

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2024-1658

An Ordinance Repealing and Recreating Chapter 62 of the Mequon Municipal Code Relating to the Regulation of Signs Within the City

RECITALS

A. The Common Council previously adopted Chapter 62 of the Mequon Municipal Code which regulates signs within the City.

B. Recent case law has substantially changed nature of the allowed regulations related to signs under the First Amendment.

C. The Common Council finds that the regulation of the placement of signs so as to ensure the safety of pedestrians, traffic, and occupants of buildings remains a critical and necessary component of preserving the health, safety, and welfare of the community.

D. The Common Council wishes to update Chapter 62 to reflect current trends and demands for signs while also ensuring that the regulation of signs within the City remains narrowly tailored to the public's compelling interest in such regulation in a manner which is the least restrictive method of reaching those interests.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Chapter 62 of the Mequon Municipal Code is repealed and recreated to read as follows:

62-1. Findings and Purpose.

- (a) *Findings.* The common council makes the following legislative findings relating to signs:
- (1) Exterior signs have a substantial impact on community appearance and quality of the environment.
 - (2) Signs provide an important medium through which individuals, groups of people, and businesses may convey a variety of messages.
 - (3) In addition to signage allowed by this chapter, individuals, groups of people, and businesses have numerous means to communicate different

types of speech, including print media, broadcast media, direct mailings to households, and dissemination of information on the Internet.

- (4) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - (5) Sign regulations in this chapter (i) promote the public welfare, health, and safety of people using the public roads and other public travel ways; (ii) advance the aesthetic goals of the city while allowing creative and effective signage; and (iii) reduce the visual clutter caused by advertising signage which is a significant cause of unsafe traffic and visibility conditions.
 - (6) The limitations placed on signs by this chapter are deemed to be the minimum necessary to accomplish the purposes of this chapter.
 - (7) The common council, by enacting this ordinance, recognizes the city has a significant and substantial governmental interest in promoting public safety and aesthetic values through the regulation of signs displayed within the City of Mequon.
- (b) *Purpose.* The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate an easy and pleasant communication between people and their environment. Sign regulations, including but not limited to those which control the type, design, size, location and maintenance of signs, are hereby established to further the goals of safety and aesthetics and achieve more specifically, the following purposes:
- (1) To promote the public health, safety, welfare and comfort of the general public by:
 - a. Reducing distractions and obstructions from signs which would adversely affect 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 legibility and that signs aid orientation and adequately identify uses and activities to the public; and
 - c. Preserving or enhancing the natural beauty and unique physical characteristics of the City of Mequon 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 city's identity in a manner which will not diminish property values; and
 5. Complementary to the city's suburban architectural

character and unobtrusive commercial developments;

- (2) To promote the development of attractive and harmonious residential areas, viable commercial areas and to identify industrial and other areas.
- (3) To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment and preventing conditions which have undesirable impacts on surrounding properties.
- (4) To protect scenic views and the visual environment along all city streets, highways and rights-of-way and to promote overall aesthetics, avoid clutter and avoid inappropriate scale.
- (5) Promote the desired community and neighborhood character and aesthetics described in the City's comprehensive plan.
- (6) It is not the purpose or intent of this chapter to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building.

62-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Address sign means a sign containing only the physical street address of a premises (e.g. "11333 N. Cedarburg Road") or only the number of the street address (e.g. "11333") which is traditionally used for wayfinding purposes.

Approved combustible materials. Wood, combustible plastics, or other rigid material impervious to water.

Approved combustible plastics. Only those combustible plastic materials which when tested in accordance with the Standard Method of Testing for Flammability of Plastics (A.S.T.M.) over 0.050 inch in thickness, D635 (latest revision), burn no faster than 2.5 inches per minute in sheets of 0.060 inch thickness.

Area. Measurement of sign area shall be calculated as the sum of the area within the smallest regular polygon 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.

- (a) For a sign painted on or applied to a building or to a freestanding wall, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any background of a different color than the natural color, or finish material of the building or city approved free-standing architectural wall. The architectural wall shall be subject to city approval of a building, site and landscaping plan application.

- (b) The main supporting sign structure (i.e., brackets, posts, foundation, etc.) shall not be included in the area measurement if such framework is incidental to the display.
- (c) When a sign has two 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 feet from each 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.

Awning and awning sign. An awning is a temporary or permanent frame with a fabric covering which projects from the building wall and is intended to provide shelter over a window, door or pedestrian space. An awning sign is any sign applied to an awning.

Banner. A sign, including a feather flag 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.

Base setback line. The edge of the established ultimate street right-of-way.

Beacon. A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention.

Canopy sign. Any sign that is attached to or part of an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Construction site. shall have the same meaning given the term in Wis. Stat. § 66.1102(1)(ae).

Development sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or development of a building or lot and/or identifying the future use of a building.

Directional sign. A sign for the purpose of directing patrons or attendants to an entity or enterprise off the main traveled highway. Also, signs solely identifying ingress and egress placed at driveway locations, containing no advertising material.

Directory sign. A sign which indicates the name of the occupants or tenants located on the premises.

Display surface. The surface made available on the sign, either for the direct mounting of letters and decorations, or for the mounting of facing material intended to carry the entire advertising message.

Edge of the street. The back side of any curb, if installed along a street, or if not, the edge of the pavement of a street.

Electronic message sign. A sign whose informational content can be changed or altered on a fixed display screen composed of electronically illuminated parts. Electronic message signs use changing lights to form a message in text form wherein the sequence of the text and rate of change is electronically programmed and can be modified by

electronic processes.

External illumination. Illumination of a sign with an exterior light source.

Facing. The surface of the sign or billboard upon, against, or through which the message of the sign or billboard is displayed.

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.

Freestanding/ground 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.

Height. The height of all freestanding signs shall be the distance between the existing preconstruction grade at the base of the sign and the highest point on the sign or supporting structure.

Hold. To grasp or carry by a person, or to display on clothing being worn by a person.

Illuminated sign. A sign in which an artificial source of light is used in connection with the display of such sign.

Install. To cause to be or stay in a particular place, either temporarily or permanently, and includes to erect, embed, attach, fasten, place, display, paint, draw, or otherwise illustrate, but does not include to hold.

Internal illumination. Illumination of a sign in which the source of light is contained within the sign itself.

Letters and decorations. The letters, illustrations, symbols, figures, insignia, logo and other media employed to express and/or illustrate the sign message.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law.

