

**VILLAGE OF HOLMEN
LA CROSSE COUNTY, WISCONSIN**

ORDINANCE 3-2012

AN ORDINANCE AMENDING SECTIONS OF ARTICLE XII OF THE CODE OF THE VILLAGE OF HOLMEN

BE IT ORDAINED by the Village Board of Trustees, Village of Holmen, La Crosse County, Wisconsin as follows:

Section 1. The following Sections of Article XII are hereby amended to read as follows:

ARTICLE XII

Signs, Awnings, Canopies and Billboards

§ 195-32. Purpose.

The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Holmen. Painting, posting and general maintenance are excepted. No sign or billboard shall have a message, shape, characteristic or graphic which is prohibited by state statutes.

§ 195-33. Definitions.

The following definitions are used in this article:

AREA OF SIGN — The perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight straight lines.

AWNING — A hood or cover which projects from the wall of the building with a ridged frame structure.

BILLBOARD — A sign which advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

BLANKETING — The unreasonable obstruction of view of a sign caused by the placement of another sign.

CANOPY — A shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

DAY — A day shall be designated as a period of time in terms of calendar days.

DIRECTLY ILLUMINATED SIGN — Any sign designed to illuminate ~~give any artificial light directly through any transparent or translucent material~~ from a source of light originating within or on such sign.

DIRECTORY SIGN — Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial buildings.

ELECTRONIC VARIABLE MESSAGE (EVM) UNIT SIGN — An EVM is a permanent, outdoor, secondary, on-premises sign that is part of a primary, on-premises freestanding sign and is programmed electronically to change its message automatically. ~~Any sign whose message may be changed by electronic process,~~ including such messages as ~~copy, art, graphics,~~ time, date, temperature, weather or information concerning public service, community service, civic or charitable events or the advertising of products or services for sale on the premises. ~~This also includes traveling or segmented message displays.~~

FLASHING SIGN — Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN (ground, monument and/or pole sign) — Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

IDENTIFICATION SIGN — Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

INDIRECTLY ILLUMINATED SIGN — A sign that is illuminated from a source outside of the actual sign.

MARQUEE SIGN — Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

NONCONFORMING SIGN — Any sign which does not conform to the regulations of this article.

OFF-PREMISES SIGN — Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

POLITICAL SIGN — Any sign displaying a candidate for an election or a current election's subject matter.

PORTABLE SIGN — Any sign not permanently attached to the ground which is ~~intended to be displayed for no longer than 30 days and~~ is designed to be easily moved from one location to another.

PROJECTING SIGN — Any sign extending more than 18 inches ~~but less than four feet~~ from the face of a wall or building. ~~Such sign may not extend more than three feet into the right-of-way.~~

REAL ESTATE SIGN — Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

ROOF SIGN — Any sign erected upon or over the roof or parapet of any building.

~~SHOPPING CENTER — A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.~~

SIGN — A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

TEMPORARY SIGN — Any sign intended to be displayed for a short period of time, including real estate or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

~~WALL SIGN — Any sign attached to, erected on or painted on the wall of a building or structure, and projecting not more than 24 inches from such wall.~~

WINDOW SIGN — Any sign located completely within an enclosed building and visible from a public way.

§ 195-34. Permit application procedure.

A. Application. Except those specified in § 195-35, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this article, and Article XVI of the Village Code, the provisions of the Holmen Comprehensive Plan and any design standards of the Village. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Holmen. Signs shall not be erected or altered until a permit has been issued by the Zoning Officer. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

B. Required information. Application for a sign shall be made in writing upon forms furnished by the Village which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

C. Fee. The fee for each sign permit shall be as established annually, as outlined in the Village of Holmen Fee Schedule. ~~a minimum of \$20 or \$0.20 per square foot of display surface if the display surface of the sign exceeds 20 square feet.~~

D. Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$300,000 for bodily injury and \$1,000,000 aggregate and \$100,000 property damage. Proof of insurance shall be presented to the Village before the sign permit is granted.

