

ORDINANCE

An Ordinance to repeal Section 15.450 of the Manitowoc Municipal Code regulating Signs and to create Chapter 31 regulating Signs.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 15.450 is repealed in its entirety and replaced to read as follows:

“Chapter 31 Signs.

Article 1. General Provisions
Article 2. General Standards and Requirements
Article 3. Specific Standards and Requirements by Sign Type
Article 4. Permissible Signage
Article 5. Administration
Appendix A. Permissible Signage by Location
Appendix B. Definitions

ARTICLE 1 **GENERAL PROVISIONS**

31.010 Legislative Findings

The Common Council makes the following legislative findings relating to signs:

- (1) 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.
- (2) 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.
- (3) Sign regulations in this chapter are not intended to control the content of a message, except as allowed by law, or to unduly restrict the appearance of a sign.
- (4) The limitations placed on signs by this chapter are deemed to be the minimum necessary to accomplish the purposes of this chapter.

31.020 Purpose

This chapter promotes the public health, safety, and general welfare and is intended to:

- (1) encourage the effective use of signs as a means of communication in the City;
- (2) maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth;
- (3) promote the desired community and neighborhood character and aesthetics described in the City’s comprehensive plan;
- (4) protect the safety of the public by requiring proper maintenance of signs and establishing minimum design and construction standards;
- (5) improve pedestrian and traffic safety by reducing distractions and obstructions and discouraging visual competition;
- (6) minimize the possible adverse effect of signs on nearby public and private property;
- (7) enable the fair and consistent enforcement of these restrictions.

31.030 Applicability

All signs located in the City must comply with this chapter, except for the following which are exempt:

- (1) A traffic control sign and other similar regulatory signage when located on public property along a roadway or other travel way when placed by or authorized by the federal government, the State of Wisconsin, Manitowoc County, or the City.
- (2) A sign inside of a building that does not meet the definition of a window sign.
- (3) A legal notice posted on private property as may be required or authorized by municipal, state, or federal law.
- (4) A scoreboard associated with an outdoor athletic field, which is to be reviewed as part of a site plan review.
- (5) A sports league sponsor sign (banner or rigid) that is temporarily affixed to a fence on an outdoor athletic field, which is subject to other regulations as may be adopted by the Common Council.
- (6) A sign that is not visible from a public right-of-way.
- (7) Murals approved by the City as set forth in § 11.270 of the Municipal Code.

31.040 Internal Conflict

More specific provisions of this chapter shall be followed in lieu of more general provisions unless the context otherwise requires. Additionally, the most restrictive provisions shall apply.

31.050 General Rules of Interpretation and Definitions

- (a) **General Rules.** General rules of interpretation are set forth in Chapter 19 of the Municipal Code.
- (b) **Words and Phrases not Defined.** Unless specifically defined in this section, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- (c) **Words and Phrases Defined.** For the purpose of this chapter, certain words and phrases are defined in Appendix B and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

31.060 Delegation of Authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly specifies otherwise.

31.070 Website

The City may create and maintain a website to share the key aspects of this chapter, including the sign districts map, in an interactive platform. If there is any discrepancy between such website and this chapter, this chapter controls.

31.080 Use of Graphics, Illustrations, Headings, References, and Editorial Notes

- (a) **Purpose.** Graphics, illustrations, headings, references, statutory citations, and editorial notes are included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References are included when the section is related to a state or local law or another section in this chapter. These are included to help the reader understand the relationship among various provisions. Editorial notes are included to supplement and/or further clarify a sentence or provision but are not part of this chapter.
- (b) **Interpretation.** A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.
- (c) **Effect of Deficiency.** Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or editorial note.

31.090 Reference to State and Federal Law

If a provision in this chapter references a specific state or federal law, such reference shall be interpreted to mean the most current version of the referenced section at the time the reference is applied. If a referenced section is repealed and replaced by another section with comparable subject matter, the replacement section shall control. If a referenced section is repealed and not replaced, the

repealed section shall control if it is determined by the city attorney that the City has the authority to apply the repealed language.

31.100 Copyright Protection

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31.110 Severability

If any clause, sentence, paragraph, section, or part of this chapter be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions of this chapter, but shall be confined in its operation to such part in which said judgment shall have been rendered.

31.120 to 31.190 Reserved

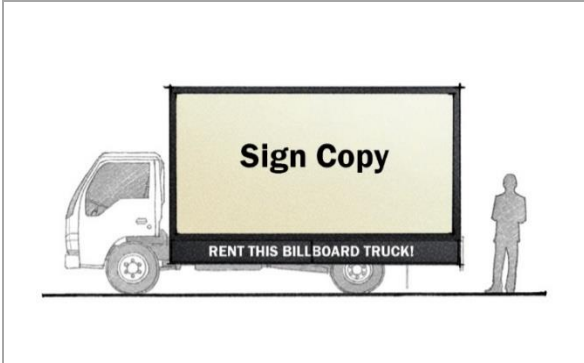
ARTICLE 2 **GENERAL STANDARDS AND REQUIREMENTS**

