

TOWN OF SARATOGA
Town Ordinance No. 06-18-2014
SIGN ORDINANCE

RECITALS

WHEREAS, following numerous public meetings and a public hearing thereon, the Town Plan Commission recommended that the Town Board approve a Sign Ordinance, and pursuant to the general police powers of the Town of Saratoga ("Town") and the authority set forth in Section 1.2 of the Sign Ordinance, the Town Board made the findings and affirmed its intent as set forth in Section 1.4 of the Sign Ordinance and approved same on May 15, 2013; and,

WHEREAS, the Town Plan Commission has considered certain amendments to the Sign Ordinance, particularly with respect to enforcement regarding permanent signs in existence on April 1, 2013, and recommends adoption of the amendments to the Town Board; and,

WHEREAS, following due consideration of the amendments incorporated and set forth in the Sign Ordinance attached hereto¹, and the public interest;

ADOPTION OF ORDINANCE

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, the Town Board does hereby ordain as follows:

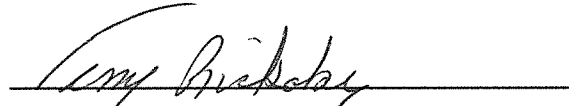
1. The proposed amendments² to Town Ord. No. 04-17-2013 Sign Ordinance are adopted and incorporated into Town Ord. No. 06-18-2014 Sign Ordinance as set forth in the attached, which is incorporated by reference, and shall hereafter be referred to as the Sign Ordinance.
2. The Sign Ordinance shall be effective following adoption, signature and proper publication or posting, as required by law.

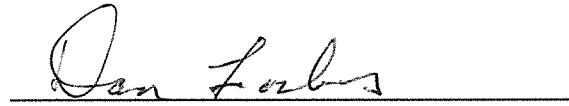
¹ Ordinance History: Public Hearing and Recommendation by Town Plan Commission 04-10-2013; Approved by Town Board 04-17-2013 as Town Ord. No. 04-17-2013; Amendments Considered and Recommended by Town Plan Commission 01-08-2013; Amendments Approved by Town Board 01-15-2014 as Town Ord. No. 01-15-2014; Amendments Considered and Recommended by Town Plan Commission on 05-14-2014 and 06-11-2014; Amendments Approved by Town Board 06-18-2014 as Town Ord. No. 06-18-2014.

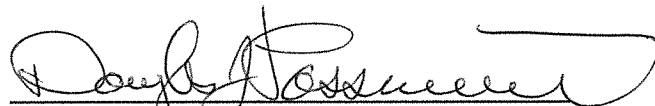
² See footnote 1 for complete history of amendments.

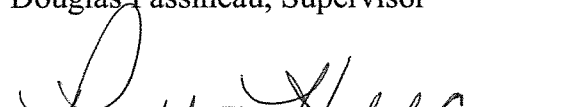
ADOPTED by a vote of 5 for and 0 against on this 18th day of June, 2014.


TOWN OF SARATOGA


Terry Rickaby, Town Board Chairperson



Dan Forbes, Supervisor


Douglas Passineau, Supervisor


Patty Heeg, Supervisor


John Frank, Supervisor

Attested to this 18th day of June, 2014.


Heidi Kawleski, Town Clerk

Attached and incorporated by reference: Sign Ordinance [footer 33Y316002]

