CHAPTER XV
SIGNS

15.01 PURPOSE

The purpose of the sign regulations of this Ordinance are to promote the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment of the City; to promote pedestrian and vehicular safety; to protect property values by minimizing the adverse effects of signs; and to provide a procedure for fair and consistent enforcement. This purpose will be accomplished by:

A. Establishing a permit system to allow a broad variety of sign types in commercially and industrially zoned districts and a limited variety of signs in other zoned districts, subject to the standards and procedures of this Ordinance.

B. Allowing certain signs in residentially zoned districts that are small, unobtrusive and incidental to the principal use of the respective premises on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits.

C. Prohibiting all signs not expressly permitted by this Ordinance.

D. Prohibiting all signs which have the potential for disrupting or distracting vehicular traffic.

E. Providing for the enforcement of this Ordinance.

15.02 DEFINITIONS AND INTERPRETATION

Words and phrases used in this Ordinance shall have the meanings set forth herein. All defined signs are on-premises signs except for billboards and signs described as off-premises signs. All defined signs are outdoor signs. Words and phrases not defined in this Ordinance, but defined elsewhere in the Zoning Ordinance or other provisions of the Code of General Ordinances of the City shall be given the meanings set forth therein. Descriptions of signs may include sign area and sign height. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

Abandoned Sign. A Sign which identifies or advertises a business, owner, operator, service or commercial activity, which is not operating or functioning, or a product which is not offered for sale.

Accessory Building. A detached building or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal building or structure or the use of the land; i.e., garage, shed.

Animated. A Sign which imparts a state of light activity or movement, excluding an electronic message Sign.

Administrator. The Director of the Department of Neighborhood Services and Inspections, and designees authorized by the Director to administer and enforce this Ordinance.

Banner. A Sign which is not permanent and may be changeable, whether or not having an enclosing framework, which is mounted flush (having surfaces in same plane) to the principal building wall. Banners which are installed as a principal (main) Sign shall be considered permanent Signs when mounted to a building.

Beacon. A portable Sign which guides by light with one or more light beams directed into the atmosphere or directed at one or more points not on the same premise as the light source; also, a light source with one or more beams that rotate or move. Excluded herefrom is a beacon used as an aeronautical or navigational aid.

Billboard. An "Off-Premise" Sign.

Block. Determined by City approved Street address.

Building. A building or structure, whether or not occupied, located in any zoning district.

Building Marker. A permanent Sign attached to a building indicating the name of a building, date of construction and incidental information about its construction.

Canopy. A hoodlike cover, shelter or awning protection from rain or sun or decorative in nature containing a Sign projecting from a building extending over a door, entrance, window or outdoor service area, including a marquee Sign.

Changeable Copy. A Sign or portion of a Sign, with written representation, emblem, graphic, logo, symbol or other display that can be changed or rearranged without altering the face surface of the Sign, whether or not any display is periodically rearranged.

Commercial Message. Any written representation, emblem, graphic, logo, symbol or other display that names, advertises or references a business, operator, product, service or other commercial activity.

Construction. A Sign on a construction or demolition site identifying a construction or redevelopment project or parties participating in development or redevelopment of the premise on which the Sign is located.

Deteriorated. A Sign which is faded, tattered, broken, out of alignment, not fully functional or a blighting influence.

Directional/Information. A Sign that provides directions, instructions, or information and which may incidentally contain the name or logo of a business, owner or operator, but which excludes product and service related copy (i.e., parking or exit and entrance Signs).

Electronic Message. A Sign which provides changing or changeable messages in electronic format, which is not an animated Sign.

Electrical. A Sign or Sign structure in which electrical wiring, connections, or fixtures are used for display, lighting or any other purpose.

Exempt. A Sign which is exempt from the Sign Permit requirements of this Ordinance.

Festoons. Signs which shall include, but are not limited to, strings of ribbons, tinsel, small flags, pennants or pinwheels hanging between two points.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of government, political subdivision or other entity.

Flashing. A Sign, excluding Changeable Copy Signs and Electronic Message Signs, which contains any combination of devices that creates an illusion or sense of flashing light.

Freestanding. A Sign, independent from any buildings, supported by a pole or structures or supports that are placed on, or anchored in the ground or pavement.

Historic Signs. Signs which the Historic Preservation Commission has evaluated for historical significance, determined to be historically significant, and are listed on a Historic Sign Inventory on file in the Department of City Development and the Department of Neighborhood Services and Inspections. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming Signs.

Illegal. A Sign which is not authorized by this Ordinance, or was constructed or installed contrary to Ordinances existing on the date of construction or installation.

Incidental. A Sign, emblem, or decal, not exceeding one (1) square foot in area, informing the public of goods, facilities or services available on commercial premises; e.g., a credit card Sign or a Sign indicating hours of business.

Lot. Any parcel of land, the boundaries of which have been established by some legal instrument (subdivision, certified survey map, plat of survey, or deed), identifiable as a unit for the purpose of ownership or taxation.

Lot Line. The exterior line of any side of a premise, excluding public right-of-way.

Major Street. Streets as designated in Section **5.0** of the City of Kenosha Zoning Ordinance.

Monument. A Sign, mounted directly to the ground or pavement, with a maximum height not to exceed ten (10') feet and a total surface area not to exceed eighty (80) square feet per side.

Multiple Face. Two (2) or more identical Sign Faces which are placed back to back, or together, or are part of the same Sign structure, so that more than one (1) Sign Face cannot be readily viewed from any point at the same time.

Nameplate. A nonelectronic identification Sign, not exceeding one (1) square foot in area, mounted flush (having surface in same plane) to the principal building or displayed in a window, displaying the name of the business, owner, operator, or home occupation (i.e., John Jones, Realtor).

Nonconforming. A Sign that does not conform to the provisions, criteria and requirements of this Ordinance.

Obsolete. A Sign that remains erected and visible after the property has been vacant more than ninety (90) days.

