre-existing off-premise signs shall be properly maintained. If a legal pre-existing off-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the sign will be assumed to be abandoned. The Department shall notify the Committee who shall then order removal of the off-premise sign. Any cost of removal incurred by the County or appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the County treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the off-premise sign was located, which tax shall be collected, as are other taxes as provided by the state statutes.
 6. Effective January 1, 1999, whenever a business or real property is sold which contains a legal pre-existing off-premise sign, the new business or property owner shall remove or bring said off-premise sign into conformity with current ordinance requirements within 90 days of change of ownership of said real property or business.

H. ~~Legal Pre Existing On-Premise Signs~~

~~On-premise signs lawfully existing before the effective date of this ordinance may be continued, although the use, size or location does not conform with the provision of this ordinance. However, those on-premise signs that do not conform shall be deemed legal pre-existing structures. If a legal pre-existing on-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value, it shall not be restored except in conformity with the regulations of this ordinance. No repair made to any legal pre-existing on-premise sign shall exceed 50 percent of its assessed value or its true market value over the life of the on-premise sign. If a legal pre-existing on-premise sign is removed, it shall not be replaced with another legal pre-existing on-premise sign. All legal pre-existing on-premise signs shall be properly maintained. If a legal pre-existing on-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the on-premise sign will be assumed to be abandoned. The Department shall notify the County or appropriate town board, who shall then remove the on-premise sign. Any cost of removal incurred by the County or appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the County treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the on-premise sign was located, which tax shall be collected, as are other taxes.~~

407 Approved by the Planning and Zoning Committee this 15th day of December, 2010.

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409 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority =

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412 The County Board has the legal authority to adopt: Yes _____ No _____ as
413 reviewed by the Corporation Counsel, _____, Date:

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417 Offered and passage moved by: _____

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Supervisor

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Supervisor

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430 _____ Ayes

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432 _____ Nays

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434 _____ Absent

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436 _____ Abstain

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438 _____ Enacted

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440 by the County Board of Supervisors this 11th day of January, 2011.

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442 _____ Defeated

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Mary Bartelt, Clerk

Ted Cushing, County Board Chair

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