31.200 Prohibited Signs

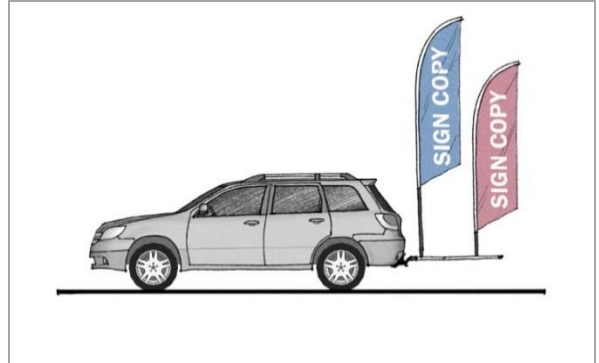
- (a) **Intent.** Some specific signs and classes of signs provide little value while harming community aesthetics and/or the public welfare.
- (b) **Undefined Signs.** A sign not specifically allowed in this chapter is prohibited.
- (c) **Unauthorized Signs on Public Property.** A sign located on public property, including a public right-of-way, is prohibited unless specifically approved by the jurisdiction having authority over such public property.
- (d) **Vehicle Signs.** Vehicle signs are prohibited.
- (e) **Inflatable Signs.** Inflatable signs are prohibited.
- (f) **Feather Signs.** Feather signs are prohibited.
- (g) **Roof Signs.** Roof signs are prohibited.
- (h) **Projected Signs.** Projected signs (e.g., holographic) are prohibited.
- (i) **Any sign that does not comply with state law, including Wis. Stat. § 944.21 is prohibited**

Sample of Prohibited Signs

Vehicle Sign



Vehicle Sign



Signage in Public Right-of-way



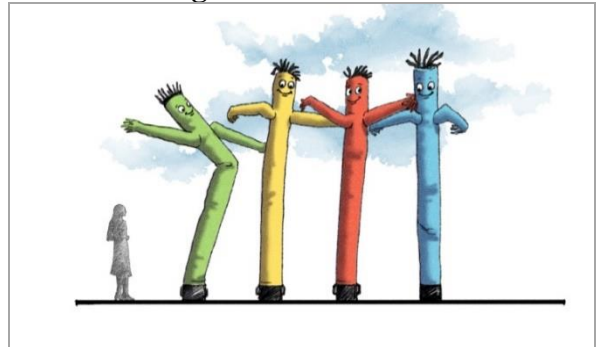
Projected (holographic) Sign



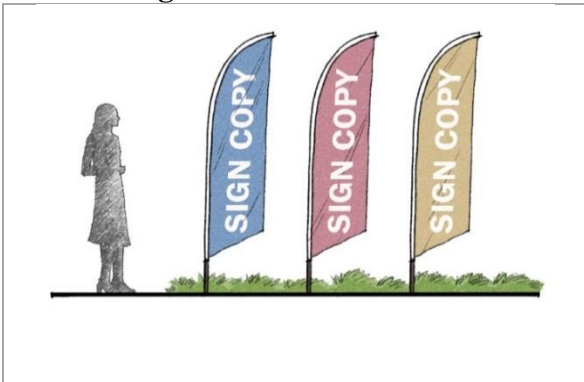
Inflatable Sign



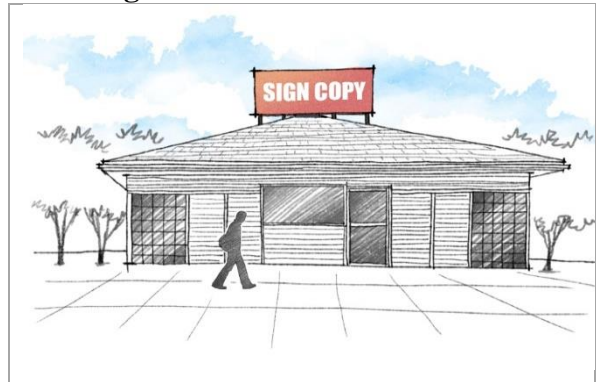
Inflatable Sign



Feather Sign



Roof Sign



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31.210 Dangerous and Unmaintained Signs

- Intent.** In order to ensure public welfare and safety, and to promote community aesthetics, dangerous, and unmaintained signs shall be ordered removed from the property upon which they are located.
- Abandoned Signs.** All signs or sign messages should be removed for any business within 60 days by the owner or lessee of the premises, when the business it advertises is no longer conducted.
- Dilapidated or Deteriorated Signs.** The Common Council and zoning administrator/building inspector may seek the removal of a sign determined to be deteriorated or dilapidated subject to the procedures and requirements set forth in state law, including Wis. Stat. § 66.0413.

- (d) **Maintenance and Repair.** A sign that is allowed under this chapter, including nonconforming signs, must be maintained so that it is (1) safe, (2) clean, (3) in proper working condition, and (4) structurally sound.
- (e) A sign must be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant material.
- (f) The zoning administrator or building inspector shall have the authority at any time to inspect and order the painting, repair, alteration, or removal of a sign which constitutes a hazard to the safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or change in local conditions.

31.220 General Standards for all Signs

- (a) A sign shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices.
- (b) A sign shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (c) A sign shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties.
- (d) A sign shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, stairway, fire escape, or driveway.
- (e) A sign shall not be attached to a standpipe or fire escape.
- (f) A sign shall not be attached to a tree or painted on rocks.
- (g) Balloons, ribbons, or any other attention-getting devices shall not be attached to a sign, including any supports.
- (h) A sign shall not flash, blink, strobe, or be animated, except as specifically allowed in this chapter.
- (i) A sign shall not oscillate or rotate, or move in any other manner.
- (j) A sign shall not emit any sound, odor, or visible matter (e.g., bubbles, steam).
- (k) A sign must comply with any state and local building codes as applicable.
- (l) When a sign is authorized to contain electrical power or when a sign is illuminated by one or more external light fixtures, the electric wire providing the electric power to the sign or the light fixture must be placed underground.
- (m) A sign shall not be placed on a telecommunication tower, except as required or permitted under the City's zoning code.
- (n) A sign shall comply with state law, including Wis. Stat. § 944.21.