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.

Major tenant. A tenant within a multi-tenant building that occupies the greatest linear frontage or square footage of that building.

Manual changeable letter sign. A sign whose information content can be changed or altered manually on a fixed display. Manual changeable letter signs use individual letters to form a message in text form.

Marquee and marquee sign. A marquee is a permanent roof-like structure extending from part of the building wall but not supported by the ground, and constructed of durable materials. A marquee sign is a sign attached to, applied on, or supported by a marquee.

Master sign plan. A master sign plan is a unified signage package that applies to a single development in a manner that will enhance the development through a coordinated

and comprehensive design approach. The master sign plan can allow for flexibility to the standards when benefits of the design flexibility are derived by both the applicant and the community. The master sign plan shall specify the standards which are requested to be waived or modified and comply with section 62-15.

Neon or other gas tube illumination. Illumination from a light source consisting of a neon or other gas tube which forms letters, symbols or other shapes.

Nonconforming sign. A sign existing at the effective date of the adoption of this chapter which does not conform to the terms of this chapter.

Off-premises signs. Any sign that advertises, calls attention to or identifies an entity, enterprise or property situated on a different lot than the sign.

Offset. The regulated minimum distance of a structure from a side or rear lot line.

On-premises signs. Any sign that advertises, calls attention to or identifies an entity, enterprise or property situated on the same lot as the sign.

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

Portable sign. A sign not permanently affixed to the ground, building, or other structure and which may be easily moved from place to place.

Premises. The lot on which a sign is located.

Projecting sign. A sign affixed or attached directly to the exterior wall of a building or structure and extending more than ten inches from the exterior wall of the building or structure.

Roadside ditch. A long, narrow open channel that is dug into the ground along the side of a street used for the collection of storm water.

Roof sign. A sign or billboard which is located or projects above the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

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

Shopping center. A planned/coordinated grouping of architecturally unified commercial establishments built on the same site and managed as one operating unit offering for sale goods such as food, drugs, hardware and personal services.

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.

Sign code administrator (SCA). The City of Mequon employee(s) responsible for administering this chapter.

Street. A public or private right-of-way for pedestrian or vehicular traffic.

Street reserved area. The entire width of the physical surface intended for vehicular traffic of any public street plus any medians and/or islands within lanes of traffic, together with the following:

- (a) If there is a sidewalk or multi-use path located in whole or in part within 15 feet from the edge of the street, the area from the edge of the street up to, and including, the full width of the sidewalk or multi-use path; or
- (b) In an area along a street where (a) does not apply, 15 feet from the edge of the street.

Temporary sign. A sign intended to be used for a period of no more than 30 days unless otherwise specified herein.

Trim. The moldings, battens, capping, nailing strips, latticing and platforms attached to any sign or billboard structure.

Wall sign. A sign or billboard affixed or attached directly to the exterior wall of a building and extending ten or less inches from the exterior wall of the building or structure.

Warning sign. A sign, containing no advertising material, warning the public of the existence of danger.

Window sign. A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

62-3. Scope of regulations.

Except as otherwise noted herein, the regulations of this chapter shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction standards, erection, attachment, support, lighting, anchorage, maintenance, appearance, and aesthetics. To the extent that these provisions conflict with other code provisions and/or with specific design guidelines adopted by the common council (e.g., Town Center Plan and Design Guidelines), the more restrictive or specific requirement will apply.

62-4. Permits.

- (a) *Authority.* Where this chapter requires a permit, it shall be unlawful for any person to erect, repair, alter, relocate or possess any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the Department of Community Development and making payment of established fees. All illuminated signs shall, in addition, be subject to the provisions of the electrical code and the permit fees required thereunder.
- (b) *Application for permit.* Sign permit applications shall be filed with the sign code administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 60 days of receipt from the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within 12 months of the date of issuance. The application for a sign permit shall contain or have attached thereto the following

information:

- (1) Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - (2) Name of person, firm, corporation, or association erecting the sign.
 - (3) Written consent of the owner of the building, structure, or land to which or upon which the sign is to be affixed.
 - (4) A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction and attachment.
 - (5) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.
 - (6) Copies of any other permit required and issued for said sign, including the written approval by the city planning commission where required by the zoning code and/or by the electrical inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the sign complies with the city electrical code.
 - (7) Additional information as may be required by the Department of Community Development.
- (c) *Issuance of permits.* Upon the filing of an application for a sign permit, the sign code administrator will examine such plans and specifications and other data to determine whether the proposed sign is in compliance with the requirements of this section and all other regulations of the city. Following such examination:
- (1) If the proposed sign is not in compliance with the requirements of this section and all other regulations of the city, the sign code administrator shall deny such permit and state the specific lack of compliance with the ordinance requirements in the SCA denial.
 - (2) If the proposed sign complies with all dimensional ordinance requirements, the sign code administrator 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 62-1 of this chapter (i.e., purpose). If the sign code administrator determines, 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 section, the SCA shall refer the sign permit application to the planning commission stating the reasons for such referral. Following its review, the planning commission shall approve, approve with modifications, or deny the sign permit application.
 - (3) If the sign code administrator determines that the sign is in compliance with the intent of this section and all other regulations of the city, the SCA shall issue the sign permit.

- (4) Any approval given by the sign code administrator or planning commission shall be valid for 12 months. If the approved sign is not constructed within this 12-month period, the sign permit shall be declared null and void.
- (5) Upon any denial of a sign permit, no application for the same or substantially similar sign may be made within one year of such denial unless the application results from substantially changed circumstances or conditions.

62-5. Fees.

Administrative fees for sign permits shall be in accordance with the city's established fee schedule.

62-6. Revocation of permits.

The sign code administrator is hereby authorized and empowered to revoke any permit issued by him/her upon failure of the holder thereof to comply with any provision of this chapter.

62-7. Prohibited signs.

The following types of signs are prohibited in the City of Mequon:

- (a) Roof signs.
- (b) Signs placed on or affixed to vehicles and/or trailers which are parked on private property so as to be visible from a public right-of-way or public property where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.
- (c) Signs which are attached or otherwise affixed to rocks, trees or other living vegetation.
- (d) Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- (e) Flashing or rotating signs, message crawl signs, digital electronic signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted.
- (f) "A" frame, sandwich board, sidewalk, or curb signs, except as may be expressly allowed under this chapter.
- (g) Banners, pennants, streamers, balloons, and other gas-filled figures, except as may be expressly allowed under this chapter.
- (h) Billboards and off-premises signs.
- (i) Any sign advertising or identifying an entity or enterprise which is either defunct or no longer located on the premises.
- (j) Projecting signs.