E. Inspection. Every sign shall be inspected and approved by the Zoning Officer within 30 days after it is erected or altered.

F. Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Officer relative to the provisions of these sign regulations may appeal and seek review of such to the Board of Appeals.

§ 195-35. Signs exempted.

The following signs shall not need a sign permit, provided that they are not located over a public road right-of-way (*excluding signs erected by governmental entities*) or in, on or over public water. The following signs do not require a permit:

A. Business and manufacturing districts.

(1) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(2) Name, occupation and warning signs not to exceed four square feet located on the premises.

(3) Bulletin boards for public, charitable or religious institutions not to exceed 35 square feet in area located on the premises.

(4) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(5) Official signs, such as traffic control, parking restriction, information and notices.

(6) Temporary signs, when authorized by the Village for a period not to exceed 30 days.

(7) Rummage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

(8) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Village and subject to the following:

(a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village for approval.

(b) The permitted size and location of any such sign shall be at the discretion of the Village based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total.

(d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine months.

(9) Signs designating entrances, exits, service areas, parking areas, rest rooms and other signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.

(10) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

(11) Flags and insignia of any government, except when displayed in connection with commercial promotion, such signs shall be subject to review and permit.

(12) Signs and banners erected by the Village of Holmen specifically for the purpose of creating a sense of place and that signify community identity.

(13) (12) Legal notices, identification information or directional signs erected by governmental bodies.

(14) (13) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, accent lighting or moving lights.

(15) (14) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

(16) (15) Political signs may be posted 60 days before an election and must be removed within 10 days after said election. Said sign shall be a maximum of 32 square feet. placed on private property with the consent of the property owner or the person entitled to possession of the property. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of 12.03 Wis. State Stats. Signs related to an election or referendum may be erected no earlier than (a) in the case of an election of candidates for office, the first day for circulation of nomination papers for such office or (b) in the case of a referendum, the date on which the question is submitted to the electors, and all such signs must be removed within seven (7) days after the election or referendum to which they relate. Said signs shall be a maximum of four square feet.

B. Residential, conservancy and agricultural districts.

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four square feet.

(2) Real estate signs not to exceed four square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed two square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.

(5) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Temporary signs or banners, when authorized by the Village, for a period not to exceed 30 days.
- (8) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
- (9) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (10) An approved professional sign shall be a sign not exceeding three square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one such approved professional sign shall be maintained on a premises.
- (11) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited time in any district with the approval of the Village and subject to the following:
 - (a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Village for approval.
 - (b) The permitted size and location of any such sign shall be at the discretion of the Village based upon the character of the area, the type and purpose of the sign and the length of time permitted.
 - (c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total.
- (12) Political signs may be ~~posted 60 days before an election and must be removed within 10 days after said election. Said sign shall be a maximum of four square feet.~~ placed on private property with the consent of the property owner or the person entitled to possession of the property. Signs promoting a candidate or position on an issue for an upcoming election may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles, and must meet the requirements of 12.03 Wis. State Stats. Signs related to an election or referendum may be erected no earlier than (a) in the case of an election of candidates for office, the first day for circulation of nomination papers for such office or (b) in the case of a referendum, the date on which the question is submitted to the electors, and all such signs must be removed within seven (7) days after the election or referendum to which they relate. Said signs shall be a maximum of four square feet.

§ 195-36. Signs requiring a permit.

The following signs shall require a permit to be issued by the Village of Holmen:

A. Business and light industrial and manufacturing districts. Signs are permitted in all business districts and light industrial districts and manufacturing districts, where specified, subject to the following restrictions, (unless approved as part of a Planned Unit Development in accordance with Article X of the Village Code); and subject to review and final approval of any additional restrictions or requirements of the SPAR Board per Article XVI of the Village Code:

(1) Wall signs placed against the exterior walls of buildings in B-2 business districts shall not extend more than 12 24 inches out from a building's wall surface, shall not exceed a total of 200 500 square feet in area, or shall not exceed 1 square foot for every linear foot of frontage, whichever is greater, ~~or 40% of the wall surface (whichever is smaller)~~ per wall for any one premises and shall not exceed the height of the wall for which it is displayed, ~~depending upon the height of the wall~~. Said wall signs shall not exceed 30 45 feet in height in manufacturing districts fronting federal aid primary (FAP) highways and shall not exceed 30 feet in height in other business districts if the walls in question are greater than the 45 feet and 30 feet respectively.