31.230 Electronic Message Displays

- (a) **Findings.** The Common Council makes the following findings regarding electronic message displays (EMDs):
 - (1) Electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are inappropriate for night-time viewing.
 - (2) Electronic displays that are too bright at night can be offensive and reduce the legibility of the display copy.
 - (3) Technology exists to control lighting levels, with scheduled dimming based on sunset-sunrise tables or with photocells.
 - (4) Appropriate standards are necessary to ensure electronic displays do not become a nuisance to surrounding property owners or pedestrians or a distraction to passing motorists.
- (b) **General Standards.** An electronic message display when allowed by this chapter must comply with the following minimum standards:
 - (1) An electronic message display must be equipped with technology the sign owner can use to program lighting levels to comply with the lighting standards in this section (i.e., automatic dimming).

- (2) Except for time and temperature displays, the message shall remain static at least 7 seconds before the next message appears.
- (3) No part of the message can flash, fade in or out, or otherwise create the appearance of movement.
- (4) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).
- (5) Lighting levels shall not exceed 0.3 footcandles over ambient lighting conditions when measured at the specified distance in the table below, based on the size of the display. However, lighting levels shall not exceed 0.1 footcandles over ambient lighting conditions at the property boundary line of a residential property or 0.2 footcandles over ambient lighting conditions at the property boundary line of a commercial, industrial, or institutional property.

The publication titled “Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers,” as published by the International Sign Association, describes how lighting levels are to be measured. A copy of this publication is available from the building inspector.

Sign Area (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
<p>Note: The sign areas listed in this table are for illustration only. The City’s sign regulations may not allow the sign areas listed. For signs areas not listed, the measurement distance is calculated with the following formula:</p> $\text{Measurement distance} = \sqrt{\text{Area of sign area (in square feet)} \times 100}$	

- (6) The electronic message display must be turned off by 11:00 p.m. each day or one hour after the close of the business on the premises whichever is later and shall remain off until 5:00 a.m. or one hour before the business is open, whichever is earlier, the following day.
- (7) An electronic message display may not be located on more than one sign (i.e., one per parcel).
- (8) By installing an electronic message display the property owner agrees to cooperate with the building inspector in testing the illuminance of the display.
- (9) An electronic message display must be placed, designed, and constructed to be an integral part of the sign to which it is attached.
- (10) An electronic message display must be located more than 100 feet from an electronic message display on an adjoining parcel.

31.240 Electric Signs

A sign contractor or other qualified individual may install electric signs and install ballasts, high-voltage transformers, lighting tubes, and other components, but may not do any work that is otherwise

regulated by the National Electrical Code or other city/utility regulation such as connecting an electric sign to the primary branch circuit.

ARTICLE 3 **SPECIFIC STANDARDS AND REQUIREMENTS BY SIGN TYPE**

31.400 Awning Signs

- (a) The awning, whether existing or proposed, must be conforming to all applicable regulations.
- (b) The awning, whether existing or proposed, must be made of an opaque material.
- (c) The awning must be located above the primary public access.
- (d) An awning sign must complement the scale and proportion of the awning, and compliment the architectural style of the building on which it is to be attached.
- (e) When located above a walkway, the bottom edge of the awning must be at least 8 feet above the surface of the walkway.
- (f) The sign shall only be placed on the valance (i.e., the vertical flap of the canopy) that is parallel to the face of the building.
- (g) If the awning extends over public property (e.g., above a public sidewalk in a street right-of-way), the property owner must obtain a hold harmless agreement, or equivalent written approval, from the entity having jurisdiction over the public property.

31.410 Marquee Signs

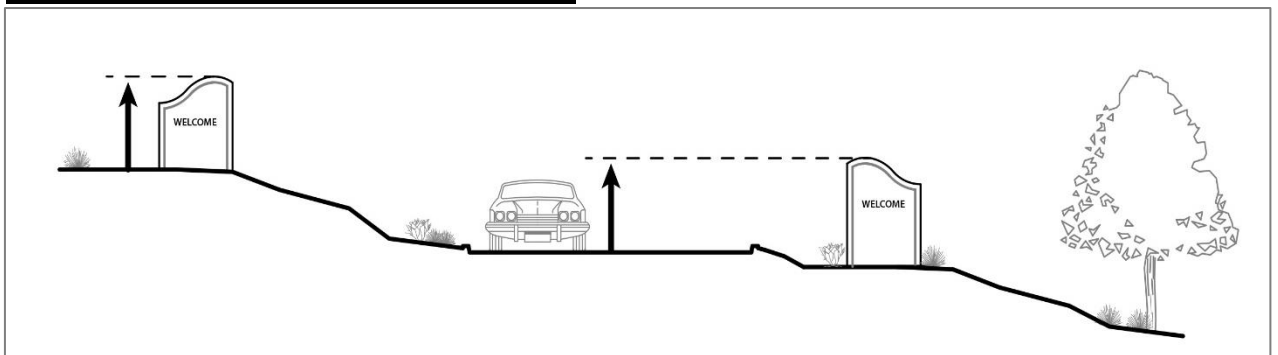
- (a) The marquee, whether existing or proposed, must be conforming to all applicable regulations.
- (b) The marquee must be located above the primary public access.
- (c) A marquee sign must complement the scale and proportion of the marquee, and compliment the architectural style of the building on which it is to be attached.
- (d) When located above a walkway, the bottom edge of the marquee must be at least 8 feet above the surface of the walkway beneath the canopy.
- (e) The sign shall only be placed on the vertical surface of the marquee.
- (f) If the marquee extends over public property (e.g., above a public sidewalk in a street right-of-way), the property owner must obtain a hold harmless agreement, or equivalent written approval, from the entity having jurisdiction over the public property.
- (g) The area of a marquee sign without a distinctive border or background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a marquee sign with a distinctive border and/or background is the smallest rectangle encompassing the border or background.