- (k) Portable and wheeled signs.
- (l) Signs or other advertising painted directly on walls unless specifically approved by the planning commission.
- (m) Inflatable signs and tethered balloons.
- (n) Signs attached to, erected or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
- (o) 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.
- (p) Signs erected, constructed or maintained so as to obstruct any exit, any window opening necessary for required light or ventilation, or which prevents free passage from one part of a roof to another.
- (q) Signs extending above the top or ten inches beyond the side of the exterior wall to which such sign is attached.
- (r) Signs and associated lighting fixtures which project more than ten inches from the exterior wall to which they are attached.
- (s) Signs entirely supported by a parapet wall.
- (t) Except as may otherwise be permitted by this section the placement, creation, or use of outdoor advertising devices such as banners, decorative displays or other advertising devices of cloth, paper, or other non-rigid materials.

62-8. Exemptions.

The following outdoor signs, advertising structures or devices shall be exempted from section 62-4 of this chapter:

- (a) A banner installed over the entire height and length of a fence surrounding a construction site by the owner, or other person in lawful possession or control, of such construction site in accordance with Wis. Stat. § 66.1102(5)(a).
- (b) Signs which are located within the interior of any building and which are not visible from the exterior of the building.
- (c) Temporary, non-illuminated window signs, including but not necessarily limited to paper signs, box signs, and painted window signs, covering less than 25 percent of the area of any individual windowpane, provided that the sign shall not be continuous in appearance across multiple window panes.
- (d) Address signs, provided that there is not more than one address sign per building and that such sign does not exceed six square feet in gross surface area.
- (e) Any sign which is otherwise required or authorized by local, state, or federal law contrary to the provisions of this chapter.

62-9. Signs on Residential Properties

Signs on a lot located within a residential zoning district, as identified in Chapter 58, Article IV, Division 3, within the residential component of any lot zoned PUD, TDR-PDR or CGA, or on a lot with a residential use in any other zoning district shall comply with the following:

- (a) *Temporary Signs.* Signs that are installed on a lot for less than 4 months in any twelve-month period shall be allowed without a permit under section 62-4 provided that:
 - (1) *Number and area.* Any number of temporary signs are allowed except that the total cumulative area of all temporary signs shall not exceed 15 sq. ft.
 - (2) *Height.* No temporary sign shall exceed 4 feet in height.
- (b) *Non-Temporary Signs.* The following non-temporary commercial, wayfinding and/or directional signs are hereby allowed, subject to issuance of a permit in accordance with section 62-4 of this chapter.
 - (1) *Building name signs.* Name signs for buildings containing four 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:
 - a. *Type.* Building name and address signs may be either wall signs or ground signs.
 - b. *Number.* There shall not be more than one name and address sign for each building except that where a building abuts two or more streets, one sign may be allowed for each abutting street frontage.
 - c. *Area.* Building name signs shall not exceed six square feet in gross surface area.
 - d. *Location.* Building name signs shall not be located closer than ten feet to any property line, right-of-way or driveway.
 - e. *Height.* Building name signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.
 - (2) *Subdivision identification signs.* A permanent sign used to designate a residential subdivision entrance may be permitted subject to planning commission approval and the following criteria:
 - a. Subdivision identification signs shall be ground signs.
 - b. *Number.* There shall not be more than two subdivision identification signs for each point of vehicular access to the subdivision.
 - c. *Area.* Subdivision identification signs shall not exceed 32 square feet in area per sign.
 - d. *Location.* Subdivision identification signs shall not be located closer than ten feet to any property line, right-of-way or driveway,

except where approved to be within the street reserved area under sec. 62-10.

e. *Height.* Subdivision identification signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.

(3) *Home Occupation Sign.* One sign not to exceed two square feet in size and attached to the residential structure for the purpose of identifying an entity or enterprise which is a legal home occupation. Home occupation signs shall not be illuminated.

62-10. Signs along streets and on public property.

(a) *Findings.* The city encourages the exercise of free speech, and recognizes the right of all people to speak, petition, picket and otherwise express speech on public property. Signage on public property, however, poses additional concerns, among them being:

- (1) Signs installed on public property give the appearance of government endorsement of the messages on the signs.
- (2) Signs installed in certain locations can obstruct visibility and conflict with necessary safety signs and, therefore, create safety hazards.
- (3) Signs that are installed too close to roads can create distractions for drivers and, in certain locations, obstruct visibility.
- (4) Signs installed on public property can obstruct vehicles, bicycles and pedestrians; moreover, excessive signage has in the past made parks and public buildings uninviting to regular users.
- (5) The common council knows of no way to ensure that an installed sign on public property is removed when the person posting the sign has no further use for it, and the city has no way to know who installed a sign so that the city can inquire whether the sign can be removed; therefore, signs could be installed permanently.
- (6) The proliferation of installed signs on public property unnecessarily changes the character and aesthetics of the city. Nevertheless, the public has the ability to post non-commercial signs on private property, thereby ensuring that the public may express itself on signs.

Accordingly, the common council has determined that this section is required for the safe and orderly administration of public property. With certain limited exceptions, this section restricts all people and entities from installing signs. However, the city has reserved the right to install specific signs that are fundamental and necessary for the purposes for which the city owns its properties. The city allows others to hold signs on public property while petitioning, picketing and at all other times. The common council further finds that numerous and significant alternatives exist to placing signs close to streets (such as back from the street) and on public property that allow the exercise of free speech.

(b) *General exceptions.* Nothing in this section shall prohibit any person from holding

a sign in a street reserved area or on public property provided that no such sign being held shall (1) block the view of traffic in a manner that could cause safety concerns; (2) block a driveway except while being carried from one side to another; (3) be held within 25 feet of the entrance of any public building; (4) obstruct pedestrian or vehicular travel; (5) obstruct pedestrian or vehicular ingress or egress from any public or private building; or (6) be held in any street reserved area that is titled to a private property owner without the property owner's permission.