(2) Wall signs placed against the exterior walls of buildings in B-1 and B-3 business districts and LI light industrial districts and M manufacturing districts shall not extend more than 12 inches out from a building's wall surface, shall not exceed a total of 75 square feet in area for any one premises and shall not exceed the height of the wall for which it is displayed, and said wall signs shall not exceed 20 feet in height if the walls in question are greater than the 20 feet respectively.

~~(4) (2)~~ Projecting signs fastened to, suspended from or supported by structures shall not exceed 32 100 square feet on one side, nor 64 square feet on all sides in area for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right-of-way, shall not be less than 10 feet from all side lot lines, shall not exceed a height of 15 20 feet above the mean center line street grade and shall not be permitted ~~more than 15 feet~~ above a driveway or an alley and shall be not less than 10 feet above a sidewalk.

~~(3)~~ Freestanding signs in Manufacturing and B-2 Districts fronting federal aid primary (FAP) highways shall not exceed 45 feet in height above the center line of the grade of the street from which access to the premises is obtained, shall not extend into any public right of way and shall be set back a minimum of five feet from the property line (depending upon the circumstances). Freestanding signs shall not exceed 300 square feet on one side nor 600 square feet on all sides for any one premises.

~~(5) (4)~~ ~~Other~~ Freestanding signs in B-2 business districts and manufacturing districts shall not exceed 15 30 feet (with the preference of a masonry ground monument sign not exceeding 7 feet) in height above the center line of the grade of the street from which access to the premises is obtained, and shall not extend into any public right-of-way, and shall be setback a minimum of five feet from the property line (up to a minimum of ten feet depending upon the circumstances). Freestanding signs shall not exceed 100 200 square feet on one side, nor 200 400 square feet on all sides for any one premises.

(6) Freestanding signs in B-1 business districts and LI light industrial districts and M manufacturing districts shall not exceed 10 feet (with the preference of a masonry ground monument sign not exceeding 7 feet) in height above the center line of the grade of the street from which access to the premises is obtained, and shall not extend into any public right-of-way, and shall be setback a minimum of five feet from the property line (up to a minimum of ten feet depending upon the circumstances). Signs shall not exceed 75 square feet on one side, nor 150 square feet on all sides for any one premises.

(7) Freestanding signs in B-3 business districts shall be a masonry ground monument sign not exceeding 7 feet in height above the center line of the grade of the street from which access to the premises is obtained, and shall not extend into any public right-of-way, and shall be setback a minimum of five feet from the property line (up to a minimum of ten feet depending upon the circumstances). Signs shall not exceed 32 square feet on one side, nor 64 square feet on all sides for any one premises.

~~(5) A roof sign shall not exceed 15 feet in height above the roof, shall meet all yard requirements for the district in which it is located, shall be considered part of the structure in meeting all height requirements for the district in which it is located and shall not exceed 300 square feet on all sides for any one premises.~~

~~(8) (6) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 10% 25% of the glass area of the pane upon which the sign is displayed.~~

~~(7) Off premises signs, billboards, displays and devices shall be permitted subject to the following:~~

~~(a) Allowed only in B-1, B-2 and Manufacturing Districts.~~

~~(b) Must be a minimum of 100 feet from residential district property line.~~

~~(c) Must be minimum of 100 feet from an intersection.~~

~~(d) Must be a minimum of 350 feet from a church or school.~~

~~(e) Must be a minimum of 1,000 feet from another billboard on the same side of the street.~~