Occupancy. The portion of a building used by an owner or operator for any lawful purpose, in compliance with the City Code of General and Zoning Ordinances.

Off-Premise. A Sign identifying or advertising a business, owner, operator, product, service or commercial activity not located or available on the Premise where the Sign is located or directing persons to a different location from where the Sign is located.

On-Premise. A Sign identifying or advertising a business, owner, operator, product, service or commercial activity located or available on the Premise where the Sign is located.

Ordinance. This Chapter.

Permanent. Any Sign attached to the ground, pavement or a building so as to be considered a fixture transferable upon sale of the Premise.

Person. Any individual, association, company, corporation, firm, organization, partnership or legal entity of any kind or nature.

Pole Banners. A Sign of fabric suspended from a pole by a crossbar within a business district or development which is artistic in character and conveys a noncommercial, nonproduct related theme.

Political. A Sign used in connection with a local, State or national election or referendum.

Portable/Temporary. A Sign, not permanently attached to the ground or pavement; or a Sign designed to be transported and used for display at various locations; or a moveable Sign on an A- or T-frame; or a menu or sandwich board Sign; or a balloon or an umbrella used as a Sign; or a Sign attached to or painted on a vehicle parked on or visible on the street right-of-way, unless said vehicle is used in the day-to-day operations of the business for purposes other than advertising or identification.

Premise. Any lot or group of contiguous lots which functions as one (1) unified development (i.e., strip malls, unified business center); and/or a group of land uses on a single lot; and/or a single lot, no

matter how used.

Principal Building. The building in which is conducted the principal use of the Premise on which it is located. Storage buildings, garages, and other accessory buildings shall not be considered principal buildings.

Projecting. A Sign affixed to a building or wall in such a manner that its leading ledge extends more than fourteen (14") inches beyond the surface of such building or wall.

Real Estate. A Sign advertising all or a portion of the Premise upon which the Sign is located as being for sale, lease, or rent.

Recreation Area. Any land which is available to the public for recreational uses (i.e., sports, hiking, biking, swimming).

Residential Identification. Any Sign located in a district zoned for residential uses.

Right-of-Way. The area between lot lines reserved for vehicles and pedestrian travel, including the street surface, lawn park areas and sidewalks.

Roof. A Sign erected, constructed, or installed on and which extends over the roof of a building.

Setback. The distance from the lot line to the nearest part of the applicable building, Sign or Sign structure, measured perpendicularly to the lot line.

Sign. A device, fixture, placard, flag, or structure that uses any writing, representation, emblem, graphic, logo, symbol, or other display to advertise, or identify a business, owner, operator, product, service or commercial activity, or to communicate information of any kind.

Sign Clearance. The vertical distance measured from the bottom of the Sign to the grade below.

Sign Face. The extreme limits of the writing, representation, emblem, logo, graphic, symbol or other display together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed.

Sign Structure. Any structure which supports or is capable of supporting a Sign as defined in this Ordinance. A Sign Structure may be a single pole and may or may not be an integral part of a building.

Special Announcement. A Sign located on residentially zoned property containing a personal announcement.

Street. A strip of land in a right-of-way subject to vehicular traffic providing direct or indirect access to property, including, but not limited to, streets, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails and other public thoroughfares.

Street Frontage. The distance for which a street lot line of a premise abuts a street, from one lot line of premise intersecting said street to the furthest distant lot line of premise intersecting the same street.

Tethered Balloon(s). A bag made of material permeable to gas and filled with a type of gas lighter than ordinary air, designed to rise and float in the atmosphere, secured by a rope, chain, or similar means of attachment, so as to restrict its movement within a small radius.

Unified Business Center. A shopping center consisting of a group of permitted and/or conditional retail and/or commercial uses which are located in multiple buildings on a single lot or group of lots. The center is planned, developed and functions as a unit with common shared access, building materials and/or architectural features. A Unified Business Center is located on property zoned B-2. A Unified Business Center must be so designated by the City Plan Commission.

Wall. A Sign attached parallel to, but within fourteen (14") inches of an outside wall of a building, or Sign painted on the surface of an outside wall or Sign erected and confined within the limits of an outside wall of a building.

Window. Any Sign that is placed inside a window or upon the window panes or glass and is intended to be visible from the exterior of the building.

15.03 PROHIBITION/PERMIT AND LICENSE REQUIREMENT

A. Sign Permit/License Requirement. It shall be unlawful for any person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, illuminate, or maintain any Sign defined in this Ordinance in the City contrary to the applicable provisions, standards and requirements of this Ordinance without first obtaining a permit and/or license, where required by this Ordinance. A Sign Permit and/or license may be issued with reasonable conditions consistent with the purpose of this Ordinance.

B. Kenosha Water Utility Water Tower Signs Exempt. Signs placed or allowed on elevated water towers owned and maintained by the Kenosha Water Utility shall be exempt from the requirements and prohibitions proscribed in this Chapter.

15.04 PERMITTED AND PROHIBITED SIGNS

Signs shall be permitted or prohibited (not permitted) in the City in certain Zoning Districts in accordance with **Table 1,** attached hereto and incorporated herein. See Section **15.12** for Prohibited Signs and Section **15.15 I**. for Prohibited Off-Premise Signs.

15.05 SIGN NUMBER, AREA AND MEASUREMENT STANDARDS

A. Maximum Number of Signs and Maximum Area of Sign Faces. The total number and maximum area of Sign Faces shall not exceed the parameters contained in **Table 1**, except as provided below:

One additional Freestanding Sign (over the number designated in **Table 1**) may be permitted for a Premise which is located at the intersection of two major streets, and which Premise has a minimum of two hundred fifty (250) lineal feet of street frontage along both major streets.

On a Premise with multiple occupants, the Sign Face Area shall be determined in accordance with the requirements regulating a Unified Business Center, rather than **Table 1**.