31.420 Monument Signs

- (a) A monument sign must comply with all applicable building regulations, along with any additional construction standards in this chapter.
- (b) Lighting for a monument sign must comply with the National Electrical Code (NEC).
- (c) Balloons, ribbons, or any other attention-getting devices shall not be attached to a monument sign, including the support structure.
- (d) Landscaping must be provided and maintained around the base of the sign for a minimum distance of 5 feet. Such landscaping may consist of turf, small shrubs, ground cover, or a combination thereof so as to not block or interfere with the sign message. Upon petition, and with good cause, the Community Development Department may allow an exception to this requirement.
- (e) The base of a monument sign must be covered with brick, stone, split-face masonry block, wood, stucco, or other material that complements the exterior building materials on the principal building.
- (f) The width of the base of a monument sign must be at least 80 percent of the width of the sign face.
- (g) A monument sign must be located at least 5 feet from a public street right-of-way.
- (h) A monument sign must be located at least 15 feet from an access drive.

- (i) A monument sign must be self-supporting (i.e., no guy wires or the like).
- (j) A monument sign must be attached to a permanent foundation set in the ground that complies with the requirements of the International Building Code (IBC) adopted at the time of the permit application.
- (k) A monument sign shall not unreasonably obstruct the view of a conforming sign on another property.
- (l) Electric service to a monument sign must be concealed (e.g., placed underground).
- (m) A monument sign shall not be placed within the vision clearance area except as may be allowed by the Municipal Code.
- (n) If internally illuminated, the sign face of a monument sign must be constructed with an opaque surface to allow internal light to project only through the cut-out lettering and/or logos.
- (o) The height of monument sign is measured from the surrounding grade to the top of sign. If the monument sign is located within 50 feet of the edge of the street and the surrounding grade is below the grade of the abutting street, then the sign height is measure from the street grade to the top of the sign as indicated below.

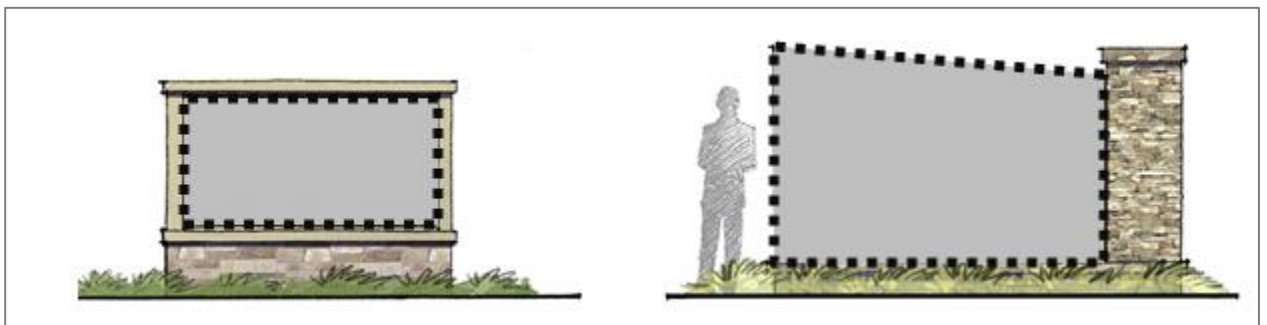
Measuring the height of a monument sign



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- (p) The area of a monument sign is the actual area of the sign face. If a monument sign is three-dimensional, the sign area is the area of the object projected on a flat surface. The horizontal base, the vertical pillars, brackets, and other supports are not included in the area calculation.

Measuring the area of a ground sign



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31.430 Projecting signs

- (a) A projecting sign must complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (b) The bottom of the projecting sign must be at least 8 feet above grade and the top of the sign must not extend higher than the face of the building wall on which it is attached.
- (c) If a projecting sign extends over public property (e.g., above a public sidewalk in a street right-of-way), the property owner must obtain a hold harmless agreement, or equivalent written approval, from the entity having jurisdiction over the public property.
- (d) The area of a projecting sign is the area of the sign face. If a projecting sign is three-dimensional, the sign area is the largest area of the object projected on a flat surface. Brackets and other supports are not included in the area calculation.
- (e) The maximum distance a projecting sign can extend past the face of the building on which it is attached is based on the distance from the grade below the sign to the bottom of the sign as follows:
 - 2.5 feet from building face for a sign 8 to 10 feet above grade

- 3 feet from building face for a sign 11 to 13 feet above grade
- 4 feet from building face for sign 14 to 16 feet above grade
- 5 feet from building face for a sign more than 16 feet above grade

In no event can a projecting sign be closer than 3 feet to the curb line of a street or internal vehicle use area including internal drives and parking areas.

31.440 Pylon Signs

- (a) A pylon sign must comply with all applicable building regulations, along with any additional construction standards in this chapter.
- (b) Lighting for a pylon sign must comply with the National Electrical Code (NEC).
- (c) Balloons, ribbons, or any other attention-getting devices shall not be attached to a pylon sign, including the support structure.
- (d) A pylon sign may be double-faced provided the two faces are parallel to one another.
- (e) A pylon sign shall not have more than two sign areas.
- (f) A pylon sign shall not incorporate a three-dimensional sign feature.