(c) *Right-of-way and Street reserved areas.*

(1) Except for the following, no signs shall be installed in any public right-of-way or in the street reserved area:

a. The following signs, all of which are necessary for government to exercise its responsibilities, erected by the city or any other governmental entity with authority:

1. Traffic signs and street signs.
2. Warning signs and temporary emergency signs installed for the public safety.
3. Entrance signs to the city stating the name, population and official slogan, if any, for the city and containing the logo for the city (or any combination of the foregoing).
4. Signs designating historical landmarks, signs naming neighborhoods and signs notifying the public of designations bestowed upon the city or a place by an entity other than the city (e.g., Bird City USA, Rustic Road).
5. Adopt a street program signs.
6. Signs required by federal or state law to be placed in such locations.
7. Signs to notify the public of potential zoning or land use actions on a property pursuant to chapter 58 of this code.

b. Signs on any vehicle, trailer or towed equipment and lawfully parked or traveling upon any public street.

c. Signs on any vehicle, trailer, equipment or shelter during any city-organized or funded parade or festival, or a parade or festival in which the city substantially participates, that occurs in whole or in part in the street reserved area.

d. Railroad signs installed by or on behalf of a railroad, or a governmental entity with authority, for safety purposes.

e. Utility signs installed by or on behalf of a public utility, or governmental entity with authority, for safety purposes.

f. Single-family residential subdivision entrance signs if approved by

the planning commission. Such signs shall only be approved if (a) placed in a entrance island on the entrance road to the subdivision and platted as an outlot or (b) the Planning Commission determines that there is no place outside of the street reserved area on the subdivision's property that is reasonably visible from adjacent streets, provided that no such sign shall violate the required intersection sight distance, vision triangle and vision corners requirements of the Standard Specifications for Land Development in the City of Mequon. A single-family residential subdivision sign in the street reserved area that exists of date of the enactment of this section that is made non-conforming by such adoption may not be replaced or restored unless the owner shows that the sign or its structure has been damaged by causes other than vandalism and that the damage did not exceed 50 percent of the appraised value of the sign and sign structure. If such sign or sign structure is destroyed or damaged by causes other than vandalism to an extent exceeding 50 percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming to the location requirements of this section and all other applicable ordinance requirements. If restoration of a damaged sign is not completed within six months of the date damage occurred, such sign shall be removed or replaced in a manner as will conform with all applicable specifications. Replacement signs require planning commission approval.

- g. The city will install a sign in the public right-of-way or street reserved area for any person or entity, for any purpose and with any message, subject to the following conditions:
 - 1. The sign may only be installed on one of the following streets and, to the extent required, subject to state or county approval:
 - County Line Road (north side)
 - Donges Bay Road
 - Mequon Road (west of Buntrock Avenue; between the Milwaukee River and Oriole Lane; east of I-43)
 - Freistadt Road
 - Highland Road
 - Bonniwell Road
 - Pioneer Road
 - Wasaukee Road
 - Granville Road

Swan Road

Wauwatosa Road

Cedarburg Road (south of Lucerne Court; north of Thiensville)

Green Bay Road

Port Washington Road (north of Glen Oaks Lane)

Lake Shore Drive

2. No person or entity may have more than one such sign.
3. Each of such signs facing the same street shall be at least 0.5 miles apart.
4. The city will locate such signs to avoid conflicts with other signage, blocking the view of traffic in a manner that could cause safety concerns or obstructing pedestrian or vehicular travel. No such sign shall be located in front of any commercial property.
5. Each such sign shall be 36 inches wide and 24 inches tall with a blue background and white lettering. Lettering on the sign shall be at least four inches tall. Such signs shall be installed on free standing posts designated and provided by the city.
6. Such signs will be procured through and installed by the city at the expense of the person or entity requesting the sign in accordance with the city's established fee schedule.
7. Such signs shall be subject to an annual administrative fee in accordance with the city's established fee schedule. The city shall remove any such sign if the annual fee is not paid within 30 days of the date of the city's notice to the person or entity requesting such sign. Such notice shall be sent to the address on file with the city.
8. Any sign installed by the city that exists as of the date of the enactment of this ordinance that would otherwise qualify under this part g., but that does not conform to any requirement of 3. or 5., may remain in place through 2026 provided the person or entity for which the sign was installed pays the annual administrative fee described below as and when required. Such non-conforming signs will be removed on or after January 1, 2027. The city will replace any such sign with a sign that meets the requirements of this paragraph (other than the requirements of 3. if two or more such signs exist as of that date), subject

to payment of the procurement and installation costs described below, at the request of the person or entity for which the sign was installed.

- (2) No sign in a roadside ditch may be installed in a manner that would restrict the free flow of water.

(d) *Other public property.*

- (1) This subsection (d) shall not apply to the following:

- a. Signs on properties owned or controlled by any governmental entity other than the city. Monument, wall and directional signage on such properties shall be regulated to the extent allowed by law by provisions of this chapter 62 other than this section. Those entities shall regulate signs, including signs installed by third-parties, under their own authority.
- b. Signs on properties leased from the city under a long term written lease of more than one year (e.g., the lease with Mequon Nature Preserve), but not including special event leases or licenses. Monument, wall and directional signage on such properties shall be regulated to the extent allowed by law by provisions of this chapter 62 other than this section. Subject to restrictions in their leases, tenants under such leases shall regulate signs, including signs installed by third-parties, under their own authority.

- (2) The city has the right to engage in government speech and to promote on public property the events and programs the city organizes or funds, other activities of the city government and positions taken by the city. Accordingly, the city may promote such events, programs, activities and positions on the electronic message board adjacent to the Mequon-Thiensville Gateway Monument and by installing signs elsewhere on public property subject to the following conditions:

- a. No such sign may promote any candidate for public office, referendum on any ballot or political party.
- b. The city administrator or his or her designee may authorize messages on the electronic message board adjacent to the Mequon-Thiensville Gateway Monument provided that the messages are limited to (i) the current date and time; and (ii) the name, date, time and/or place of events and programs organized or funded by the city.
- c. The common council may specifically authorize messages on the electronic message board adjacent to the Mequon-Thiensville Gateway Monument or signs installed elsewhere on public property provided that they relate to (a) the events and programs the city organizes or funds; (b) other activities of the city government; and (c) positions taken by the city as approved by the common council.