Additional Freestanding Signs shall only be permitted if a special exception is granted by the Administrator due to circumstances uniquely related to the lot.

B. Calculation of Sign Face Area for Freestanding and Wall Signs. The area of a Sign Face for a Freestanding or Wall Sign shall be calculated by means of the smallest regular geometric shape (i.e., rectangle, circle or triangle), or combination thereof, that will encompass the Sign Face, but not including any supporting framework or wall when it is clearly incidental to the display itself.

C. Calculation of Sign Face Area for Monument Signs. The area of a Sign Face for a Monument Sign shall be calculated by including the Sign Face area around and enclosing the perimeter of the structure holding or supporting the Sign. The Sign base area shall be included in the calculation of the overall Sign Face area and Sign height. All elevations (i.e., berms) above the overall final grade of the Premise on which the Sign is located shall be included in the calculation of the overall Sign height.

D. Calculation of Sign Face Area for Multiple Faced Signs. The area of Sign Face for Multiple Faced Signs shall be calculated by adding together the area of the Sign Face(s) that can be read by one viewer at one time. Where two identical Sign Faces are placed back-to-back or on the same Sign support separated by less than four (4') feet, so that both faces cannot be read by any one viewer simultaneously, only one (1) of the faces shall be calculated for purposes of determining Sign Face area.

E. Calculation of Sign Height. The height of a Sign shall be calculated by determining the distance from the base of the Sign at normal grade in the vicinity of the Sign (excluding berms) to the top of the highest component of the Sign. Normal grade shall be construed to be the higher of the existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, molding, or excavating solely for the purpose of locating the Sign. Where the normal grade cannot reasonably be determined, Sign height shall be calculated on the basis that the elevation of the grade at the base of the Sign is equal to the elevation of the nearest point of the crown of a street or the grade of the land at the principal entrance to the Principal Building on the Premise, whichever is lower.

15.06 ADDITIONAL SIGN CRITERIA

The following Signs shall meet the additional criteria specified below:

A. Freestanding Sign. A Freestanding Sign located within fifteen (15') feet of any Lot line shall be limited to a maximum height of fifteen (15') feet, and a maximum total Sign Face area of forty-nine (49) square feet or a total Sign Face area equal to 50% of the Street Frontage, whichever is less.

Notwithstanding the above, all lots shall be entitled to a Sign having a minimum area of sixteen (16) square feet.

B. Monument Sign. A Monument Sign shall have a minimum five (5') feet setback from any Lot line and be outside of the visual clearance triangle.

C. Unified Business Center Sign. A Unified Business Center shall be permitted one Freestanding Unified Business Center Sign per Major Street Frontage. The Freestanding Unified Business Center Sign shall not exceed a total Sign Face area of one (1) square foot of Sign Face area per linear foot of Street Frontage, or three hundred fifty (350) square feet per side, whichever is less. A Unified Business Center Sign shall have a minimum fifteen (15) foot setback from any Lot line. No Freestanding Unified Business Center Sign shall exceed a height of thirty-five (35') feet. Signs within the Unified Business Center shall contain no more than two (2) sides.

An additional Freestanding Unified Business Center Sign is permitted in a Unified Business Center per four hundred (400') feet of Street Frontage, with a maximum of two (2) Signs permitted per Street Frontage.

Buildings on Outlots which are part of the Unified Business Center are permitted to have one (1) Freestanding Monument Sign not to exceed eighty (80) square feet of Sign Face area per side. No other freestanding Signs, except Exempt Signs, are permitted.

A special exception to setback requirements may be granted by the Administrator due to circumstances uniquely related to the lot.

D. Kenosha Industrial Park and Business Park of Kenosha. Signs within the boundaries of the Kenosha Industrial Park or Business Park of Kenosha shall adhere to the requirements of their respective protective covenants or this Ordinance, whichever is more restrictive.

E. Directional/Information Sign. A Directional/Information Sign shall not exceed eight (8) square feet in Sign Face Area and three (3') feet in height.

F. Canopy Installation and Construction Standards. Canopy installations which contain a Sign shall require a Sign Permit and be constructed in accordance with this Ordinance.

Fixed/Retractable Awnings shall be supported without posts by an iron bracket or by an iron framework attached firmly to the building. The frames and supports for all such Awnings shall be securely attached to the walls of the building upon which such Awning shall be placed and no such Awning shall project more than six (6') feet beyond the Lot line over any Street Right-Of-Way. The lowermost point of the frame of such Awning shall not be less than seven feet six inches (7'6") above the sidewalk and the lowermost part of the curtain scallop or valance shall be at least seven (7') feet above the Street Right-Of-Way when in use. The bracket or other device, frames and supports for the purpose used and the method of attachment to the building shall be such as to reasonably clear the heads of pedestrians at the building line, as determined by the Administrator.

G. Banner. A Sign Permit for each banner at a specified location on the principal building face, which does not exceed Sign area limitations in this Ordinance shall be required. Additional banners shall require additional permits.

H. Festoons. Festoons shall be replaced or removed when torn or faded.

I. Off-Premise Noncommercial Directional Signs. For the purpose of directing the public-at-large to noncommercial community-oriented facilities of general interest, permanent Off-Premise Directional Signs may be erected, in addition to Signs otherwise permitted in this Ordinance. The facility shall be open to the general public and operated by a noncommercial civic, charitable, religious, community, or similar organization of Internal Revenue Code 501(c)(3) status.

An Off-Premise Directional Sign may be installed on private property pursuant to the authorization of the Committee on Public Safety and Welfare. Off-Premise Noncommercial Directional Signs shall meet the following requirements:

1. The address of the property in question must be two (2) city blocks or farther from the nearest intersection.

2. Placement of the Sign shall be within one-half (1/2) mile or less from the entity.

3. A Directional Sign structure may be erected within fifty (50') feet of an intersection to direct traffic to locations otherwise not readily visible from the street.