~~(f) Must be a minimum of five feet from the right of way and from the property line.~~

~~(g) Must be a freestanding design; no back bracing or guy wires are allowed.~~

~~(h) Must meet all federal, state and local requirements prior to issuance of permit.~~

~~(i) Must meet requirements of this article, as applicable to off premises signs.~~

~~(j) The maximum size of an off premises sign on a four lane divided roadway shall be 672 square feet per side of sign structure. All other roadways shall have a maximum sign size of 300 square feet per side of sign structure.~~

~~(k) No off premises sign shall be permitted within 75 feet of the east and west rights of way of STH 35 and STH 53.~~

~~(8) Directory signs for shopping centers are permitted as an alternative to ground signs, projecting signs and roof signs for individual stores in the shopping center. The top of a directory sign shall not exceed 30 feet in height above the mean center line street grade, and the bottom of the sign shall not be less than 10 feet above the sidewalk and shall be not more than 15 feet above a driveway or alley. The double supporting pylons shall not be greater than 10 feet apart. That portion of the directory sign which advertises the shopping center name shall not exceed 90 square feet for one side and a total of 180 square feet for all sides. That portion of the directory sign which advertises the individual store name shall not exceed 15 square feet for one side and a total of 30 square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.~~

~~(9) Other signs. Any sign qualifying as more than one of the above-listed types shall meet the requirements for each type.~~

(10) Bills and posters shall not be posted on the exterior of buildings or windows.

B. Residential, conservancy and agricultural districts. All signs are prohibited in the residential, conservancy and agricultural districts, except as provided in § 195-35B, and as authorized below, and subject to review and final approval of any additional requirements of the SPAR Board per Article XVI of the Village Code:

(1) Permanent subdivision identification signs are authorized, if approved as part of a subdivision plat (detailed plans of proposed signs must be submitted at the time of subdivision review) OR may be approved subsequently through the granting of a Conditional Use Permit. Such sign shall comply with visibility standards of this Code.

(2) Any public, religious or institutional (school) use approved as a conditional use in any residential district may be permitted wall signs in accordance with Section 195-36(2) of this Article, and one freestanding ground monument sign in accordance with Section 195-36(6) of this Article. The signs shall indicate nothing more than the name and address of the premises and the schedule of services or other information relevant to the operation of the premises.

§ 195-37. Landscape features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are required ~~encouraged~~ and are ~~shall~~ not be counted as allowable sign area.

§ 195-38. Prohibited signs.

A. Signs facing residential districts. No sign, except those permitted in § 195-35 and § 195-36(B), shall be permitted to face a residential district within 50 ~~25~~ feet of such district boundary.

B. Traffic interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

C. Moving or flashing signs. No sign shall be erected which has any moving, changing, scrolling, flashing, rotating, animated or brilliant intermittent messages, parts or lights or bare reflecting-type bulbs. Such signs or activities shall be removed or discontinued immediately subject to the directives and expectations of the Village following notice to the sign owner or lessee. Failure to implement the directives of the Village shall be subject to penalties per Section 195-45 of this Article and removal of the sign per Section 195-39 of this Article. Excluded are electronic variable message (EVM) signs allowed by conditional use permit, subject to the regulations of Section 195-42 of this Article and to the provisions of the conditional use permit issued by the Village.

D. Hazardous, distracting or nuisance signs. No signs, billboards or other advertising media, as determined by the Village when considering the safety, health and general wellbeing of Village residents, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential

property, shall be permitted in any district. Such signs or activities shall be removed or discontinued immediately subject to the directives and expectations of the Village following notice to the sign owner or lessee. Failure to implement the directives of the Village shall be subject to penalties per Section 195-45 of this Article and removal of the sign per Section 195-39 of this Article. ~~, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. Does not apply to electronic message sign.~~

E. Roof signs. No sign shall be erected on the roof of any structure or above the roof line in any zoning district in the Village.