- (3) The Frank L. Weyenberg Library may display messages on the electronic message board outside of the library subject to the following conditions:
- a. No such sign may promote any candidate for public office, referendum on any ballot or political party or advocate any political or public policy position.
 - b. Messages on the electronic message board shall be limited to (i) the operating policies of the library approved by the Frank L. Weyenberg Library Board of Trustees; (ii) the name, date, time and/or place of library-related events and programs organized or funded by the library or the library foundation; (iii) the books, materials and electronic offerings of the library; and (iv) books and materials sold by the library.
- (4) Subject to the preceding paragraphs, no signs shall be installed on any public property, including without limitation in any park, all publicly owned areas around any city building or in any right-of-way except for the following, each of which the city expressly permits as an expression of government speech:
- a. Any sign described in subsection (c)(1) of this section, other than the signs in part f. of such section, including any such described sign located on public property outside of a street reserved area.
 - b. The American flag, the flag of the State of Wisconsin and the flag, if any, of the city.
 - c. Outside of a public building or park, one or more signs specifying the name or address, or both, of the building or park. Such a sign may contain the city logo or the logo for the city's park system.
 - d. Signs installed by the city on the day of or evening before an election day stating nothing more than "vote here" and giving the hours of voting. Such signs shall be removed at the conclusion of voting or on the following day.
 - e. A sign on the outside of city hall designating the city's drop box.
 - f. Signs approved by the common council or a committee designated by the common council recognizing donors and contributors toward an improvement to which the sign is attached or adjacent.
 - g. Signs required by government or quasi-governmental authorities other than the city as a condition of funding of improvements.
 - h. Signs specifying the city's rules and regulations for the property or facility.
 - i. Advertising signs at public athletic fields provided that the advertiser has paid an annual fee for the sign.
 - j. Words, logos and depictions on tombstones in any cemetery.

- k. Directional signs, maps and signs identifying features of interest on city property.
 - l. The following signs that have been installed prior to the date of the enactment of this ordinance: [1] The Mequon-Thiensville sign on the Gateway Monument at the corner of Mequon and Cedarburg Roads; and [2] the four historic signs around such monument.
 - m. Monuments, memorials and artwork that is either commissioned by the common council or accepted by the common council pursuant to its inherent right to government speech prior to installation.
 - n. Signs promoting events, programs and initiatives organized or funded by the city, provided that such promotion is approved by the common council prior to such signs being installed.
- (e) Enforcement. In addition to enforcement as provided in this chapter, the city may remove any sign that violates this section.

62-11. Signs on Non-Residential Properties.

- (a) *Commercial, industrial, park, and institutional uses.* For all lots with commercial, industrial, park, and institutional zoning (B-1, B-2, B-3, B-4, B-5, B-6, B-7, NC, TC, AC, UCNC, UCMU, UC Senior Housing, IPS, LTD, and P-1 districts), only the following signs are hereby allowed subject to issuance of a permit in accordance with section 62-4 of this chapter.
- (1) Master sign plans subject to planning commission approval. Proposals for master sign plans are evaluated for safe wayfinding, direction for travelers related to distinct functions on one development site. A master sign plan is required for the following uses or site conditions:
 - a. Gas Stations with Car Wash facilities.
 - b. Single use Car Wash facilities.
 - c. Uses with Drive-thru facilities.
 - d. Multiple buildings located on one development site.
 - (2) *Wall signs.*
 - a. *Number.* There shall be not more than one wall sign for each principal building within the B-1, B-2, B-3, B-4, B-5, B-6, B-7, NC, TC, AC, UCNC, UCMU, IPS, LTD, and P-1 zoning districts except for the case of multi-tenant buildings as regulated in section 62-11(a)(5) of this chapter and except for the case of buildings that front two public streets, one sign may be permitted for each facade facing a public street.
 - b. *Area.* Except in the case of multi-tenant buildings as regulated in section 62-11(a)(5) of this chapter, the gross surface area of a wall sign shall not exceed two and one-half percent of the area of the

building wall, including doors and windows, to which the sign is to be affixed or 60 square feet, whichever is smaller.

- c. *Location.* A wall sign may be located on the outermost wall of any principal building but shall not project more than ten inches from the wall to which the sign is to be affixed.
- d. *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 20 feet in height from the base of the building wall to which the sign is affixed.

(3) *Freestanding ground signs.*

- a. *Number.* There shall not be more than one freestanding ground sign for each principal building.
- b. *Area.* The gross surface area of a ground sign shall not exceed 50 square feet of area.
- c. *Location.* A ground sign may not be located closer than ten feet to any property line, right-of-way or driveway, except as may be otherwise permitted in a specific zoning district.
- d. *Height.* A ground sign shall not project higher than ten feet, unless within the TC or AC district which shall be limited to six feet as measured from preconstruction grade at the base of the sign.

(4) *Awning signs.*

- a. *Area.* Awning signs which are four square feet or less in gross surface area are exempt from the provisions of this section. An awning sign that exceeds four square feet in gross surface area is subject to the review and approval by planning commission through a master sign plan application.
- b. *Number.* Each tenant that has its own principal, exterior entrance is permitted any number of awning signs if each awning sign is less than four square feet.
- c. *Location.* Awning signs shall be affixed to or located over windows or entryways. Alternative locations may be approved subject to staff approval.
- d. *Height.* An awning shall not project higher than the top of the façade or roofline.
- e. *Design.* Illuminated and plastic awning signs are prohibited.

(5) *Multiple tenant signs.* Multiple tenant buildings located within the B-1, B-2, NC, TC, AC, UCNC, and UCMU zoning districts shall be limited to one wall sign per tenant not exceeding 30 square feet. The multiple tenants may also share the permitted freestanding sign. Major tenants may be allowed a larger wall sign subject to planning commission approval.

Multiple tenant buildings located within the B-3, B-4, B-5, B-6, B-7, LTD district are permitted one wall sign per building. More than one wall sign per building may be permitted subject to planning commission approval through a master sign plan and the following criteria:

- a. The placement of all wall signs shall relate only to the first floor elevation of the building.
- b. Only tenants that have an individual, exterior entrance on the first floor that allows the general public to access shall be permitted a wall sign.
- c. All wall signs shall relate to the architectural features of the exterior building and create an overall harmonious aesthetic.

(6) *Window signs.*

- a. *Neon signs.* Each business tenant shall be allowed to display on each public street it fronts one neon sign not exceeding 300 square inches in size or 50 percent of the window area, whichever is less. Neon signs shall emit a steady light and only be illuminated during business hours. Blinking, flashing, strobe or other light animation shall not be allowed. Businesses or business tenants will be required to fully comply with this section by September 1, 1994.
- b. *Business decals.* Individual business decals not exceeding two square feet in size shall be allowed provided that multiple decals cannot be combined to give the appearance of a larger sign.