TOWN OF SARATOGA ORDINANCE
Town Ordinance No. 06-18-2014
SIGN ORDINANCE¹

1. TITLE, AUTHORITY, COMPREHENSIVE PLAN, FINDINGS AND INTENT, APPLICABILITY, AND EXEMPTIONS

- 1.1 **Title:** This ordinance is entitled "Town of Saratoga Sign Ordinance," and may be referred to as the Sign Ordinance.
- 1.2 **Authority:** This ordinance is adopted pursuant to the general police powers of the Town of Saratoga. The Town Meeting granted Village powers to the Town pursuant to Wis. Stat. §§ 60.10, 60.22(3) and 61.34, as well as other authority set forth in the Wisconsin statutes.
- 1.3 **Comprehensive Plan:** The Town Board approved The Town of Saratoga Comprehensive Plan 2007-2025 ("Comprehensive Plan"), in August 2007. Although the Sign Ordinance derives its authority from the Town's power to regulate for the health, safety, welfare, and convenience of the public, the Sign Ordinance has been reviewed by the Plan Commission for consistency with the goals, objectives, policies and recommendations set forth in the Comprehensive Plan. By recommending approval of the Sign Ordinance, the Plan Commission finds that the Sign Ordinance is consistent with the goals, objectives, policies and recommendations set forth in the Comprehensive Plan.
- 1.4 **Findings and Intent:** The Board hereby finds that regulating the size, type and location of signs, all as set forth in this ordinance, is necessary for the health, safety, welfare, and convenience of the public in the Town by. Regulation of signs protects health, safety, welfare and general convenience of the public in many ways, including the following:
- 1.4.1 Improving both pedestrian and vehicular traffic safety by regulating competing and distracting demands for visual attention.
 - 1.4.2 Establishing standards that promote the effective use of signs as a means of communication while enhancing public safety.
 - 1.4.3 Providing uniform information and direction to travelers passing through the Town.
 - 1.4.4 Safeguarding a major natural economic asset of the Town, which is the natural beauty of the land and the scenic roads, woodlands and waters.
 - 1.4.5 Protecting property values, public and private investment in property and business assets in the Town.
 - 1.4.6 Preventing visual blight and clutter, which detracts from the natural character of the Town.
 - 1.4.7 Minimizing possible adverse effects of unregulated signs on nearby public and private property.

¹ Ordinance history: Public Hearing and Recommendation by Town Plan Commission 04-10-2013; Approved by Town Board 04-17-2013 as Town Ord. No. 04-17-2013; Amendments Considered and Recommended by Town Plan Commission 01-08-2013; Amendments Approved by Town Board 01-15-2014 as Town Ord. No. 01-15-2014; Amendments Considered and Recommended by Town Plan Commission on 05-14-2014 and 06-11-2014; Amendments Approved by Town Board 06-18-2014 as Town Ord. No. 06-18-2014.

- 40 1.4.8 Establishing a permitting system that allows the Town to control the size,
41 type and location of signs, and require maintenance of signs, all in a
42 manner that reflects community standards and general welfare.
43 1.4.9 Providing for enforcement of sign regulations to ensure ongoing
44 compliance and protection of health, safety, welfare and convenience of
45 the public in a manner that is fair and consistent.
- 46 1.5 **Applicability: In General:** All signs hereafter located, erected, moved within or into
47 the Town, constructed, enlarged, or structurally modified shall be in conformity with
48 the provisions of this ordinance. Signs adjacent to state highways shall comply with
49 provisions of Wis. Stat. § 84.30 and Wis. Admin. Code Trans 201 and the provisions of
50 this ordinance, wherever applicable. Where either State sign regulations or this
51 ordinance are more or less restrictive, the more restrictive regulations shall apply.
- 52 1.6 **Applicability to Permanent Signs Existing April 2013:** In addition to the Town's
53 findings that the regulation of signs is a matter of health, safety, welfare, and
54 convenience of the public, the Town also recognizes that the private costs and burdens
55 associated with compliance will uniquely impact permanent signs that were in
56 existence when this ordinance was adopted. Therefore, in the spirit of fairness, this
57 ordinance shall not apply to permanent signs that were located in the Town on April 1,
58 2013 ("Sign Existing April 2013" or "Exempt Signs") unless such sign is abandoned or
59 discontinued. The burden of establishing that a permanent sign qualifies as a Sign
60 Existing April 2013 is on the owner of the permanent sign. Owners of permanent signs
61 on State Highway 73 and State Highway 13 may establish that said signs were in
62 existence on April 1, 2013 by using the DOT Inventory. The Town will make a good
63 faith effort to complete an inventory of other Signs Existing April 2013, but cannot
64 guarantee that each and every permanent sign will be included. Therefore, the Town
65 recommends that owners of Signs Existing April 2013 register their permanent signs
66 at the Town Hall by using the same form that is used to apply for a sign permit and
67 marking the application with additional language such as "Informational Only: Sign
68 Existing April 2013." With this sole exception, the ordinance shall be effective upon
69 adoption and publication as required by law.

70 **2. DEFINITIONS AND REQUIREMENTS**

- 71 2.1 **Abandoned or Discontinued Sign:** A sign is "abandoned or discontinued" if for a
72 period of 12 months or longer it is composed of obsolete advertising matter or is
73 without advertising matter or is in need of substantial repair, provided that any period
74 of involuntary discontinuance which occurs during the period a highway is closed shall
75 not be considered. A sign is abandoned if the name of the owner does not appear
76 thereon and if the name and address of the current owner are not readily ascertainable
77 from records on file with the State of Wisconsin Department of Transportation or the
78 Town Clerk.