4. The Sign and Sign structure shall not be permitted within vision clearance triangle areas.

5. The dimensions of a Directional Sign shall not exceed eight (8) square feet. The overall height of the Sign and Sign structure combined shall not exceed six (6') feet.

6. Each entity is allowed one (1) Noncommercial Directional Sign. One (1) Noncommercial Directional Sign is allowed per lot and/or premise.

7. The Sign shall be designed to be professional in appearance and shall meet all Building Codes and construction standards applicable to Sign design and construction.

8. Signs shall be permanent in nature and constructed of durable, weather-resistant materials and finish, including aluminum, steel and other similar materials. Cardboard, wood, paper, fabric, nonrigid materials and other similar materials are prohibited.

9. Signs must be securely weighted and stabilized so as not to shift in the wind or present public safety hazards. No moving parts shall be allowed on the Sign.

10. Sign materials, graphics and finish shall be of a unified design and shall be compatible and complementary to their surroundings in terms of shape, color, and texture. Lettering shall be legible and consistent.

11. Sign shall not be electric or illuminated.

12. No Sign shall be placed on private property without the written consent of the property owner on the permit application.

13. A Directional Sign shall provide only the

names and/or logos of the subject entity or location in conjunction with directional information. The Sign shall be installed solely for the purpose of traffic direction and control, and not as an advertising medium. The entity name and/or logo shall not exceed fifty (50%) percent of the Sign area.

14. Qualified entities or locations wishing to be identified on a Directional Sign shall apply to the Administrator.

15. A Noncommercial Directional Sign may be erected on nonresidential properties, with the exception of multi-family lots.

15.07 SIGN PERMIT

A. Sign Permit Required. A Sign Permit from the Administrator shall be required for any Person to erect, place, replace, move, establish, originally paint, construct, install, convert, substantially alter, rebuild, enlarge, remodel, relocate, or illuminate any On-Premise or Off-Premise Sign upon private property, whether a Permanent or Portable Sign, unless exempted from this requirement by this Ordinance. **Table 1** of this Ordinance identifies Signs which require or do not require a permit. The repair, routine maintenance or repainting of any existing Sign shall not be considered a substantial alteration or other activity requiring a permit hereunder.

B. Application. A Sign Permit for a Permanent or Portable Sign, except as otherwise provided in this Ordinance, shall not be granted or issued until after a fully completed application form has been filed with the Administrator by a licensed Sign erector showing the plans and specifications, dimensions, material, setback, elevation, projections, and details of the proposed Sign nor until all provisions of this Ordinance relating to such Sign shall be complied with, nor until after the payment of the prescribed fee for every such permit. The Administrator may prescribe the form of all applications for the various forms of permits herein required.

C. Fees. The Common Council shall, from time to time, establish the permit fees. Permit fees shall be waived for any permit under this Chapter applied for by the City of Kenosha, City of Kenosha Redevelopment Authority, Library, or Museum.

D. Portable Sign Permits. Portable Signs shall be permitted only upon the issuance of a Portable Sign Permit granted and issued by the Administrator subject to the following conditions and restrictions:

1. A Portable Sign Permit shall allow the use of a Portable Sign for a specified period of time, not to exceed thirty (30) consecutive days.

2. Only two (2) Portable Sign Permits shall be issued with respect to the same Premise in any calendar year.

3. All Portable Signs shall be anchored and supported in a manner which reasonably prevents the possibility of Signs becoming hazards to public health and safety. Any Portable Sign weighing in excess of fifty (50) pounds must conform to the requirements of the City Building Code.

4. Portable Signs shall not exceed thirty-two (32) square feet of Sign Face area per side.

15.08 SIGN ERECTOR'S LICENSE

A. Sign Erector's License Required. A license from the City Clerk shall be required for any person to engage in the business of contracting for or otherwise engaging in the erection, placement, replacement, movement, establishment, originally painting, construction, installation, conversion, substantial alteration, rebuilding, enlargement, remodeling, relocating, or maintenance of any On-Premise or Off-Premise Sign, with the exception of nonelectrical Monument Signs, Wall Signs, and Exempt Signs.

B. Application. No license shall be granted or issued by the City Clerk until application has been submitted upon a fully completed application form accompanied by required submittals. The City Clerk may prescribe the form of the application.

C. Fee. The license fee shall be Sixty ($60.00) Dollars for the first license year and Thirty ($30.00) Dollars for each renewal license year. License fees will not be prorated.

D. Term. Licenses shall expire on April 30th of each year.

E. Sign Erectors Bond. Every license applicant shall supply the City Clerk with the application, and maintain during the license term a surety bond or other assurance approved by the City Attorney payable to the City in the penal sum of Ten Thousand ($10,000) Dollars, which bond or assurance shall guarantee that all work is performed in accordance with this Ordinance and other applicable provisions of the Zoning and General Ordinances of the City and applicable laws, rules and regulations of the State of Wisconsin and Kenosha County. The bond or assurance shall be approved by the City Attorney.

F. Insurance. A condition of the issuance and maintenance of a license shall be the furnishing of a Certificate of Insurance, containing a provision that

the City Clerk must be notified twenty (20) days in advance of the effective date of any modification, termination, nonrenewal, or cancellation thereof, which Certificate shall indicate that there is, in full force and effect, a policy of public liability insurance and motor vehicle liability insurance for each motor vehicle used in conjunction with the licensed activity, issued by an insurance company licensed to do business in the State of Wisconsin, in the minimum amount of Three Hundred Thousand ($300,000) Dollars, single limits, protecting against claims involving death, personal injury and property damage.

G. Sign Erectors Responsibility for Code Violations. Whenever a Sign Erector performs work in the City and said work is performed contrary to the terms of this Ordinance, said Sign Erector must conform said work to comply with this Ordinance within the time directed, in writing, by the Administrator, and the failure of the Sign Erector to timely conform said work to this Ordinance shall be a violation of this Ordinance, subject to both the penalty provisions of this Ordinance and a claim against the Surety Bond or other assurance filed with the City.