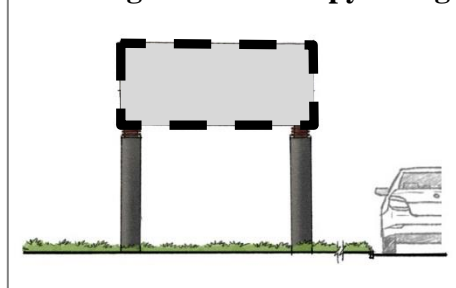
A pylon sign with two sign faces



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- (g) A pylon sign must be located at least 15 feet from an access drive.
- (h) A pylon sign must be located at least 5 feet from a public street right-of-way.
- (i) A pylon sign must be self-supporting (i.e., no guy wires or the like).
- (j) A pylon sign must be attached to a permanent foundation set in the ground that complies with the requirements of the International Building Code (IBC) adopted at the time of the permit application. If the height of the sign is 15 feet or more, the petitioner must provide a design approved by a professional engineer, qualified to provide such certification.
- (k) A pylon sign shall not unreasonably obstruct the view of a conforming sign on another property.
- (l) Electric service to a pylon sign must be concealed (e.g., placed underground).
- (m) A pylon sign shall not be placed within the vision clearance area except as allowed by the Municipal Code.
- (n) If internally illuminated, the sign face of a pylon sign must be constructed with an opaque surface to allow internal light to project only through the cut-out lettering and/or logos.
- (o) The area of a pylon sign is the actual area of the sign face.

Measuring the area of a pylon sign



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31.450 Sidewalk Signs

- (a) A sidewalk sign must be freestanding and at sidewalk grade level.
- (b) A sidewalk sign shall not have other attention-getting devices, such as balloons and ribbons, attached to them.
- (c) A sidewalk sign must be securely weighted or otherwise designed to not shift, move, or topple over in the wind or present a hazard to the public.
- (d) A sidewalk sign must be located within 10 feet of the primary access to the business.
- (e) A sidewalk sign placed on a public sidewalk (i.e., within the street right-of-way) must be kept inside the business when the business is closed.
- (f) A sidewalk sign placed on a public sidewalk (i.e., within the street right-of-way) shall not be located closer than 10 feet to another authorized sidewalk sign.
- (g) A sidewalk sign placed on a public sidewalk (i.e., within the street right-of-way) shall not obstruct vehicular/bus stops, benches, fire hydrants, or other features located legally in the right-of-way.
- (h) A sidewalk sign placed on a public sidewalk (i.e., within the street right-of-way) must leave a minimum of 5 feet of contiguous clear sidewalk space for pedestrian movement.
- (i) A sidewalk sign placed on a public sidewalk (i.e., within the street right-of-way) must be located at least one foot from the face of the street curb but not more than 4 feet, or the sign must be located within 3 feet of the building face.
- (j) If the sidewalk sign is placed on a public sidewalk (i.e., within the street right-of-way) the property owner must obtain a hold harmless agreement, or written equivalent approval, from the entity having jurisdiction over the public property.
- (k) The area of a sidewalk sign is the actual area of the sign face.

31.460 Suspended Signs

- (a) The feature to which the suspended sign is attached must be conforming to all applicable regulations.
- (b) A suspended sign must be perpendicular to the face of the exterior wall.
- (c) The bottom of a suspended sign must be at least 8 feet above the surface of the walkway beneath the sign.
- (d) A suspended sign must be located above the primary public entrance.
- (e) If a suspended sign extends over public property (e.g., above a public sidewalk in a street right-of-way), and the arcade, awning, or marquee to which it is attached is not subject to a hold harmless agreement, or written equivalent, the property owner must obtain a hold harmless agreement, or written equivalent approval, from the entity having jurisdiction over the public property.
- (f) The area of a suspended sign is the actual area of the sign face. If a suspended sign is three-dimensional, the sign area is the area of the object projected on a flat surface. Brackets and other supports are not included in the area calculation.

31.470 Wall Signs

- (a) A wall sign must comply with all applicable building regulations, along with any additional construction standards in this chapter.
- (b) Lighting for a wall sign must comply with the National Electrical Code (NEC).
- (c) Balloons, ribbons, or any other attention-getting devices shall not be attached to a wall sign.
- (d) A wall sign must complement the scale, proportion, and architectural style of the building on which it is to be attached.
- (e) A wall sign must not project from the wall on which it is attached by more than 8 inches.
- (f) A wall sign must not extend above the wall face on which the sign is located.
- (g) A wall sign shall be placed on an exterior wall that is designed and constructed with sufficient strength to support such signage.

- (h) If a wall sign is internally lit (e.g., cabinet sign), the background of the sign face must be opaque to allow the internal light to project only shine through the cut-out lettering and/or logos. Channel letters may be opaque with backlit halo lighting or translucent.