- 79 2.2 **Advertising Vehicle:** The use of a car, truck, bus, trailer or parts thereof (collectively
80 referred to as “vehicle” in this definition) to advertise products or services or direct
81 persons to a business, where (a) the vehicle is generally unrelated to the products,
82 services or direction, (b) the vehicle is generally stationary or rarely moved, and/or (c)
83 the vehicle is being used for purposes that are generally equivalent to signage. The
84 term “advertising vehicle” as used in this ordinance is not intended to and does not
85 include vehicles that are primarily used for transportation, and also have a business
86 name, trademark or similar advertising painted or adhered to the vehicle. For
87 example, a tow truck that has the name and number of the garage painted on the
88 vehicle’s doors² and that is regularly used by the mechanic from the garage to tow
89 disabled trucks to the garage does NOT constitute an “advertising vehicle” under this
90 ordinance. On the other hand, a disabled vehicle parked near the public right-of-way
91 with a placard that states “Drive-In for the Best Breakfast in Town!” would be
92 considered an “advertising vehicle” and would be regulated by this ordinance.
- 93 2.3 **Animated sign:** Any sign which uses movement, reflection or changing of light to
94 depict action or to create a special effect or scene (compare to “flashing sign”).
- 95 2.4 **Area of Sign:** Sign area consists of the entire surface area of the sign on which copy
96 could be placed, excluding the base or apron, supports and other structural members.
97 (See Appendix A, B, C and D.)
- 98 2.5 **Awning:** Canvas, cloth or other structure supported above windows or door openings.
- 99 2.6 **Banner Sign:** A sign made of fabric or any non-rigid material with no enclosing
100 framework.
- 101 2.7 **Building Fascia:** That portion of a building which is parallel or nearly parallel to the
102 abutting roadway.
- 103 2.8 **Business Sign:** A sign which directs attention to a business, profession, commodity,
104 service or entertainment that is sold or offered upon the premises where such sign is
105 located.
- 106 2.9 **Canopy Sign:** Any sign that is part of or attached to an awning, canopy or other fabric,
107 plastic or structural protective cover over a door, window, entrance or outdoor service
108 area.
- 109 2.10 **Changeable Message Sign:** A sign such as a manual, electronic or electric controlled
110 time and temperature sign, message center or reader board, whether electronic,
111 electric or manual, on which copy changes. *See also* Electronic Sign.
- 112 2.11 **Construction Sign:** A temporary sign identifying an architect, contractor,
113 subcontractor and/or material supplier participating in construction on the property
114 on which the sign is located.
- 115 2.12 **Copy:** Letters, words, symbols or images of any kind on a sign surface in either
116 permanent or removable letters.
- 117 2.13 **Deteriorated or Dilapidated Sign:** Any sign which is in such a state of deterioration
118 or disrepair so as to make it a nuisance or hazardous to the health, safety and welfare
119 of the public.

² NOTE: This ordinance is not intended to regulate painted markings or magnetic panels such as those frequently placed on the doors of commercial vehicles.

- 120 2.14 **Directional Sign:** An on-premise sign giving directions, instructions or facility
 121 information and which may contain the name or logo of an establishment but no
 122 advertising copy. Examples include parking or egress signs.
- 123 2.15 **Double-faced Sign:** A sign with copy on two parallel faces that are back to back,
 124 facing in opposite directions.
- 125 2.16 **Electric Sign:** Any sign which uses or is intended to use electrical energy. *See also*
 126 *Electronic Sign.*
- 127 2.17 **Electronic Sign:** Any sign whose messages may be changed by electronic process in
 128 accordance with 23 USC 131(c)(3) and (j), and Wis. Stat. § 84.30(3)(c) and (4)(b), as
 129 amended from time to time. *See Wis. Admin. Code Trans. 201.15, which is*
 130 *incorporated by reference.*
- 131 2.18 **Exempt Sign:** A permanent sign located in the Town as of April 1, 2013, which is on or
 132 about the date that the Sign Ordinance first took effect, provided that there is no
 133 substantial change to said sign. A Sign Existing April 2013 is exempt from this
 134 ordinance unless and until there is a “substantial change” in the sign or the sign is
 135 “abandoned or discontinued” or “dilapidated or deteriorated,” as described in this
 136 ordinance.³ If there is a substantial change in the sign or the sign is abandoned or
 137 discontinued, it shall thereafter be subject to this ordinance.⁴ *Also referred to as “Sign*
 138 *Existing April 2013.”*
- 139 2.19 **Face of Sign:** The area of a sign on which copy could be placed.
- 140 2.20 **Flag:** Any fabric, banner or bunting containing distinctive colors, patterns or symbols
 141 used as a symbol of a business, corporation, government, political subdivision or other
 142 entity.
- 143 2.21 **Flashing Sign:** Any sign which contains an intermittent or flashing light source, or has
 144 the illusion of intermittent or flashing light by means of animation, or has an
 145 externally-mounted intermittent light source.
- 146 2.22 **Freestanding Sign:** Any sign supported by structures or supports that are placed on
 147 or anchored in the ground and are independent from any building or other structure.
- 148 2.23 **Government Sign:** Any temporary or permanent sign erected and maintained by the
 149 Town, county, state or federal government.
- 150 2.24 **Grade:** The elevation or level, measured at the natural grade as it exists at or below
 151 the sign. (*See Appendix A.*)
- 152 2.25 **Ground Sign:** A sign erected on one or more freestanding supports or uprights and
 153 not attached to any building, or a freestanding sign that is less than six feet in height.
- 154 2.26 **Height of Sign:** The vertical distance measured from the grade where the sign is
 155 located to the highest point of such sign. (*See Appendix A.*)
- 156 2.27 **Identification Sign:** A sign whose copy is limited to the name and address of a
 157 building, institution or person and/or to the activity or occupation being identified.