15.09 NONCONFORMING, ABANDONED AND OBSOLETE SIGNS

Except as otherwise provided herein, the owner or operator of any Premise upon which exists a Nonconforming and/or Abandoned Sign shall remove such Sign in accordance with written notice from the Administrator.

Where a Premise is vacated for a period of ninety (90) or more consecutive days, all Nonconforming, Abandoned and Obsolete Signs shall be either removed from the Premise or made to conform with this Ordinance.

Nonconforming, Abandoned and Obsolete Signs shall not be used to advertise that the premise upon which the Sign is situated is "For Sale".

Signs determined to be historically significant by the Historic Preservation Commission and are included on a Historic Sign Inventory may be nonconforming only as to height, setback, and Sign face area.

A Sign that lawfully existed on the effective date of this Ordinance, and which does not conform to the provisions, criteria and requirements of this Ordinance; and/or, a Sign which does not conform to the requirements of this Ordinance, but for which a permit has been issued and is in full force and effect (i.e., Billboard), may remain nonconforming only as to height, setback and Sign Face area, provided it is not vacated for a period of ninety (90) or more consecutive days.

15.10 SIGNS IN STREET RIGHT-OF-WAY

No Sign shall be placed upon any Street Right-of-Way except for the following:

A. Signs erected by or on behalf of the City of Kenosha to post legal notices, identify streets and public property, convey public information and direct or regulate pedestrian and/or vehicular traffic.

B. Signs approved by the City Traffic Engineer (i.e., Neighborhood Crime Watch Signs).

C. Banners, Signs, Decorations and Obstructions permitted under and in compliance with Section **5.045** of the Code of General Ordinances.

D. Signs authorized by a Street Encroachment Agreement approved by the Common Council.

E. Subdivision Entrance Signs which are authorized in an approved Subdivision Agreement.

F. Signs authorized by an Outdoor Dining Area Permit and in compliance with Section **5.046** of the Code of General Ordinances.

15.101 SIGNS ON ABOVEGROUND UTILITY STRUCTURES IN OR ADJACENT TO THE PUBLIC RIGHT-OF-WAY

A. Prohibition. It shall be unlawful for any person to erect, place, replace, install, establish, alter, or maintain any Sign on a aboveground utility structure that is located in the public right-of-way, or has any portion of said aboveground utility structure within ten (10') feet of a public right-of-way. "Aboveground Utility Structure" means any structure, cabinet, electric meter or other appurtenance, owned or used by a utility company, a telecommunications provider, a video service provider or utility regulated by the Public Service Commission of the State of Wisconsin, that extends upon the ground upon which it is built. This definition does not include traffic control devices or infrastructure that provides water for fire suppression. This definition also does not include a pole or a device attached to a pole if the lowest portion of the device is maintained at a height of at least ten (10') feet above the ground.

B. Exemptions. The prohibition of Section 15.101 A. shall not apply to the following:

1. A warning label, the sole purpose of which is to notify the public of special hazards; or,

2. Identifying information for the installation if the

following apply:

a. The identifying information is placed on the face of the Aboveground Utility Structure's most remote from the street, running along the front of the lot in which the Aboveground Utility Structure is located;

b. The typeface of the identifying information is no greater than 16 point; and,

c. Any background color to the information matches as closely as practicable to the color of the Aboveground Utility Structure adjacent to the place of the information.

15.11 EXEMPT SIGNS

The following Signs shall be exempt from the requirement of this Ordinance to obtain a Sign Permit, but shall be subject to and be in compliance with the Code of General Ordinances and Zoning Ordinance, the other conditions and requirements of this Ordinance, and the specific conditions and restrictions below provided.

Address Numerals. Address numerals as defined in Section **9.18 C.** of the City of Kenosha Code of General Ordinances.

Architectural Elements. Architectural elements of a building which include an integral and incidental Sign, so long as such elements do not contain a commercial message, moving parts, or lights.

Building Marker. A Building Marker not to exceed a Sign Face of four (4) square feet.

Bulletin Board. One (1) Bulletin Board located at main entrance of building, not exceed a Sign Face of twelve (12) square feet (i.e., list of occupants, hours of operation, or special events).

Construction Signs. One (1) construction Sign per Street Frontage, when placed on the Premise where work is in progress. Such Signs shall not be erected prior to the beginning of work for which a valid Building or Demolition Permit has been issued, and shall be removed within ten (10) days of completion of work or the expiration of the permit, whichever is sooner. Construction Sign Faces for single-family residences shall not exceed sixteen (16) square feet. Construction Sign Faces for commercial, industrial, multifamily or planned development uses on parcels of less than 100,000 square feet shall not exceed sixty-four (64) square feet; and on parcels greater than 100,000 square feet shall not exceed ninety-six (96) square feet.

Directional/Informational Signs. A Sign that has a purpose secondary to the use of the lot on which it is located, such as "No Parking", "Entrance", "Loading Only", "Telephone", "Enter", and other similar directives. No Sign with a commercial message, legible from a position off the lot on which the Sign is located, shall be considered directional/informational. There shall be no limitation on the number of such Signs per premise provided all such Signs are directional or informational in nature.

Elevated Water Towers. Signs placed or allowed on elevated water towers owned and maintained by the Kenosha Water Utility.

Flags, Standards, Emblems and Insignia. Flags, standards, emblems, and insignia of public and not-for-profit institutions.

Governmental Signs. Signs erected by or on behalf of a Federal, State or local governmental unit for a public purpose, meeting area, height and setback limitations of this Ordinance, where applicable.