(i)

Not Permitted – A sign with translucent background

Nighttime



Daytime



Permitted – A sign with an opaque background

Nighttime



© Signs Plus

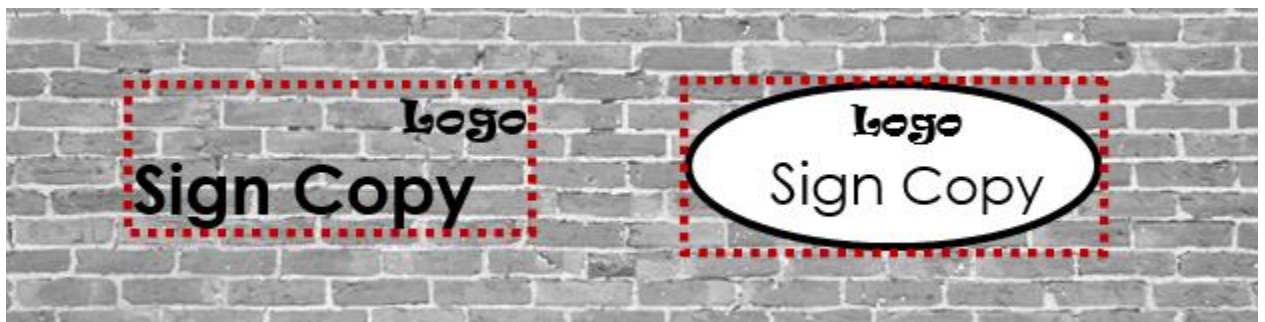
Daytime



© Signs Plus

- (j) The area of a wall sign without a distinctive border or background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a wall sign with a distinctive border and/or background is the smallest rectangle encompassing the border or background.

Measuring the area of a wall sign



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31.480 Window Signs

- (a) A window sign shall not be placed on a door window or window so as to constitute a hazard for pedestrian or guest traffic and safety.

- (b) A window sign may be painted/adhered on the interior or exterior pane of glass. All other signs must be placed within the building.
- (c) The area of a window sign without a distinctive border and/or background is the smallest rectangle encompassing all words, letters, figures, emblems, and other elements of the sign message. The area of a window sign with a distinctive border and/or background is the small rectangle encompassing the border or background.

Measuring the area of a window sign



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31.490 to 31.590 **Reserved**

ARTICLE 4
PERMISSIBLE SIGNAGE

31.600 Sign Districts

The following sign districts are established and are depicted on the City’s adopted sign districts map:

- SD-01** I-43 Technology & Enterprise Campus
- SD-02** Calumet Avenue Corridor
- SD-03** Washington Street Corridor
- SD-04** Downtown Core
- SD-05** Memorial Drive Corridor
- SD-06** Neighborhood Commercial
- SD-07** Institutional
- SD-08** General Industrial
- SD-09** Multi-Family Residential
- SD-10** General Residential
- SD-11** Public Park & Open Space
- SD-12** Harbor Town Center PUD
- SD-13** Meijer PUD
- SD-14** Cinema Square PUD

31.610 Permissible Signage by Sign District

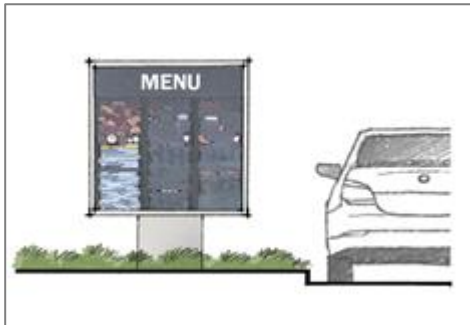
Appendix A specifies what type of signs are allowed in various parts of the City along with related standards and requirements. Such signage other than supplemental is however only allowed on developed parcels, with the exception of the Public Parks and Open Space district. For purposes of this section, a property that has a building with an assessed value of \$25,000 or more is prima facie evidence the property is developed. If a property is undeveloped, the only signage that is allowed is supplemental signage as set forth in § 31.630.

31.620 Permissible Signage by Use

- (a) **Generally.** In addition to the signage that is allowed by sign district (above), additional signage is allowed for those land uses listed in this section. In the event the land use associated with the additional signage as allowed in this section is no longer in operation, such signage must be removed within 30 days following the cessation of the specified use unless otherwise specifically allowed in this chapter.

- (b) **Restaurant with Drive-Through.** A parcel with a restaurant with a drive-through may have two menu boards, provided (1) the menu board is placed within 6 feet of the drive-through lane, (2) the total of all menu boards is no more than 32 square feet; and (3) orders are taken via the menu board. The menu board may be static or consist of an electronic message display in whole or in part.

An example of a menu board



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- (c) **Restaurant with Drive-in Service.** A parcel with a restaurant with drive-in service may have a menu board, provided (1) the menu board is next to the parking space, (2) the menu board is no more than 3 square feet; and (3) orders are taken via the menu board.
- (d) **Fuel Station.** A parcel with a fuel station as may be allowed by the City's zoning regulations may have a fuel canopy with signage on the vertical face, provided (1) the sign does not extend above or below the horizontal edge of the canopy face, (2) the sign faces a public road, and (3) the sign copy does not exceed 25 percent of the canopy face.

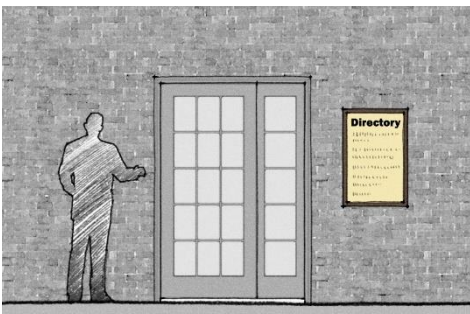
An example of a fuel canopy



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- (e) **Multi-Tenant Commercial Building with Single Entrance.** A building with a single entrance serving multiple businesses may place a business directory on the wall, provided (1) the sign area does not exceed 7 square feet, (2) the edge of the sign face is located within 2 feet of the entrance, and (3) the sign copy is static.

An example of Multi-Tenant Directory



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- (f) **Movie Theater.** A movie theater may have additional wall signage on the front face of the building, provided (1) each individual sign does not exceed 6 square feet, (2) the wall signs are grouped together in a single row; (3) lighting is limited to ambient lighting; (4) the sign copy is static, and (5) the number of signs is limited based on the number screens as follows: 1 screen

– 2 signs; 2 screens – 3 signs; 3 screens – 5 signs; 4 screens – 7 signs; 5 screens – 9 signs; and 6 screens or more – 11 signs.