³ See Section 2 - Definition and Section 6.

⁴ See definition of “abandoned or discontinued sign” contained in Section 2.

- 158 2.28 **Illegal Sign:** A sign erected after April 1, 2013, without a permit; a sign that is erected
159 or maintained in a manner that violates any requirement of a permit or this Ordinance;
160 and/or, an abandoned or discontinued sign, as that phrase is defined in this Ordinance.
161 Illegal signs shall be subject to removal. Upon removal of an illegal sign, the owner of
162 the sign shall be given 30 days in which to salvage the sign upon payment of actual
163 reasonable costs incurred in removal and restoration. If not salvaged, the sign may be
164 disposed of as determined by the Town.
- 165 2.29 **Illuminated Sign:** A sign with an artificial light source incorporated internally or
166 externally for the purpose of illuminating the sign.
- 167 2.30 **Incidental Sign:** An on-premise sign, emblem, or decal informing the public of goods,
168 facilities or services available, or providing directions or directing pedestrian or traffic
169 control.
- 170 2.31 **Maintenance:** Maintenance means the cleaning, painting, repair or replacement of a
171 defective part of a sign in a manner that does not alter the basic copy, design or
172 structure of the sign.
- 173 2.32 **Nameplate:** An on-premise sign displaying only the name and/or address of an
174 occupant.
- 175 2.33 **Off-Premise Sign:** A sign which advertises goods, products, facilities or services not
176 on the premises where the sign is located, or directs persons to a different location
177 from where the sign is located.
- 178 2.34 **On-Premise Sign:** Any sign identifying or advertising a business, person, activity,
179 goods, products or services located on a premise where the sign is installed.
- 180 2.35 **Permanent Sign:** A sign or advertising display which is permanently attached to the
181 ground by support posts, has a fixed base, or is attached to a building, and/or which is
182 not designed or capable of being moved intact. Not a portable sign or temporary sign
183 (see definitions below). If a sign display area is permanent but the message displayed
184 is subject to periodic changes, that sign may qualify as a permanent sign.
- 185 2.36 **Permit:** A permit issued by the Town pursuant to this Ordinance, or the State of
186 Wisconsin Department of Transportation pursuant to Wis. Admin. Code ch. Trans 201.
- 187 2.37 **Political Sign:** A sign containing a political message, as defined in Wis. Stat. § 12.04.
188 (This ordinance does not regulate political signs, but rather defers to State election
189 law. See Wis. Stat. § 12.04.)
- 190 2.38 **Portable Sign:** Any sign not permanently attached to the ground by support posts, a
191 fixed base, or attached to a building, and/or which is designed or capable of being
192 moved intact. For example, a sign designed to be moved intact on its own trailer or
193 carriage is a "portable sign."
- 194 2.39 **Projecting Sign:** A sign, which is usually double-faced, and is attached to and projects
195 from a structure or building. The area of a projecting sign is calculated on one face
196 only.
- 197 2.40 **Roof Sign:** A sign erected upon, against or above a roof.
- 198 2.41 **Rotating Sign:** A sign in which the sign itself or any portion of the sign moves in a
199 revolving or similar manner; such motion does not refer to methods of changing copy.