Historic Signs. Signs which the Historic Preservation Commission has evaluated for historical significance, determined to be historically significant, and are listed on a Historic Sign Inventory on file in the Department of City Development and the Department of Neighborhood Services and Inspections. These Signs may be maintained and preserved without a Sign Permit. Changes to the Sign or message on the Sign (where the message is of historical significance) require a Sign Permit. Historic Signs may include rooftop, projecting, freestanding, wall, obsolete, on-premises, off-premises, or nonconforming Signs.

Historical Markers. Commemorative plaques, memorial tablets or emblems of official historical bodies, not exceeding four (4) square feet placed flat against a building, monument stone, or other permanent surface.

Holiday Decorations. Holiday Decorations as a temporary display, clearly incidental to and customarily associated with holidays designated by any unit of government, limited in duration to the respective holiday season generally recognized by the Kenosha business community.

Incidental Signs. A small Sign, emblem or decal, not exceeding one (1) square foot in area, informing the public of goods, facilities or services available on commercial premises; e.g., a credit card Sign or a Sign indicating hours of business.

Interior Signs. Interior Signs which provide information, but not a Commercial Message, not exceeding a total of four (4) square feet of Sign Face per Premise located on the interior of a Premise, oriented to persons within that Premise, and not intended to be legible from any location Off-Premise.

Model Home Signs. Model Home Signs not to exceed a Sign Face of eight (8) square feet identifying a non-occupied dwelling unit used as a demonstration unit for selling, leasing, or renting other dwelling units.

Nameplates. One flush mounted, nonilluminated nameplate, provided that only one (1) nameplate per occupancy may be erected and that such nameplate shall not exceed one (1) square feet.

Notices. Notices posted by Federal, State, or local units of government.

Parks. Commercial signs placed in city-owned parks or recreational areas provided such sign received approval by the Parks Commission, such approval being subject to annual review.

Political Campaign Signs. Signs promoting candidates for public office or issues on election ballots, not exceeding thirty-two (32) square feet per occupancy, posted on private property in accordance with this Chapter.

Real Estate Signs. One (1) Real Estate Sign per Street Frontage of a Lot or Premise, not to be directly illuminated and not to exceed a Sign Face of eight (8) square feet for residential districts, thirty-two (32) square feet for commercial districts, or sixty-four (64) square feet for industrial districts.

Religious Institution Signs. Bulletin boards, Identification and Directional Signs pertaining to religious institutions, not exceeding one (1) per abutting street, nor sixteen (16) square feet, which are not internally illuminated.

Special Announcement Signs. Special Announcement Signs not to exceed Sign Face of thirty-two (32') square feet, where not located on the same Lot or Premise for more than three (3) consecutive days per occasion.

Special Displays. Special displays used for public celebrations, on public property, by or approved by City.

Signs in Street Right-of-Way authorized by this Ordinance.

15.12 PROHIBITED SIGNS

All Signs not expressly permitted are prohibited in any location in the City.

The following Signs are specifically prohibited:

1. Signs containing statements, words or pictures of an obscene or pornographic nature.

2. A Sign, handbill, notice or poster affixed to a tree, fence, pole, Street Sign, Traffic Sign or other structure not constructed or intended for use as a Sign base, which is not authorized by this Ordinance.

3. Revolving Signs.

4. Roof Signs.

5. Signs which are structurally dangerous, or unsafe.

6. Abandoned/Obsolete Signs.

7. Flashing and Animated Signs.

8. Deteriorated Signs.

9. Signs used beyond time limits provided in this Ordinance.

15.13 POWER AND AUTHORITY FOR REMOVAL OF NONCONFORMING AND/OR PROHIBITED SIGNS AND SIGN STRUCTURES

The Administrator shall have the power and authority to remove or cause to be removed any and all Nonconforming, Abandoned, Obsolete and/or prohibited Signs and Sign Structures.

If upon inspection, the Administrator finds that a Sign or Sign Structure is Nonconforming, Abandoned, Obsolete, and/or prohibited, the Administrator shall issue a written order to the owner or operator of the Premises upon which the Sign or Sign Structure is located stating the nature of the violation and requiring them to repair, remove, or conform the permanent Sign or Sign Structure within thirty (30) days of the date of the order and remove temporary Signs or Sign Structures within five (5) days of the order.

When it becomes necessary for the Administrator to remove or cause to be removed, or take down, a Nonconforming, Abandoned, Obsolete, defective, unsafe or dangerous Sign or Sign Structure, the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner.

Prohibited Signs or Sign Structures in a street right-of-way or on public property may be removed and destroyed by the Administrator or Police Department, without notice.

15.14 POLITICAL SIGNS

Political Signs may be displayed in front, side and rear yards, (as those terms are defined in the Zoning Ordinance), on a Premise in any Zoning District only during the following times: Commencing with the filing of nomination papers of the candidate for public office with the appropriate governmental office in charge thereof or the placement of an issue on an election ballot and terminating seven (7) days after the election for the position or issue which is the subject of the referendum.

15.15 OFF-PREMISE SIGNS

A. Purpose. This Section is intended to protect the public health, safety and welfare by regulating the construction, materials, placement/location, size, height, spacing and maintenance of Off-Premise Signs. This Section is designed to ensure that Off-Premise Signs are compatible with other Signs and land uses, and are not detrimental to the aesthetic quality of the community. All Off-Premise Signs permitted in the City shall be maintained in accordance with the following conditions and restrictions:

B. Illumination. The light rays from any Off-Premise Sign which is externally illuminated shall be cast directly upon the Sign Face surface and shall

not be visible to motor vehicle operators, except as may be reflected from the Sign Face. The illumination of Off-Premise Signs will not be permitted between 12:00 A.M. and 5:00 A.M. No Off-Premise Sign shall contain flashing elements or video displays.

C. Wind Load Requirement. Off-Premise Signs shall be maintained so as to withstand a wind load/pressure of not less than thirty (30) pounds to the square foot.

