

TOWN OF SHERMAN ORDINANCE 2003-2

SECTION 10.1 SIGN REGULATIONS

PURPOSE:

- 1. To regulate the size, type, construction standards, maintenance and placement of new signs situated within the boundaries of the Town of Sherman, Wisconsin;**

- 2. To promote the public health, safety, welfare and comfort of the general public by:**
 - a. Reducing distractions and obstructions from signs which would adversely effect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way;**

 - b. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses**

 - c. Reserving or enhancing the natural beauty and unique physical characteristics of the Town of Sherman as a community in which to live and work by requiring new and replacement signage which is:**
 - 1. creative and distinctive;**

 - 2. harmonious with the building, surrounding neighborhood aesthetics and other signs in the area;**

 - 3. appropriate to the type of activity to which it pertains;**

 - 4. expressive of the Town's identity in a manner which will not diminish property values:**

Scope: Except as otherwise noted herein, the regulations of this ordinance shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction standards, support, lighting, maintenance, appearance, and aesthetics.

SECTION 10.2 DEFINITIONS

When used in this chapter, the following words and phrases shall have the specific meaning as hereinafter defined and any words not listed shall have the meaning defined by the zoning code of the Town of Sherman

- (1) Area: Measurement of sign area shall be calculated as the sum of the area within the smallest rectangle that will encompass all elements of the actual sign face including any writing, representation, emblem or any figure or similar character together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed. The area of supporting framework shall not be included in the area. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from**

other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

- (2) **Banner**: A sign intended to be hung either with or without a frame and which possesses characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.
- (3) **Base Setback Line**: The edge of the established ultimate street right-of-way.
- Billboard**: A sion or structure advertising a product or a service.
- (5) **Bulletin Board**: A sign not to exceed 15 square feet in area located on the premises of charitable, religious, educational institution or a public body, for purposes of announcing events, which are held on the premises. The Town of Sherman official bulletin boards may be located off-site.
- (6) **Construction Sign**: A sign identifying individuals or companies involved in design construction, wrecking, financing, or development of a building lot and/or identifying the future use of the building lot.
- (7) **Directional Sign**: A sign for the purpose of directing patrons or attendants to a commercial establishment off the main traveled highway, or to service dubs, churches schools or other non-profit organizations. Directional signs do not contain advertising material, do not exceed three square feet or extend higher than four feet above the mean centeriine road grade.
- (8^ **External Illumination**: Illumination of a sign with an exterior light source.
- (9) **Facing**: The surface of the sign or billboard upon, against, or through which the message of the sign or billboard is displayed.
- (10) **Flashing Sign** A sign whose illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation and word/text changes, Illuminated signs, which indicate the date, time, and temperature, will not be considered flashing signs.
- (11) **Freestanding Sign** A sign which is attached to or part of a completely self-supporting structure other than a building. The supporting structure shall be set firmly in, upon, or below the ground surface and shall not be attached to any building.
- (12) **Height** The height of all freestanding signs shall be the distance between the existing pre-construction grade at the base of the sign and the highest point on the sign or supporting structure.
- (13) **Illuminated Sign** A sign in which an artificial source of light is used in connection with the display of such sign.
- (14) **Lot** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law.
- (15) **Lot Lines** A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- (16) **Offset** The regulated minimum distance of a structure from a side or rear lot line.

(17) **Outdoor Advertising** Any outdoor structure or device that is used as an announcement, declaration, demonstration, display, illustration, indication, symbol, insignia, logo, emblem or advertisement.

(18) **Real Estate Sign** A sign, which is used to offer for sale, lease, or rent the premises upon which such sign is placed.

(19) **Setback** The regulated minimum horizontal distance between the base setback line and any structure on a lot.

(20) **Road** : A public or private sight-of-way for pedestrian or vehicular traffic.

(21) **Sign** Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to goods, products, services, facilities, persons, property interest or business either on the lot or on any other premises.

(22) **Street** A public or private right-of-way for pedestrian or vehicular traffic.

(23) **Temporary Sign** A sign intended to be used for a period of no more than thirty (30) days unless otherwise specified herein.

(24) **Wall Sign** A sign or billboard affixed or attached directly to the exterior wall of a building and extending ten (10) or less inches from the exterior wall of the building or structure.