- 200 2.42 **Sandwich Sign:** A hinged or unhinged A-frame portable sign which is generally
 201 temporary in nature and placed near the roadway. Sandwich signs are regulated as
 202 temporary signs.
- 203 2.43 **Sign:** Any object, device, display or structure, or part thereof, situated outdoors which
 204 is used to advertise, identify, display, direct or attract attention to any object, person,
 205 institution, organization, business, product, service, event or location, by any means,
 206 including words, letters, figures, designs, icons, symbols, fixtures, colors, illumination
 207 or projected images. Signs DO NOT include the flag or emblem of any nations,
 208 organizations of nations, state, city, religious, fraternal, or civic organization; also
 209 merchandise and pictures or models of products, or services incorporated in window
 210 displays, or works of art not identifying a product.
- 211 2.44 **Sign Existing April 2013:** A permanent sign located in the Town as of April 1, 2013,
 212 which is on or about the date that the Sign Ordinance first took effect, provided that
 213 there is no substantial change to said sign. A Sign Existing April 2013 is exempt from
 214 this ordinance unless and until there is a "substantial change" in the sign or the sign is
 215 "abandoned or discontinued" or "dilapidated or deteriorated," as described in this
 216 ordinance.⁵ If there is a substantial change in the sign or the sign is abandoned or
 217 discontinued, it shall thereafter be subject to this ordinance.⁶ *Also referred to as*
 218 *"Exempt Sign."*
- 219 2.45 **Sign Structure:** Any device or material which supports, has supported, or is capable
 220 of supporting a sign in a stationary position, including decorative covers.
- 221 2.46 **String Sign:** Any sign in which lights, ribbons, pennants or other similar small,
 222 attention-drawing devices are attached to a rope, string, wire, pole or similar support.
 223 In appropriate circumstances, string signs may be regulated as temporary signs.
- 224 2.47 **Subdivision Identification Sign:** A permanent sign identifying a recognized
 225 subdivision, condominium complex or residential development.
- 226 2.48 **Subdivision Marketing Sign:** Subdivision signs which are temporary in nature
 227 (advertising lots for sale) may be displayed for a period not to exceed two years.
 228 Annual extensions may be granted for the temporary subdivision signs upon approval
 229 of the Town.
- 230 2.49 **Substantial Change:** "Substantial change" to a sign is defined to mean any of the
 231 following: increasing the number of vertical supports; changing the physical location;
 232 increasing the square footage or area of the sign face, except by adding a temporary
 233 extension meeting conditions deemed acceptable by the Plan Commission; adding
 234 changeable message capability or adding lighting to a previously unlit sign. As used in
 235 this ordinance, a sign is "substantially the same" if no "substantial change" to the sign
 236 has been made.
- 237 2.50 **Swinging Sign:** A sign installed on an arm, mast, spar or frame in a manner that allow
 238 movement of the sign. For the purpose of this ordinance, flags are not considered
 239 swinging signs.

⁵ See Section 2 – Definition, and Section 6.

⁶ See definition of "abandoned or discontinued sign" contained in Section 2.

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- 2.51 **Temporary Sign:** A sign or advertising display which is used only temporarily and is not permanently mounted on any support. Temporary signs are typically used to draw attention to a particular event. For example, rummage/garage sale signs and retailers' signs temporarily displayed for the purpose of informing the public of a special event, grand opening, sale or special offer are considered temporary signs. Similarly, the volunteer fire department might display a temporary sign to draw attention to the annual festival. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered temporary.
 - 2.52 **Vision Obstruction:** No sign shall be placed which would prevent a full view of both pedestrian and vehicular traffic. Sign placement shall not create a vision obstruction adjacent to road intersections, right-of-way, alleys, trails and/or adjacent access points (public and private driveways).
 - 2.53 **Wall Sign:** A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than 18 inches from its surface. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.
 - 2.54 **Window Sign:** A sign installed on a window for purposes of viewing from the outside.

259 **3. GENERAL REQUIREMENTS FOR SIGNS**

260 3.1 **Location:** No signs or flags, shall be located on or overhang any right-of-way or
261 private property lines, except for official traffic control, parking or directional signs.

262 3.2 **Visual Obstructions:** No signs or flags shall create any vision obstructions of a public
263 right-of-way, alley, trail, adjacent drive or private drive entering onto any public or
264 private thoroughfare; and no sign in excess of 2-1/2 feet above grade or support poles
265 larger than 12 inches in diameter or width may be installed in the areas identified in
266 this paragraph.