D. Nonconforming Off-Premise Signs. Any Off-Premise Sign constructed, erected and installed in accordance with applicable State and local laws, rules and regulations established on the effective date of this Ordinance and which Sign becomes Nonconforming by the provisions herein, shall be a Nonconforming use and any Sign which, as a result of subsequent amendments hereto becomes Nonconforming, shall also be a Nonconforming use and is to be subject to Section 7.0 of the Zoning Ordinance.

No Nonconforming Off-Premise Sign structure shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of Section 7.0 of the Zoning Ordinance. For the purpose of this Section only, the term "altered or reconstructed" shall not include painting, rustproofing or changing of advertising message.

Nonconforming Off-Premise Signs may continue in use only when in compliance with the following:

1. The Sign must have been actually in existence as of the effective date of this Ordinance.

2. The Sign may be sold, leased, or otherwise transferred without affecting its Nonconforming status, but its location may not be changed. A Nonconforming Sign removed as a result of a Street Right-of-Way taking or for any other reason may be relocated only if the Sign is made to conform to this Ordinance.

3. The Sign must have been constructed, erected, and installed in accordance with applicable State and local laws, rules and regulations that were in effect at the time this Ordinance was enacted, and must continue to be maintained in accordance with this Ordinance. Failure to adhere to rules and regulations associated with construction, erection and installation of Off-Premise Signs, including failure to obtain permit approvals, shall render the Sign illegal.

4. In accordance with Section 62.23(7)(h), Wisconsin Statutes, the Sign must remain substantially the same as it was on the effective date of this Ordinance and may not be enlarged or expanded.

Any extension, enlargement, rebuilding, changing the materials of the Sign structure, changing the size of the Sign structure materials, adding catwalks, adding guys or struts for stabilization of the Sign or structure, adding lights to a nonilluminated Sign, changing the height of the Sign aboveground or re-erection of the Sign is prohibited. The Sign may not be structurally altered so as to prolong the life of the Sign.

5. The Sign may continue in use as long as it is not destroyed, extended, expanded, abandoned, or discontinued. A Sign is deemed destroyed when it is rendered any or all of the following descriptions: dismantled, blown down, removed or modified from it original state. A Sign shall be deemed expanded if any or all of the following standards are met: increase in size, mass, volume or scope in any direction; provide greater detail; to spread out; to increase or grow in extent; or, to increase in width or circumference. A Sign is deemed abandoned or discontinued if for a period of twelve (12) months or longer, it is composed of obsolete advertising matter, or is without advertising matter, or is in need of substantial repair provided that any period of involuntary discontinuance which occurs during the period a street is closed shall not be considered. A Sign is deemed abandoned or discontinued if the name of the owner does not appear thereon and if the name and address of the current owner is not readily ascertainable from records on file with the Department of Neighborhood Services and Inspections.

An unsafe to abandoned Sign is declared a public nuisance, which shall be abated by the owner within sixty (60) days of receiving notice from the Department. After sixty (60) days, the Sign may be removed by the Department, and the cost thereof shall be placed on the tax roll as a special assessment and become a lien against the benefited property, unless paid sooner.

E. Identification of Sign Erector. On every Off-Premise Sign erected, the erector shall, in a permanent manner, state the name and address of the Sign erector that erected the Sign, the permit number, and the date of its erection. Such information must be readable from a distance of at least one (1) foot.

F. Off-Premise Sign License.

1. License Required. An annual Off-Premise Sign License for each Off-Premise Sign Face.

2. Fees. The fee for such License shall be calculated for each Sign Face. License fees are not proratable. License fees shall be deposited in a

special revenue fund, which shall be used to offset the City's cost associated with the annual inspection and licensing of each Sign Face. The Common Council shall, from time to time, establish the License Fees.

3. Term. Every License issued hereunder shall expire on the first (1st) day of July of the year following the date of issuance.

G. Replacement Sign Credits. Off-Premise Signs constructed as a result of Replacement Sign Credits granted prior to June 16, 2008, shall be subject to the Ordinance standards enacted March 6, 1995. An Off-Premise Sign Permit shall be obtained prior to the expiration of subject credits.

H. Off-Premises Signs in City Parks or Recreation Areas. This section does not apply to off-premise signs placed in City parks or recreational areas pursuant to authorization for non-permanent placement, from the Parks Commission.

15.16 CONSTRUCTION AND MAINTENANCE

The construction, erection, installation, anchorage, wiring and maintenance of all Signs shall be subject to the City Building Code, where applicable.

No Sign shall be constructed, erected, installed or maintained in a dangerous or unsafe condition or in a condition of substantial disrepair.

Overhead wiring to or from the Sign, of any type, is prohibited. No electrical connections may be made from any Sign to an electrical service, or from an electrical service to any Sign, except by a licensed electrician, and in conformance with the City Building Code. Electrical systems for Signs shall be properly permitted through the Department of Neighborhood Services and Inspections and wired in according with Building Code standards.

All Signs, together with all of their supports, braces, guys and anchors, shall be of rust-inhibitive material or treatment and shall be maintained in a good and serviceable condition. The display surfaces of all Signs shall be kept in a condition that will not contribute to blight.

15.161 REINSPECTION FEES

To compensate the City for inspection and administrative costs related to the enforcement of this Chapter, a fee of Sixty ($60.00) Dollars may be charged for any reinspection following the initial inspection which resulted in an order for corrective action and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee for a final inspection indicating compliance or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a "good faith" effort on the par property owner to comply with the order. A fee of Ninety ($90.00) Dollars may be charged for a second reinspection; a fee of One Hundred Eighty ($180.00) Dollars may be charged for a third reinspection; and, a fee of Three Hundred Sixty ($360.00) Dollars may be charged for each subsequent reinspection. Reinspection fees which are not paid by or on behalf of the property owner within thirty (30) days of mailing of an invoice to the property owner of record on the City tax roll shall be charged and collected as a special assessment against the real estate upon which the reinspections were made, and shall be lien upon the real estate until paid in full, with interest accruing on the unpaid balance at the rate of seven (7%) percent per annum. There shall also be a One Hundred ($100.00) Dollar administrative charge added to the charge and special assessment to cover the administrative costs of charging and specially assessing the property.