SECTION 10.03 PERMITS

- (1) APPLICATION FOR PERMIT Application for a sign permit shall be made to the Town Clerk, Town of Sherman.
- (2) AUTHORITY It shall be unlawful for any person to erect, repair, alter, relocate any sign or other advertising structure as defined, and not exempted in this chapter without first obtaining a sign permit from the Town Clerk, Town of Sherman. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code .
- (3) ISSUANCE OF PERMITS
 - (a) If the proposed sign is not in compliance with the requirements of this ordinance and all other regulations of the Town Board of the Town of Sherman, the Town Board shall deny such permit and state the specific lack of compliance with the ordinance requirements.
 - (b) If the proposed sign complies with all dimensional ordinance requirements, the Town Board of the Town of Sherman shall consider the purpose, appearance, location, lighting, height, size, and impact of the sign relative to the scenic beauty of the vicinity and to the values identified in Section 10.01 of this ordinance (i.e. Purpose). If they feel, on the basis of the above noted considerations, that there is a question as to whether or not the proposed sign is in accordance with the intent of this ordinance, the Town Board of the Town of Sherman may approve, approve with modifications, or deny the sign permit application.
 - (c) If the Town Board of the Town of Sherman determines that the proposed sign is in compliance with the intent of this ordinance and all other regu

Town of Sherman, they shall issue a sign permit.

(1)The applicant shall pay an application fee of fifty (\$50) dollars for each individual sign, not exempted by this ordinance.

2)All required permit fees shall be paid by the applicant to the Town Clerk/Treasurer prior to obtaining the permit from the Town of Sherman.

SECTION 10.05 PROHIBITED SIGNS

The following types of signs are prohibited in the Town of Sherman.

(1) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity except where the sign is incidental to the primary use of the vehicle or trailer.

(2) Signs, which are attached to trees or other living vegetation, except signs prohibiting trespassing, hunting, or vehicular use on private property.

(3) Signs, which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

(4) Flashing or rotating signs, signs containing moving parts, and signs containing reflective elements, which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature may be permitted provided they meet all other provisions of this ordinance and subject to approval of the Town of Sherman.

(5) Commercial or Advertising balloons or other gas-filled figures.

(6) Billboards and off-premise signs, except temporary off-premises signs to identify businesses during road construction. Official Town bulletin boards are also allowed off-premise.

(7) Any sign advertising or identifying a business or organization, which is either defunct or no longer, located on the premises is not permitted.

(8) Any sign larger than 64 square feet in area.

(9) Projecting signs.

(10) Signs erected at or near the intersection of any streets in such manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

SECTION 10.06 EXEMPTIONS

- (1) The following outdoor signs, advertising structures or devices shall be exempted from Section 10.04 of this ordinance:
- (a) One sign for the purpose of displaying the name of the owner or occupant not exceeding two (2) square feet in size. These signs shall not be illuminated.
 - (b) Bulletin boards not over fifteen (15) square feet in size for public, charitable or religious institutions when the same are located on the premises of said institutions. Such signs on, lighting and landscaping standards as set forth in Sections 10.09 -10.11 of this ordinance and shall not exceed seven (7) feet in height.
 - (c) Traffic signs, legal notices, railroad crossing signs, danger and such temporary emergency or non-advertising signs as may be erected for the public safety.
 - (d) One sign not to exceed fifteen (15) square feet in area, identifying farm operations.
 - (e) Flags or banners representing the United States, State of Wisconsin, Sheboygan County or the Town of Sherman.
 - (f) Special decorative displays or signs in public right-of-way when authorized by the Town Board of the Town of Sherman.
 - (g) Yard sale signs; provided that no person shall attach posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the Town of Sherman; and, that no person shall put up any notice upon any building, wall, fence, or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all yard sale or estate sale signs is three (3) consecutive days. Such signs shall not exceed ten(10) square feet in area.
 - (h) Auction sale signs; placed adjacent to nearby intersections on the day of the sale. These signs shall be self supporting, measure no more than nine (9) square feet in area on any side and have a maximum overall height of four (4) feet
 - (i) Up to two (2), off premise directional signs for any single business or organization provide each sign shall not exceed three (3) square feet in area. These signs do require the Town Board of the Town of Sherman approval and the town may require appearance uniformity when deemed necessary. The Town Board of the Town of Sherman may require that these signs be grouped to avoid congestion.
 - (j) Bumper Stickers affixed to vehicle bumpers.
 - (k) Christmas, New years, and Halloween decorations.
- (2) The following temporary signs shall also be exempted from Section 10.04 of this ordinance subject to the following conditions:
- (a) Temporary Real Estate Signs and Temporary Construction Signs. 1) Number There shall not be more than one (1) temporary sign for each lot except that where a lot abuts two (2) or more streets, one (1) temporary sign may be allowed for each abutting street frontage.
 - 2) Area: Temporary signs shall not exceed Nine(9) square feet in gross surface

3) Location: Temporary signs shall be setback a minimum of 10 feet from any abutting property line or road right-of-way.

4) Height: Temporary signs shall not project higher than seven (7) feet as measured From pre-construction or pre existing grade at the base of the sign.

5) Special Conditions: Temporary construction signs shall be permitted only as Accessory to an approved building permit for the purpose of identifying a proposed Construction project and the names of contractors, engineers, architects, and financial Institutions involved in the project development Temporary construction signs may be erected and maintained for a period not to exceed thirty (30) days prior to the commencement of construction and shall be removed within thirty (30) days of the termination of construction e project or development.