267 3.3 **Illumination:** Unless otherwise specified by this ordinance, all signs may be
268 illuminated. Underground wiring is required on all signs connected to a remote
269 electric source. Exterior lighting fixtures shall be oriented and shielded so the lighting
270 element is not visible from traffic, and shall not shine into any residence. The use of
271 solar powered lighting is encouraged.

272 3.4 **Changeable Copy:** Unless otherwise specified by this section, any sign permitted
273 under this ordinance may use manual or automatic changeable copy.

274 3.5 **Maintenance:** Every sign for which permits are required, shall be maintained in a safe
275 structural condition. Maintenance shall include cleaning, painting, replacement of any
276 loose material or defective or damaged parts and maintenance of the structural
277 integrity of the sign and sign structure.

278 3.6 **Prohibited Signs:** The following signs are prohibited:

279 3.6.1 Any sign animated by means of flashing, blinking or rotating lights, as part
280 of the sign or attached thereto, or signs with physically moving
281 components visible from the public right-of-way. Electronic signs are not
282 prohibited, but are subject to the standards set forth in Wis. Admin. Code
283 Trans 201.15.

284 3.6.2 Signs which are an imitation of, or resemble in shape, size, copy or color an
285 official traffic sign or signal, or emergency light or signal.

286 3.6.3 Roof signs and roof mounted signs.

287 3.6.4 Signs attached to utility poles, or trees or painted on rocks.

288 3.6.5 Advertising Vehicles. (See Definitions section of this ordinance.)

289 3.7 **Time Limitations:** The following time limitations shall apply to signage in the Town:

290 3.7.1 Temporary signs shall not be displayed for more than fourteen (14) days
291 prior to the event, and shall be removed within 48 hours after completion
292 of the event.

293 3.7.2 Portable signs shall have a thirty (30) day limit per display and shall be
294 limited to one (1) display per ninety (90) day period. Portable signs shall
295 be displayed no more than three (3) times per calendar year. Permits are
296 required for portable signs.

297 3.8 **Appendix:** To more clearly illustrate certain concepts described in this ordinance, the
298 Town has prepared an Appendix. The Appendix attached hereto is incorporated in this
299 ordinance by reference.

300 3.8.1 Appendix A Area and Height of Sign

301 3.8.2 Appendix B Area of Sign

302 3.8.3 Appendix C Area of Sign with Border

303 3.8.4 Appendix D Area of Sign
304 3.8.5 Appendix E Wis. Admin Code ch. Trans 201

305 **4. PERMIT PROCEDURES AND REQUIREMENTS**

306 4.1 Unless exempt under this ordinance,⁷ no person shall locate, erect, move, construct,
307 enlarge or substantially change a sign within the Town until a sign permit for each
308 such sign has been issued in accordance with this ordinance.

309 4.2 The applicant shall submit to the building inspector an application on an approved
310 form from the town together with a drawing showing all the dimensions of the sign,
311 including the length, height, and width of the sign and supporting structure or base,
312 and its proposed location on the property where the sign will be erected.

313 4.3 Permits shall not be required for a change of copy, repainting, cleaning and other
314 normal maintenance or repair of a sign and sign structure, nor for erecting or
315 modifying any sign not requiring a permit.

316 4.4 Permit fees. *See* Fee Schedule adopted by resolution of the Town Board.

317 4.5 Permit issuance or denial. The building inspector shall issue a permit for the erection,
318 structural alteration, enlargement or relocation of a sign within the Town when the
319 permit application is properly made, all appropriate fees have been paid and the sign
320 complies with the appropriate laws and regulations. In the event that the building
321 inspector is uncertain whether the application complies with appropriate laws and
322 regulations, the building inspector may provide notice to the applicant and refer the
323 application to the Town Board for its determination. If the sign permit is denied by the
324 building inspector, written notice of the denial shall be given to the applicant, together
325 with a brief explanation of the basis for the denial.

326 4.6 Appeal from permit denial.

327 4.6.1 Appeal from denial of a sign permit may be taken to the Town Board. Such
328 an appeal can be made at a regularly scheduled Town Board meeting,
329 provided a request for hearing is made in writing to the building inspector
330 no less than 15 calendar days before a scheduled meeting. The building
331 inspector shall comply with and enforce the Town Board's decision.

332 4.6.2 The building inspector's failure to either formally grant or deny a sign
333 permit within ten (10) business days of the date an application meeting
334 the requirements of this article is filed shall also be sufficient cause for
335 appeal to the Town Board.