(7) *Electronic message signs and manual changeable letter signs.*

- a. *Uses.* Electronic message signs and manual changeable letter signs shall only be allowed for properties zoned IPS, and theater, concert hall, and gas station uses within other commercial business zoning districts.
- b. *Message.* The fixed display or fixed display screen shall only contain text and remain static. Pictographic or video images are prohibited. A message which moves by scrolling, blinking, flashing, turning or other similar movements is prohibited. A message shall not change more than one time per 30 seconds. When more than one message is displayed on either a single or double faced sign, the change to all messages shall occur at a simultaneous 30-second interval.
- c. *Color.* The electronic display screen background shall be black. The fixed display or fixed display screen shall not be illuminated. The message on the display screen is not limited by color except that the color shall be compatible with the building's architectural character and exterior colors. There shall be no variation of color or intensity per message.
- d. *Illumination.* The maximum illumination of any electronic

message or manual changeable letter sign shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 12 inches.

e. *Design and dimension.* The electronic message or manual changeable letter sign shall only be permitted as a freestanding/ground sign and is subject to the number, area, location and height requirements according to subsection 62-11(a)(3) and as follows:

1. The changeable message portion of the sign shall not exceed 50 percent of the total sign area.
2. The electronic message or manual changeable letter sign shall not be located closer than 100 feet from a residential use or an undeveloped residentially zoned property.

f. *Gas Service Stations Special use.* Gas service stations special uses shall comply with the following standards in addition to the requirements of this chapter:

1. As may be required under Wis. Stat. § 100.18(8), gas service stations are permitted to display only the gas prices in electronic form as a special use.
2. Gas service stations which display gas prices as electronic message signs shall comply with the requirements of this subsection (7), except that the display of gas prices can change at any time.

(8) *Marquee signs.* Marquee signs are allowed for theatres, including live performances and concert halls subject to planning commission approval.

(9) *Ancillary monument signs.* Sites zoned B2, B4 or B5 shall be permitted one ancillary monument sign not exceeding 16 square feet and not exceeding four feet in height as follows:

a. The site shall meet the following conditions:

1. 400 feet of continuous public street frontage.
2. A building occupied with two or more tenants.
3. A principal freestanding ground sign shall exist.

b. The ancillary monument sign shall be subject to the following standards:

1. Sign placement is subject to the required setbacks and shall be located no further than ten feet from a driveway access.
2. Sign placement shall maintain a minimum of 100 feet separation from the principal monument sign located on same public street.
3. Sign material, design and color shall match the principal

monument sign. In the event that the material of principal monument sign cannot be replicated because it is no longer made, or is outdated as determined by the sign code administrator, the ancillary monument sign shall, at a minimum, match design and color of the principal monument sign.

(10) *Temporary signs.*

a. Lots within all the IPS zoning district are authorized the following temporary signs:

1. Signs that are installed on a lot for less than 4 months in any twelve-month period shall be allowed without a permit under section 62-4 provided that:

- i. *Number and area.* Any number of temporary signs are allowed except that the total cumulative area of all temporary signs shall not exceed 15 sq. ft.
- ii. *Height.* No temporary sign shall exceed 4 feet in height.
- iii. A prohibited sign under section 62-7 shall not qualify as a temporary sign under this paragraph.

2. *Auxiliary freestanding sign or banner.*

- i. *Number.* There shall not be more than one auxiliary freestanding sign for each site.
- ii. *Area.* The gross surface area of an auxiliary ground sign or banner shall not exceed 50 square feet of area.
- iii. *Location.* An auxiliary ground sign or banner shall not be located closer than ten feet to any property line, right-of-way or driveway.
- iv. *Height.* An auxiliary ground sign or banner shall not project higher than six feet, as measured from preconstruction grade at the base of the sign.
- v. *Special conditions.* Auxiliary signs and banners shall be attached to ground posts. While the sign or banner face and message may change throughout the year, the content of the sign message must directly relate to activities on the premises. Auxiliary banners shall not be displayed for more than 14 consecutive days, and shall be limited to no more than 4 such signs a year (maximum total of 56 banner days per year).

b. Lots within all other commercial or industrial zoning districts are

authorized the following temporary signs:

1. Signs that are installed on a lot for less than 4 months in any twelve-month period shall be allowed without a permit under section 62-4 provided that:
 - i. *Number and area.* Any number of temporary signs are allowed except that the total cumulative area of all temporary signs shall not exceed 15 sq. ft.
 - ii. *Height.* No temporary sign shall exceed 4 feet in height.
 - iii. A prohibited sign under section 62-7 shall not qualify as a temporary sign under this paragraph.
2. One temporary sign not exceeding 30 square feet may be displayed for a maximum of 30 days surrounding the opening of any new entity or enterprise on a lot.
3. *Temporary banners.* Temporary banners shall be allowed for any entity or enterprise subject to the following:
 - i. Banner size shall not exceed 30 square feet.
 - ii. Banner height shall not exceed 14 feet.
 - iii. Banners shall not be displayed for more than 14 consecutive days.
 - iv. Individual entities or enterprises shall be limited to three banner events a year.
 - v. There shall be no more than two banners erected per lot at one time.
- c. *Temporary development signs.* Where a development site does not have a fence which is subject to Wis. Stat. § 66.1102(5)(a), such site may have a temporary development sign as follows:
 1. *Number.* There shall not be more than one temporary development sign for each project, except that where a project abuts two or more streets, one sign may be allowed for each abutting street frontage. Single or double-faced signs are permitted.
 2. *Area.* A temporary development sign shall not exceed 32 square feet in gross surface area.
 3. *Location.* A temporary development sign shall be located only upon the premises upon which construction either is to occur or is occurring.
 4. *Height.* A temporary development sign shall not project higher than six feet, as measured from preconstruction grade at the base of the sign.