An example of movie theater placards



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(g) **Business Park Identification.** In those instances where a business park is established with 6 or more individual parcels, a monument sign may be placed by the entrance to the business park (1) within the public right-of-way, with the approval of the jurisdiction with control of the right-of-way; (2) in an outlot, provided the outlot is owned by the City or all of the lot owners within the business park; or (3) within an easement, provided the easement is approved by the City and all of the property owners in the business park have a real estate interest in the easement. Such monument sign must comply with the following standards:

- (1) **Maximum area:** 32 square feet
- (2) **Maximum height:** 6 feet
- (3) **Illumination:** Ambient, internal, gooseneck fixtures, ground-mounted
- (4) **Display type:** Static
- (5) **Permit requirements:** A sign permit is required

(h) **Subdivision Identification.** In those instances where a residential subdivision is established with 5 or more individual parcels, not including outlots, a monument sign may be placed by the entrance to the subdivision (1) within the public right-of-way, with the approval of the jurisdiction with control of the right-of-way; (2) in an outlot, provided the outlot is owned by the City or all of the lot owners within the subdivision, or (3) within an easement, provided the easement is approved by the City and all of the property owners in the subdivision park have a real estate interest in the easement. Such monument sign must comply with the following standards:

- (1) **Maximum area:** 32 square feet
- (2) **Maximum height:** 6 feet
- (3) **Illumination:** Ambient, internal, gooseneck fixtures, ground-mounted
- (4) **Display type:** Static
- (5) **Permit requirements:** A sign permit is required

31.630 Supplemental Signage

In addition to the signage allowed in the other sections, an owner is allowed additional signage as specified in Appendix A that can be used for a wall sign (permanent or temporary) and/or a free-standing sign. Such signage may be used for commercial speech and non-commercial speech, including political messages and for indicating the property is for sale, rent, or lease.

ARTICLE 5
ADMINISTRATION

31.800 Permits Required

It shall be unlawful for any person to alter, erect, construct, relocate, enlarge, change copy, or structurally modify any sign in the City, or cause the same to be done without first obtaining a sign permit for each sign as required by this chapter. Permits are not required for cleaning and other normal maintenance or repair of the sign or sign structure or to change the copy for the same business.

31.810 Inspections

The applicant shall, upon completion of the installation, relocation, or alteration of a sign, notify the building inspector within 10 days of such date. The building inspector may thereafter inspect the sign to ensure it complies with the permit.

31.820 Sign Districts Map

- (a) **Title.** The map that depicts the location of the various sign districts shall be titled "Sign Districts, City of Manitowoc."
- (b) **Official Sign Districts Map.** The city clerk shall maintain one paper copy of the sign districts map which shall be signed by the mayor and attested by the city clerk. If there is a discrepancy between this sign districts map and other maps as may be made available, the map maintained by the city clerk shall control in all instances.
- (c) **Availability.** The sign districts map maintained by the city clerk shall be available for public inspection upon request. The city clerk and community development director may post the map on the City's website and otherwise make and distribute copies in a manner deemed appropriate.
- (d) **Preparation of a New Map.** In the event the sign districts map maintained by the city clerk is damaged, lost, or destroyed, and after each amendment, the building inspector shall prepare a new sign districts map and submit it to the mayor and city clerk for signature.
- (e) **History of Amendment.** The sign districts map maintained by the city clerk may include a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.
- (f) **Archive of Superseded Maps.** The city clerk should maintain a permanent archive of superseded sign districts maps.
- (g) **Amendment.** The procedure and requirements to amend the sign districts map are set forth in § 31.890.

31.830 Permit Issuance or Denial (Decision Criteria)

The building inspector will issue a sign permit when (1) the permit application is properly made, (2) all appropriate fees have been paid, and (3) the proposed sign complies with the applicable provisions of this chapter. If a sign permit is denied, written notice of the denial must be given to the applicant, together with a written statement of the reasons for the denial.

31.840 Sign Permit

- (a) **Completeness.** Sign applications must contain all pertinent information as required on the form, and any additional information as may be required by the building inspector.
- (b) **Review.** Sign permit applications must be filed with the building inspector who shall review the application for accuracy and completeness. The building inspector is authorized to issue permits when he or she determines that the proposed signage complies with all applicable provisions set forth in this chapter.
- (c) **Approval Period.** A sign permit shall become null and void if work authorized under the permit has not been completed within six months of the date of issuance. Prior to such expiration, the property owner may request an extension to this time period and the building inspector may approve an extension with good cause.

31.850 Enforcing Officer

The building inspector shall enforce this chapter and shall perform the following duties:

- (1) Issue permits and conduct inspections of property to determine compliance with the terms of this chapter;
- (2) Establish and enforce necessary or desirable regulations in writing, clarifying or explaining any provision of this chapter;
- (3) Receive and file any application for exceptions or appeals; and
- (4) Maintain permanent and current records of this chapter, including but not limited to the following: all permits, plans, exceptions and appeals.

31.860 Administrative Appeal

A person may appeal an administrative decision made by the building inspector under this chapter to the Zoning Board of Appeals within 30 days of the date of the decision being appealed.