336 4.6.3 If the appeal from a permit denial involves a sign existing in the Town as of
337 April 1, 2013, the Town Board shall not only consider whether the sign
338 complies with appropriate laws and regulations, but shall also expressly
339 consider the Findings and Intent set forth in Section 1.4.
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⁷ See, for example, Sections 5.1 and 5.2.

341 **5. SIGNS EXEMPT FROM ORDINANCE, SIGNS EXEMPT FROM PERMITS, AND SIGNS**
 342 **REQUIRING PERMITS**

343 5.1 **Signs Exempt from Ordinance.** Notwithstanding the general applicability of this
 344 ordinance, this ordinance does not apply to:

345 5.1.1 Signs posted by a governmental unit for traffic control and other
 346 regulatory purposes, danger signs, railroad crossing signs, and signs of
 347 public utilities indicating danger, nor to aids to service or safety which are
 348 erected by or on the order of a public officer in the performance of his/her
 349 public duty.

350 5.1.2 A permanent sign that lawfully existed in the Town as of April 1, 2013
 351 ("Sign Existing April 2013"), which is on or about the date that the Sign
 352 Ordinance first took effect, provided that there is no substantial change to
 353 said sign. A Sign Existing April 2013 is exempt from this ordinance unless
 354 and until there is a "substantial change" in the sign or the sign is
 355 "abandoned or discontinued" or "dilapidated or deteriorated," as
 356 described in this ordinance.⁸ If there is a substantial change in the sign or
 357 the sign is abandoned, discontinued, dilapidated or deteriorated, it shall
 358 thereafter be subject to this ordinance.

359 5.2 **Signs Exempt from Permit.** Signs which meet the maximum area and other criteria
 360 set forth in Table 1 are exempt from having to obtain a permit, but are otherwise
 361 subject to all of the requirements of this ordinance.

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Table 1

EXEMPT SIGNS -- NO SIGN PERMIT REQUIRED		
TYPE SIGN	MAXIMUM AREA	REQUIREMENTS¹
Awnings		For commercial uses only
Construction Sign on residential site	16 sq. ft. in area	
Construction Sign on commercial site	32 sq. ft. in area	
Garage, rummage, yard sale	8 sq. ft.	Not allowed on utility poles
Incidental Signs	6 sq. ft.	None
Memorial signs and plaques	4 sq. ft.	Part of or attached to the building, i.e. corner stone or metal plaque
No Dumping	1-1/2 sq. ft.	None
No Trespassing	1-1/2 sq. ft.	None
Political or campaign signs	Subject to Wis. Stat. § 12.04	Subject to Wis. Stat. § 12.04
Public Notice/Sign	As defined by law, statute or ordinance	Required by law, statute or ordinance
Real Estate	6 sq. ft.	One per residential lot
	32 sq. ft.	One per non-residential parcel or residential parcels over four acres

⁸ See Section 2 - Definitions and Section 6.

Residential lot numbers		Per building code ordinance
Temporary Signs		See definition in Section 2

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5.3 **Signs Requiring Permit.** Signs which are not exempt must obtain a permit based upon the standards set forth in Table 2 and must also comply with the other requirements of this ordinance.

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Table 2 Amended see Ordinance 1-6-16

SIGN PERMIT REQUIRED		
TYPE SIGN/OR AREA	MAXIMUM AREA	REQUIREMENTS⁹
On site signs for commercial and industrial sites	Total area allowed is 2 sq. ft. per lineal foot of lot frontage. 100 sq. ft. maximum per sign face, including double or multiple faced signs	
On site Projecting Signs for commercial and industrial sites	50 sq. ft. any one side	
Farm Signs	32 sq. ft.; maximum height of 20 ft.	No lighted signs allowed
Off-Premise or Off-Site signs	100 sq. ft per sign face; maximum height of 20 ft	300 ft minimum distance between off-premise signs
Over street banners	75 sq. ft.	Special permit and proof of insurance
Residential sites	6 sq. ft.	One sign per parcel
Subdivision Identification Sign		Per Plat Review
Subdivision Marketing Sign	32 sq. ft.	Two year special renewable permit, one sign per major adjacent street.
Portable Signs	32 sq. ft.	Thirty (30) day limit per display; limited to one (1) display per ninety (90) day period; displayed no more than three (3) times per calendar year

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⁹ Signs listed in Tables 1 and 2 shall comply with the general regulations established by this ordinance as well as the specific requirements listed in the Table.