15.162 RECURRING VIOLATION

As used herein, "recurring violation" shall mean a second, or any subsequent violation of any provision of this Chapter 15 committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be the responsible person.

Whenever a notice of violation and order has been issued to the responsible person or tenant, where relevant, for a violation of this Code, no further notice and order shall be necessary for any recurrence of the same or similar violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.

15.17 APPEALS AND SPECIAL EXCEPTIONS

A. Administration. It shall be the duty of the Administrator to administer and enforce this Ordinance.

B. Special Exceptions. Upon application for a Special Exception, the Common Council may, after investigation and public hearing, grant a Special Exception from the terms of this Ordinance where such Special Exception will not be contrary to the spirit and purpose of this Ordinance, and where a Special Exception will do substantial justice.

Requests for Special Exceptions may be petitioned for any Section of this Ordinance with the

exception of the location of Off-Premise Signs within specific zoning districts.

C. Appeals. An aggrieved person adversely affected by the denial of a permit or decision, determination or interpretation by the Administrator may appeal such denial, decision, determination or interpretation to the Common Council.

D. Application Procedure. Any application for a Special Exception or appeal shall be taken pursuant to this Ordinance.

15.18 PENALTY

Any Person who shall violate or cause to be violated any provisions of this Ordinance, shall upon conviction thereof, be fined not less than Fifty ($50.00) Dollars nor more than Five Hundred ($500.00) Dollars, together with the costs of prosecution, and in default of timely payment thereof, shall be committed to the Kenosha County Jail for a term not exceeding ninety (90) days. Each day a violation exists, or continues, shall constitute a separate offense.

TABLE 1

	ZONING DISTRICTS				
SIGN DESCRIPTIONS	**B-1/B-2/B-3**	**IP**	**M-1/M-2**	**RG/RS/RD/RR**	**RM**
Banners* [Mounted flush to principal building only - see Ordinance requirements]	PERMITTED	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED
Canopy Structures* [Not to exceed 15% per side of each canopy face.]	PERMITTED	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED
Construction: One (1) Sign per street frontage. Parcels 100,000 s.f. or less: 64 s.f. maximum Sign area. Parcels 100,000+: 96 s.f. maximum Sign area.	PERMITTED Refer To Previous Criteria	PERMITTED Refer to Previous Criteria	PERMITTED Refer to Previous Criteria	Single Family: Not to exceed Sixteen (16) square feet	Multi-family: Refer To Previous Criteria
Directional/Information* [8 s.f. Sign area/3 foot height max.]	PERMITTED	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Freestanding* [Pylon/ground] - individual parcels - one (1) Sign per lot. Sign setback: fifteen (15') feet - Freestanding signs which are located less that 15' from the lot line are limited to a maximum height of 15' and a total sign area of 49 s.f. or 50% of street frontage **whichever is less. No more than two (2) sides permitted.** **- Maximum Sign Area:** B-1/B-3/IP: 100 s.f. or 1 s.f. per lineal lot street frontage, whichever is lowest. **- B-2/M-1/M-2:** 150 s.f. or 1 s.f. per lineal lot street frontage, whichever is lowest.	PERMITTED B-1: 25' Max. Ht. B-2: 35' Max. Ht. B-3: 25' Max. Ht. - Not Permitted Within Unified Business Districts	NOT PERMITTED	PERMITTED Max. Height 35' -Not Permitted Within Unified Business Districts	NOT PERMITTED	NOT PERMITTED
Ground Sign* Residential Identification [32 s.f. area/5' height maximum]	PERMITTED	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Marquee* One (1) per building/ 12' above circulation lane.	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED
Monument* [80 s.f. base inclusive - 10' height maximum]	PERMITTED	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED
Name Plates [Not to exceed one (1) s.f. - wall sign only]	PERMITTED	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Off-Premise* [Refer to Section 15.15]	PERMITTED only in B-2	NOT PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED
Portable/Temporary* [30 day limit/two (2) times per year 32 s.f. maximum, except inflatable figures]	PERMITTED	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Projecting* One (1) per occupancy/ 12' above circulation lane.	PERMITTED	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED
Sign Descriptions - Continued	**B-1/B-2/B-3**	**IP**	**M-1/M-2**	**RG/RS/RD/RR**	**RM**
Real Estate: One (1) Sign per street frontage of lot.	Not To Exceed 32 Square Feet	Not To Exceed 8 Square Feet	Not To Exceed 64 Square Feet	Not To Exceed 8 Square Feet	Not To Exceed 32 Square Feet

	ZONING DISTRICTS				
Residential/Accessory: [I.e., private parking, trespass]	Not To Exceed 4 Square Feet	Not To Exceed 4 Square Feet	Not To Exceed 4 Square Feet	Not to Exceed 4 Square Feet	Not To Exceed 4 Square Feet
Residential Identification* [32 s.f. area/ 5' height maximum]	PERMITTED	PERMITTED	PERMITTED	PERMITTED	PERMITTED
Roof	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED
Special Announcement	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	PERMITTED	PERMITTED
Unified Business Center* - One (1) major street frontage, as defined within the Sign Ordinance. All outlots shall be permitted one (1) Monument Sign only.	PERMITTED IN B-2 ONLY: 1 square foot lineal foot or 350 square foot, whichever is less - two (2) sides maximum/ Maximum Height: 35'/ Setback: 15'	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED
Wall* [15% of total wall area - principal building only]	PERMITTED	PERMITTED	PERMITTED	PERMITTED IN RD/RR	NOT PERMITTED
Window	PERMITTED	PERMITTED	PERMITTED	NOT PERMITTED	NOT PERMITTED

***Denotes that a Sign Permit is Required**.