31.870 Nonconforming Signs

- (a) **Change of Copy.** The copy of a nonconforming sign may be changed.
- (b) **Change of Sign Face.** The face of a nonconforming sign may be changed provided the building inspector determines that the other features of the sign are structurally sound and properly maintained.
- (c) **Change in Location.** A nonconforming sign shall not be relocated.
- (d) **Change in Area.** The area of a nonconforming sign shall not be enlarged or reconfigured in any manner.
- (e) **Change in Height.** A nonconforming sign shall not hereafter be placed higher even though the height is otherwise permitted.
- (f) **Change in Lighting.** A nonconforming sign that is not illuminated may not hereafter be illuminated even though such lighting may be otherwise permitted. A nonconforming sign that is illuminated may not hereafter be illuminated in any other manner even though such lighting may be otherwise permitted, except to bring the existing lighting into compliance (e.g., removal of exposed light bulbs).
- (g) **Change to an Electronic Message Display.** A nonconforming sign with a static display shall not be changed, in whole or in part, to an electronic message display even though it may be otherwise permitted.
- (h) **Temporary Signs.** A nonconforming sign that is temporary in nature must conform with all applicable standards or be removed within 30 calendar days of the date the sign became nonconforming or within a lesser time period specified by the building inspector if he or she determines that the sign poses an unacceptable risk to public health or safety.
- (i) **Ongoing Maintenance and Safety.** A nonconforming sign must comply with all applicable provisions in this chapter related to safety, maintenance, and repair.
- (j) **Abandonment.** A nonconforming sign that is abandoned for more than 60 days shall thereafter be made to conform with all applicable standards or be removed.
- (k) **Reconstruction Following Damage.** A nonconforming sign that is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to its condition (e.g., size, location, and use) prior to the damage, except the sign may be larger when necessary to comply with state or federal requirements.

31.880 Loss of Nonconforming Status

A nonconforming sign that is moved to another location or is used or modified in a way that is not specifically allowed in this chapter, is no longer considered to be a nonconforming sign and must therefore conform with all applicable standards in effect on the date of such work or be removed within 45 calendar days of the date the building inspector makes such determination in writing, or within a lesser time period specified by the building inspector if he or she determines the sign poses an unacceptable risk to public health or safety.

31.890 Amendments

- (a) **Generally.** This chapter, including the map depicting the various sign districts, may be amended from time to time.
- (b) **Initiation.** Amendments may be initiated by (1) a citizen or property owner of the City, (2) the Common Council, or (3) city staff.
- (c) **Public Safety Committee Recommendation.** If the Public Safety Committee did not initiate the proposed amendment, the Public Safety Committee must evaluate the proposed amendment and make a recommendation to the Common Council.
- (d) **Optional Public Hearing.** The Common Council at its discretion may hold a public hearing to gain public input. If a public hearing is held, a Class 2 notice must be provided consistent with the requirements set forth in §§ 985.01(1m) and 985.07, Wis. Stats.
- (e) **Decision.** The Common Council may (1) approve the proposed amendment with or without revision, (2) deny the proposed amendment, or (3) refer the proposed amendment to the Public Safety Committee for further review and consideration.

31.900 Rules for Amending the Sign Districts Map

Some of the sign districts are intended to create uniform sign standards along street corridors. Therefore, parcels within the following districts must be contiguous to at least one other parcel in the same district:

SD-01 I-43 Technology & Enterprise Campus

SD-02 Calumet Avenue Corridor

SD-03 Washington Street Corridor

SD-04 Downtown Core

SD-05 Memorial Drive Corridor

31.910 Application Forms

The building inspector is authorized to prepare application forms and other materials related to this chapter and amend them from time to time.

31.920 Other Approvals

It is the responsibility of those undertaking development projects within the City to obtain all applicable permits and other approvals as may be required by the City, Manitowoc County, and federal and state authorities.

31.930 Application Fees and Other Charges

- (a) **Assessment of Fees.** The Common Council may by resolution establish and revise application fees and other charges it deems necessary in the administration of this chapter.
- (b) **After the Fact Fees.** The Common Council may establish an “after-the-fact” fee for any procedure it deems appropriate. Payment of such fees shall not release the applicant from full compliance with this chapter nor from prosecution for a violation of this chapter.
- (c) **Timing for Payment.** Application fees must be paid before issuance of the permit.
- (d) **Refunds.** Application fees are nonrefundable, except when the application and fee were accepted by the City staff in error.

31.940 Effect of an Outstanding Violation

If the zoning administrator or the building inspector determines that a parcel is in violation of (1) this chapter, (2) the City’s zoning regulations, or (3) any applicable building code, no permit or approval of any kind shall be granted under this chapter that would benefit such parcel, except to correct the violation or as may be required by state law.

31.950 Effect of an Outstanding Obligation

No permit or approval of any kind shall be granted under this chapter that would benefit a parcel for which taxes, assessments, special assessments, or other required payments are delinquent and unpaid.

31.960 Penalties

A person who fails, for whatever reason, to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 and any costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. If any specific ordinance imposes a greater penalty, then that ordinance shall govern the amount of the penalty.”

Appendices A and B are attached and incorporated as if fully set forth herein.

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

_____ APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Municipal Code update costs and required newspaper publications
Funding Source:	2021 City Clerks Budget (1100-13100)
Finance Director Approval:	/SMA
Approved as to form:	/KMM

This ordinance was drafted by Adam Tegen, Community Development Director; Paul Braun, City Planner; Rick Schwarz, Building Inspector; Lisa Mueller, Administrative Assistant, Inspection Division, Life Safety & Neighborhood Services; Bill Nichols, Building, Electrical & Plumbing Inspector; Jen Bartz, Administrative Assistant to Community Development; and Elizabeth Majerus, Assistant City Attorney in partnership with Tim Schwecke, Civitek Consulting.

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