(b) Temporary Political Campaign Signs:

1) Location(s): Political campaign signs located on private property shall be with the owner's consent.

2) Time Limit: Political campaign signs shall not be posted more than sixty(60) days prior, and shall be removed within thirty(30) days after the election for which the sign was posted.

3) Height: Political campaign signs shall not exceed seven (7) feet in height as measured from grade at the base of the sign.

(4) All signs permitted under this Section shall conform to the provisions of Section 10.11 of this chapter.

SECTION 10.07 ILLUMINATION STANDARDS

(1) In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the State Electrical Code.

(2) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device *is* expressly prohibited.

(3) No sign shall be illuminated, between the hours of 11 p.m. and sunrise unless the premises on which it is located is open for business during that time. Signs located in residential districts shall not be illuminated between the hours of 9 p.m. and sunrise.

(4) All sign lighting shall be so designed, located , shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky.

(5) In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of 10 inches.

10.08 LANDSCAPING STANDARDS (1) In the case of any pole or

ground mounted free standing signs, a landscape area

TOWN OF SHERMAN MINUTES WEDNESDAY.
MARCH 4, 2003 7:30 P.M. SILVER CREEK FIRE HALL

shall extend a minimum of five (5) feet from the base of the sign.

SECTION 10.09 LOCATION STANDARDS

(1) In any zoning district, no sign, or sign supporting structure shall be setback/offset less than ten(10) feet from any abutting lot line or right-of-way.

SECTION 10.10 SIGNS FACING COUNTY OR STATE HIGHWAYS

(1) Unless otherwise specified herein, the following shall apply to all uses with contiguous frontage on County or State Highways

(a) Businesses or uses with contiguous frontage to and which offer gasoline sales, provide dining service or lodging accommodations may, if approved by the Town Board of the Town of Sherman, be allowed one illuminated sign not exceeding forty(40) square feet in size facing the State or County Highway. Town Board of the Town of Sherman review and approval of these signs will be based upon a determination that the proposed sign is in the public interest

(b) Any business or use, which may be visible from a State or County Highway but lacking contiguous frontage thereon, shall not be permitted to display any sign that may be visible from State or County Highways unless otherwise approved by the Town Board of the Town of Sherman.

SECTION 10.11 PERMITTED SIGNS

(1) Residential Uses: For all residential uses, the following signs are hereby permitted subject to the Town Board of the Town of Sherman approval and then only if accessory and incidental to a permitted or otherwise approved use:

(a) Building Name and Address Signs: Name and address signs of buildings containing four (4) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

1. Type. Building name and address signs may be either wall signs or ground signs.
2. Number. There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, one (1) sign may be allowed for each abutting street frontage.
3. Area. Building name and address signs shall not exceed six (6) square feet in gross surface area.
4. Location. Building name and address signs shall not be located closer than ten (10) feet to any property line or right-of-way.
5. Height Building name and address signs shall not exceed seven (7) feet as measured from pre-construction grade at the base of the sign.

(b) SUBDIVISION IDENTIFICATION SIGNS. A permanent sign used to designate a residential subdivision entrance may be permitted subject to The Town Board of the Town of Sherman approval and the following criteria:

TOWN OF SHERMAN MINUTES

- 1. SUBDIVISION IDENTIFICATION signs shall be ground signs.
- 2. NUMBER: There shall not be more than one (1) subdivision identification signs for each point of vehicular access to the subdivision.
- 3. AREA: Subdivision identification signs shall not exceed sixteen(16) square feet in area per sign
- 4. LOCATION: Subdivision identification signs shall not be located closer than ten (10) feet any property line or right-of-way.
- 5. HEIGHT: Subdivision identification signs shall not exceed seven (7) feet as measured from pre-construction grade at the base of the sign.

(2)COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES.. For all commercial, industrial, park, and institutional uses, only the following signs are hereby permitted subject to Town Board of the Town of Sherman approval.

(a) Wall Signs.

1. Number. There shall be not more than one (1) wall sign for each principal building.

2. Area. The gross surface area of a wall sign shall not exceed fifteen(15) square feet.

3. Location. A wall sign may be located on the outermost wall of any principal Building but shall not project more than ten (10) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Town Board of the Town of Sherman.

4. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed. A wall sign shall not exceed seven(7) feet in height from the base of the building wall to which the sign is affixed.

(b) MULTIPLE TENANT SIGNS. For any office, commercial, industrial or institutional use in which a principal building is devoted to two (2) or more individual tenant occupants, such occupants shall be permitted to display one (1) wall mounted, canopy, awning or marquee identification sign not to exceed thirty (30) square feet in gross surface area facing each abutting street frontage and jointly utilize the space available on one (1) freestanding ground sign constructed in accordance with Section 10.13(2) of this ordinance.