5. *Time limit.* A temporary development sign shall be allowed once final approval of the development is granted. The temporary development sign shall be removed after the initial tenant related to the development takes occupancy.
 6. No permit under section 62-4 shall be required.
- d. *Seasonal banner, "A" frame or sandwich board signs.* During the period commencing as of the Friday one week preceding Thanksgiving through January 2:
1. A permit shall be required and a fee collected for banners posted throughout the time period at any entity or establishment. The banner shall be posted in good condition, meet an 18-square-foot size limitation and establish a 30-foot separation between banners, and no more than two banners may be erected per lot at any time. A banner posted during this period shall not count against a business or institution's total number of annually permitted banners under section 62-11(a)(11)b.3.
 2. All entities and establishments may utilize one seasonal banner permit during the time period as noted in is paragraph, but shall designate a maximum and continuous three week posting. Any entity or establishment may forego the ability to utilize their seasonal banner permit and be permitted one additional temporary banner under section 62-11(a)(11)b.3.
 3. All entities and establishments may display sandwich board signs otherwise meeting the requirements of subsection 62-11(a)(12).
 4. Banners and sandwich board signs are subject to the installation, maintenance and removal standards pursuant to section 62-14.
- (11) *Restaurant uses.* "A" frame, sandwich board signs, sidewalk or curb signs, not exceeding eight square feet per side or four feet in height, for any restaurant that does not contain a changeable message sign are hereby allowed subject to the issuance of a permit, at no charge, but otherwise in accordance with section 62-4 of this chapter. "A" frame, sandwich board signs, sidewalk or curb signs shall be subject to the following standards:
- a. One sign, no more than two sides, per restaurant.
 - b. Sign shall be placed on a level and stable surface and shall be internally weighted to prevent movement by wind gusts. Anchoring the sign to the building or ground with ties, chains or similar mechanisms is prohibited.
 - c. Sign shall be constructed of finished materials such as wood,

metal, aluminum or plastic. Rough-cut plywood or similar unfinished material is prohibited.

- d. Sign structure and message shall have a professional application. A chalkboard background with hand-written message is permitted; however, a message by spray paint, stencil or similar application is prohibited. Background material such as paper, cardboard or similar material shall be prohibited.
 - e. Sign structure and message shall not use highly reflective materials, colors or neon and shall not resemble a traffic sign.
 - f. Sign shall not be illuminated or contain moving parts.
 - g. Sign shall be displayed only during hours of operation.
 - h. Sign placement shall maintain a minimum clearance width of four feet when located on any pedestrian walkway and shall not obstruct ingress/egress to site or building entrance(s).
 - i. Sign placement for stand-alone restaurants shall remain on private property outside of the public right-of-way, exempt from section 62-11(a) and (c).
 - j. Sign placement for restaurants within a multi-tenant building shall maintain a maximum ten-foot setback from the restaurant's principle building entrance.
- (b) Agriculturally zoned lands. For all lots with commercial, industrial, park, and institutional zoning (A-1, A-2, and OA districts), the following signs are hereby allowed without a permit under section 62-4:
- (1) One sign not to exceed 15 square feet in area, identifying farm operations on parcels of land containing not less than 20 acres.
 - (2) Signs that are installed on a lot for less than 4 months in any twelve-month period provided that:
 - a. *Number and area.* Any number of temporary signs are allowed except that the total cumulative area of all temporary signs shall not exceed 15 sq. ft.
 - b. *Height.* No temporary sign shall exceed 4 feet in height.
- (c) *Signs facing I-43.*
- (1) On-premise, freestanding signs facing I-43 are allowed subject to planning commission approval and the following standards:
 - a. Signs shall be located on parcels zoned B-1, B-2, B-4, B-3, B-7, UCNC, UCMU, or IPS.
 - b. Signs shall be located on parcels that have direct frontage on I-43 right-of-way.
 - c. One freestanding sign shall be permitted for identification of a

multi-tenant commercial development (e.g., business park or retail center) or a quasi-public facility that contains a minimum of four acres and 400 feet of direct frontage on I-43 right-of-way.

- d. A freestanding sign shall be setback a minimum of ten feet and a maximum of 25 feet from the I-43 right-of-way.
 - e. The height of a freestanding sign shall not exceed 25 feet above the elevation of the centerline of nearest traveling lane of I-43. The sign structure shall have architectural interest consistent with the materials and characteristics of the site's buildings and designed proportionate to the building as well as to the surrounding context of the site. The sign structure may have more than two sides; however, the sign face shall only be displayed on two sides of the structure. Pole signs are prohibited.
 - f. A freestanding sign shall not exceed 200 total square feet and 100 square feet per sign face.
 - g. The face of the freestanding sign is limited to displaying two tenant panels.
- (2) On-premise wall signs facing I-43 are allowed subject to planning commission approval and the following standards:
- a. One wall sign per tenant is permitted.
 - b. Signs shall be located on parcels zoned B-1, B-2, B-4, B-7, UCNC, UCMU, or IPS.
 - c. The total square area of wall signage per building is limited to 65 percent of linear feet of building wall and shall not project more than ten inches from the wall to which the sign is to be affixed.
 - d. The placement of any wall sign should generally not be less than 50 percent or greater than 75 percent of the total height of the building to which the sign is affixed. Exceptions to the placement may be permitted where it is found that strict compliance to this requirement is impractical because of site or building conditions and upon finding that the exception does not create an adverse impact.
 - e. All wall signs shall be channel letters no less than 18 inches and no greater than 24 inches in height.
 - f. All wall signs as part of one development site shall have a consistent backing or structural support frame, if one is proposed, or affixing mechanism.
 - g. All wall signs shall have architectural interest and colors consistent with the materials and characteristics of the site's buildings.
- (3) Electronic message signs facing I-43 are prohibited.

- (4) Illuminated signs facing I-43 shall only be illuminated by a halo glow method. The illumination shall not exceed 15 foot-candles.

62-12. General sign standards.

Except where otherwise provided in this chapter, the following standards shall apply to signs:

- (a) *Landscaping standards.*
 - (1) In the case of any pole or ground mounted freestanding signs, a landscape area shall extend a minimum of five feet from the base of the sign (see section 58-564 for landscaping standards).
 - (2) Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view. Landscape plantings shall be of the type as will ensure effective year-round screening.
- (b) *Location standards.*
 - (1) In any zoning district, no sign, or sign supporting structure shall be setback/offset less than ten feet from any abutting lot line, right-of-way or driveway.
 - (2) Placement of all signs shall be subject to the vision setback regulations as put forth in the City of Mequon zoning code as set forth in chapter 58, article IV.
 - (3) No nonresidential sign shall be located closer than 50 feet to an abutting residential zone.
- (c) *Design, construction and erection standards.*
 - (1) *Architectural design.*
 - a. *Freestanding ground signs.* These signs shall be architecturally integrated with the principal building in the following manner:
 1. The base of the sign shall be constructed with the principal building's primary building material, to the greatest extent practical.
 2. The color scheme of the sign shall follow the color scheme of the principal building, to the greatest extent practical.
 3. Architectural features (e.g., sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural style of the principal building shall be incorporated into the sign, to the greatest extent practical.
 4. The sign face shall be constructed with an opaque surface to allow internal light to only project through the cut-out lettering and/or logos.