369 **6. ABANDONED, DISCONTINUED OR DILAPIDATED SIGNS**

370 6.1 **Abandoned or Discontinued Signs:** All abandoned or discontinued signs shall be
371 removed within six (6) months by the owner or lessee of the premises upon which the
372 abandoned sign is located or within 30 days of a written notice of removal from the
373 Town Board. Upon failure to comply with this notice, the Town may cause the
374 abandoned or discontinued sign to be removed, the expense of which shall be charged
375 to the tax roll of the property on which the abandoned or discontinued sign was
376 located. (*See also* Section 2 – Definitions, including definition of illegal sign.)

377 6.2 **Dilapidated or Deteriorated Signs:** The Town Board or its designee shall cause the
378 removal of any dilapidated or deteriorated signs under the provisions of Wis. Stat.
379 § 66.0413.

380 **7. INDEMNIFICATION AND INSURANCE**

381 7.1 **Indemnification:** All persons involved in the installation, maintenance, alteration or
382 relocation of any sign shall agree to hold harmless and indemnify the Town of Saratoga
383 and its officers, agents and employees against any and all claims of negligence
384 resulting from such work insofar as this ordinance has not specifically directed the
385 placement of a sign.

386 7.2 **Insurance:** Any sign contractor, before performing any work in the Town of Saratoga,
387 shall maintain vehicle, workers compensation, liability and any other required
388 insurance and shall file with the Town a satisfactory certificate of insurance
389 indemnifying the Town against any form of liability with a minimum of \$1,000,000 per
390 occurrence and aggregate with regard to bodily injury and property damage.

391 **8. GENERAL PROVISIONS**

392 8.1 **Compliance Required:** The use, size, height and location of signs hereafter erected,
393 converted, enlarged or structurally altered shall be in compliance with the regulations
394 established by this ordinance.¹⁰

395 8.2 **Minimum Requirements:** This Ordinance has been adopted to promote the health,
396 safety, aesthetics, comfort, prosperity and general welfare of the residents of the Town
397 of Saratoga. The Town hereby finds the provisions of the Ordinance to be the
398 minimum requirements to advance these public purposes.

399 8.3 **Abrogation:** This Ordinance shall not repeal, abrogate, annul, impair or interfere with
400 existing easements, covenants or agreements between parties or with any rules,
401 regulations, or permits previously adopted or issued pursuant to laws; provided,
402 however, that after adoption by the Town Board where this ordinance imposes a
403 greater restriction upon the use, height, or location of a sign required by other rules,
404 regulations or permits or by easements, covenants or agreements, the provisions of
405 this ordinance shall apply.

406 8.4 **Severability:** If any clause, provision or portion of this ordinance is declared
407 unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of
408 competent jurisdiction including all applicable appeals, the remainder of this
409 ordinance shall remain in full force and effect. If any application of this ordinance to a

¹⁰ Note: This ordinance includes a delayed effective date for existing signs.

410 particular parcel of land is declared unconstitutional or invalid by a final order of a
411 court of competent jurisdiction, including all applicable appeals, such judgment shall
412 not be applicable to any other parcel of land not specifically included in said judgment.

413 **8.5 Violations and Penalties:** Equitable Relief. In case of any violation of the ordinance,
414 the Town Board, Town Building Inspector, the Plan Commission, or any property
415 owner who would be specially damaged by such violation, may cause appropriate
416 action or proceeding to be instituted to enjoin the violation or cause an unlawful
417 structure to be removed.

418 8.5.1 Fines and Forfeitures. The Town Board may, by resolution or ordinance,
419 establish fines and forfeitures for violations of this ordinance. In the
420 absence of a specified fine or forfeiture, a person found to have violated
421 the provisions of this ordinance shall forfeit not less than \$5.00 nor more
422 than \$1,000 for each such violation. Each day of a continuing violation
423 shall be considered a separate offense.

424 8.5.2 Cost of Enforcement and Prosecution. In addition to fines and forfeitures,
425 the person(s) found to have violated the ordinance shall be responsible for
426 the costs of prosecution incurred by the Town for enforcement, including
427 attorney fees, inspection fees, survey fees and other reasonable and
428 necessary consultant fees.

429 8.5.3 Remedies Not Exclusive. The remedies and penalties provided in this
430 section are not exclusive. Nothing in this ordinance shall be construed to
431 prevent the Town or any person from commencing any action, or
432 enforcing any remedy authorized by any other law.