SECTION 10.12 EXISTING SIGNS

(1) Existing signs which become non conforming upon adoption of this ordinance shall not be reconstructed, remodeled, relocated or changed in size unless such action will make the sign conforming in all respects with this ordinance.

SECTION 10.13 DESIGN, CONSTRUCTION AND ERECTION STANDARDS

(1) STRUCTURE DESIGN , ^, ..., __

(a) Wind pressure. All signs shall be constructed, erected and maintained to withstand wind pressure as specified by Wisconsin State Statute and applicable

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TOWN OF SHERMAN MINUTES

WEDNESDAY, MARCH 4, 2003 7:30 P.M. SILVER CREEK FIRE HALL _____ 10

administrative code.

(b) Wall signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability and safety.

SECTION 10.14 MAINTANCE AND REMOVAL OF SIGNS

m APPEARANCE REQUIREMENTS

(a) The owner of any sign as defined and regulated by this ordinance shall be required to properly maintain the appearance of all parts and supports of their sign as directed by the Town Board of the Town of Sherman.

(b) In the event that the sign owner does not provide proper sign maintenance within sixty (60) days after written notification from the Town Board of the Town of Sherman, the sign may be removed.

(2) REMOVAL OF CERTAIN SIGNS AND BILLBOARDS

(a) Any sign or billboard now or hereafter existing which no longer advertises a bonfire Business or product, or which is dilapidated, out of repair, unsafe, insecure, or has been constructed, erected or maintained in violation of the provisions of this ordinance shall be taken down and removed by the sign owner, or sign owners agent. If within thirty (30) days after written notification from the Town of Sherman, the sign owner fails to comply with such notice the Town may remove such sign. Any expense incident thereto shall be paid by the owner of the real estate where the sign is located. In the event such cost and expenses are not paid within thirty(30) days from the date of billing, then the costs and expenses incurred for such removal shall be assessed against the real estate upon which such sign is located and collected as other taxes are collected on said real estate.

(b) Any sign, which is constructed without proper approval and permit, shall be removed or must be issued a proper permit within forty five(45) days notice to the owner by the Town of Sherman. In the event that the owner of such sign is not issued a proper permit or fails to remove said sign, the Town of Sherman may remove such sign subject to the conditions for removal as described in (a) above.

(c) The cost of removing any signs located in the road right-of-way at the time the road

SECTION 10.15 SEVERABIHTY

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby. If an application of this chapter to a particular sign or 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

SECTION 10.16 REVOCATION OF PERMITS

The Town of Sherman is hereby authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with any provision of this ordinance.

TOWN OF SHERMAN MINUTES

WEDNESDAY. MARCH 4. 2003 7:30 P.M. SILVER CREEK FIREHALL^ _11

SECTION 10.17 EFFECTIVE DATE

This ordinance shall be effective after passage, publication and posting as provided by law.

Dated this 4th day of March 2003

Introduced by:



Don Heimerman, Supervisor

Supported by:

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Robert Klug, Supervisor



Town Chairman, William Q&ehring

Attest:



Town Clerk/Treasurer, Bernadette Mondloch

PIPELINE INSTALLATION: Moved by Miller, 2nd by Klug, all voting in favor to authorize a project easement for Krier Foods, (represented by Bruce Krier) to install a wastewater pipeline in the right of way of Wolff Road, Spring Street and State Highway 144 along with tunneling under Spring Street and State Highway 144 contingent upon obtaining the proper State permits needed for this type of installation.

BUILDING PERMITS: Moved by Fahney, 2nd by Heimerman, all voting in favor to approve building permits submitted by Building Inspector Frank Mayer

LICENSES: Moved by Heimerman, 2nd by Miller, all voting in favor to issue Operators licenses to Steve Patton and Joshua Krahenbuh. Moved by Heimerman, 2nd by Klug, all voting in favor to issue a Picnic/ Gathering license to Silver Creek Fire Department for March 15th St Patrick's Day Dance

MINUTES: Moved by Miller, 2nd by Klug, all voting in favor to approve the Clerks minutes from the February 5th Board of Supervisors meeting.

FINANCES: Moved by Heimerman, 2nd by Fahney, all voting in favor to place on file for audit the financial statement showing the following balance :

Cash and Bank Accounts	100-038 Checking	\$ -82,801.47
	1 5-8968 Sweep	\$ 1 62,633.84
	LGIP #1 Capital Reserve	\$ 78,749.67
	LGIP #2 -Tax-Dog Lie	\$ 33,258.10
	LGIP #3 Union Cemetery	\$ 5,238.61
	LGIP #4 Park & Op Space	\$ 4,959.34
	100-310 Sh TAX	\$ 13,917.8
	TOTAL	\$ 215,955,9