5. The sign code administrator and/or planning commission may approve, deny, or request changes to a proposed sign, based on the architectural design of that sign.
- b. *Wall signs.*
 1. Box signs shall be prohibited, unless approved by the planning commission as part of a total sign package.
 2. Channeled letter sign colors are subject to planning commission approval as part of a total sign package.
- c. *Sign legibility.* Signs shall serve a function of way finding and site identification. The department of community development may deny a sign permit based upon the legibility of the sign. Legibility shall be determined by reference to the Federal Highway Administration's Manual on Uniform Traffic Control Devices, United States Sign Council's On-Premise Sign Standards, and similarly recognized design guides and manuals.

(2) *Structure design.*

- a. *Wind pressure.* All signs shall be constructed, erected and maintained to safely withstand wind pressure as specified by Wisconsin State Statute and applicable administrative code.
- b. The design, construction and erection of all signs shall be by a competent professional in the sign design and construction industry.
- c. Wall signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability and safety.

62-13. Existing signs.

- (a) Existing signs which become nonconforming upon adoption of the ordinance from which this section is derived shall not be reconstructed, remodeled, relocated or changed in size unless such action will make the sign conforming in all respects with this section. Non-structural changes to an existing freestanding sign shall require compliance with the opaque sign face standard pursuant to section 62-12(c) of this chapter.
- (b) A nonconforming sign or sign structure which is destroyed or damaged may be restored only after the owner has shown that the damage did not exceed 50 percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding 50 percent of the appraised sign value, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming, in all respects, to this chapter. If restoration of a damaged sign is not completed within six months of the date damage occurred, such sign shall be removed or replaced in a manner as will conform with all specifications of this section. Replacement signs may require planning commission approval.

- (c) A nonconforming sign or sign structure shall be removed within 30 days of the date the building containing the use, to which the sign is accessory, is demolished or destroyed to an extent exceeding 50 percent of the building's appraised value.
- (d) At any such time as the owner of any building or lot, on which a nonconforming sign(s) is located, requests planning commission approval for any change to the use, building or lot, the planning commission may require that such nonconforming sign(s) be removed or made to conform with this section as a condition of building or site approval.

62-14. Maintenance and removal of signs.

The city may cause any sign or other advertising structure which is, in their opinion, an immediate peril to persons or property to be removed summarily and without notice.

(a) *Appearance requirements.*

- (1) All signs and sign support structures, together with all parts to include, but not limited to, sign faces, supports, braces, base, guys and anchors, shall be kept in good repair and in proper state of preservation. Painted surfaces shall be maintained free of peeling, chipping paint. All metal parts and supports thereof shall be maintained free of corrosion.
- (2) The department of community development shall have the authority at all reasonable times to inspect and order the painting, repair, alteration, maintenance or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.
- (3) Signs and/or sign supports that may be attached or detached to any building, business or property which becomes vacant or unoccupied continuously for a period exceeding 30 days, shall be presumed to have been abandoned, and it shall be the responsibility of the owner of record to have such sign structures and/or supports removed upon receiving notice from the department of community development.
- (4) In the event that the sign owner does not provide proper sign maintenance within 60 days after written notification from the city, the sign may be removed as provided in this section.

(b) *Removal of certain signs.*

- (1) Any sign now or hereafter existing which no longer advertises a bona fide 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 section shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which such sign may be found. If within ten days after written notification from the city the sign owner fails to comply with such notice the city may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within 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.

- (2) Any sign which is constructed without proper approval and permit shall be removed or must be issued a proper permit within five days notice to the owner by the city. In the event that the owner of such sign is not issued a proper permit or fails to remove said sign, the city may remove such sign. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within ten 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.
- (3) In the event that the owner of an illegal sign cannot be ascertained by the city, then notice as indicated in this section shall be given to the owner of the real estate upon which the sign is located. In the event that the owner of the real estate is not issued a proper permit or does not remove the sign within ten days then such sign may be removed by the city. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within ten 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.
- (4) If a permit is denied, the city shall issue a five-day removal notice. If the sign is not removed within the five day period, the sign may be removed by the city. Any expense incident thereto shall be paid by the owner of the building or land to which such sign is attached. In the event such cost and expenses are not paid within ten 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.
- (5) The cost of removing any signs located in the road right-of-way at the time the road is widened, and such signs must be removed, shall be paid by the sign owner.

62-15. Waivers or modifications.

The planning commission may waive or modify the provisions of this chapter where it would further the public interest and uphold the purpose of this section as put forth in section 62-1. Such waiver or modification, including those requested through a master sign plan, may be based on, among other things, site specific hardships such as topographic aberrations and visual encumbrances.

62-16. Temporary moratoria; penalty; enforcement by injunction; declared nuisances.

- (a) *Temporary moratoria.* The common council may, by resolution adopted from time to time, prescribe limited periods in which enforcement of some or all of the restrictions of this chapter may be temporarily suspended.
- (b) *Penalty.* 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 chapter shall be subject to a forfeiture pursuant to section 1-7 of the City of Mequon Code of Ordinances. Each day that a violation exists shall constitute a separate violation and be punishable as such.
- (c) *Enforcement by injunction.* Compliance with the provisions of this chapter may also be enforced by the injunction order at the suit of the city or one or more owners of real estate situated within an area affected by the regulations of this chapter.
- (d) *Declared nuisances.* Any sign or similar advertising structure erected, structurally altered, painted, moved or maintained in violation of the provisions of this chapter is hereby declared to be a nuisance per se, and the city may apply to any court of competent jurisdiction to restrain or abate such nuisance.

62-17. Severability.

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.

62-18. Master sign plan confirmation.

Master sign plan approvals shall require common council confirmation upon written request from two alderman or one alderman and the mayor. Such request shall be made within 14 days of the corresponding planning commission approval of the master sign plan. The burden of persuasion on the issue of whether the master sign plan, as proposed, complies with the requirements of this chapter remains at all times on the applicant.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: March 12, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on March 12, 2024.

Caroline Fochs, City Clerk

Published: March 19, 2024