F. Off-premises signs, billboards, displays and devices. Off-premises signs, billboards, displays and devices shall not be erected in any zoning district in the Village.

G. ~~D.~~ Number of signs permitted. The number of signs permitted on each premises is subject to review and final approval of the SPAR Board per Article XVI of the Village Code, however shall never be permitted to exceed the following restrictions, unless considered as part of a Planned Unit Development per Article X of the Village Code:

(1) In B-2 business districts, ~~No more than~~ either wall signs OR projecting signs within the allowable total square footage ~~two signs of any style shall be permitted located on any premises; and no more than one freestanding sign for each street fronting the premises shall be permitted on any premises in accordance with Section 195-38(l) of this Article.~~ , except that premises occupied by a shopping center may, as an alternative, have one detached sign plus one flat sign illuminated or otherwise for each place of business located in said shopping center. Signs directing traffic are not included when considering the total number of signs permitted.

(2) In B-1 and B-3 business districts and LI light industrial districts and M manufacturing districts, either wall signs OR projecting signs within the allowable total square footage shall be permitted on any premises; and no more than one freestanding sign shall be permitted on any premises.

(2) ~~Businesses with streets fronting both sides shall be allowed two types of signs for each street frontage; no street frontage buildings shall be allowed two of the same type of sign for that particular business.~~

H. ~~E.~~ Signs on public rights-of-way. Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this chapter, or be located within five feet of a property line.

I. ~~F.~~ Distance between freestanding signs. The distance between freestanding signs shall be a minimum of 100 feet between freestanding signs throughout the street frontage on the same side of the street in order to prevent congestion and maintain traffic visibility. The distance between freestanding signs on the same lot or a lot in common ownership shall be a minimum of 300 feet between freestanding signs (such as B-2 lots abutting multiple streets, when a freestanding sign is permitted on each street).

§ 195-39. Dangerous and abandoned signs.

A. Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of 30 days or when, in the judgment of the Village, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board, or its designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's or its designee's decision to the Board of Appeals.

B. Alterations. For signs erected before the adoption of this article, said signs shall be removed if considered a nonconforming sign and, rebuilt or relocated to conform to this article if the cost of reconstruction or relocation is 50% or more of their replacement value, unless otherwise specified in this Article.

C. Violations. All signs constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. In addition to the penalty provisions for violation of this chapter, the Village Board or its designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Property owners may appeal violations to the Village Board within 90 days of being noticed.

§ 195-40. Variances.

Variances or exceptions to these sign regulations may be considered granted by the Board of Appeals under extenuating circumstances.

§ 195-41. Construction and maintenance.

A. Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village.

B. General requirements.

(1) Construction standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code, with fireproof and fire-resistant materials, and the Wisconsin state codes, if more restrictive. All signs shall withstand a wind load pressure of 30 pounds per square foot of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of 30 pounds per square foot per the American Society of Engineering.

~~(2) Roof signs. No sign shall be located so as to project above the parapet line unless approved by the Planning Commission. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind load pressure of 30 pounds per square foot per the American Society of Engineering.~~

~~(2) (3)~~ Illuminated signs. Any illuminated signs shall not interfere with surrounding properties or traffic.

~~(3)~~ (4) Prohibited mounting. No signs shall be painted on, attached to or affixed to any trees, rocks or other similar organic or inorganic natural matter, including utility poles or apparatus.

~~(4)~~ (5) Blanketing. Blanketing of signs shall not be allowed.

~~(5)~~ (6) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted and clean at all times, and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

~~(6)~~ (7) Annexed areas. All signs in newly annexed areas shall comply with this article. Annexed properties containing off premise signs, billboards, displays and devices shall remove said off premise signs, billboards, displays and devices within three years of the adoption of an annexation ordinance by the Village. ~~within five years of annexation.~~

C. Search lights. The Village Board may permit the temporary use of a search light for advertising purposes in any district provided that the search light will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five days in any six-month period.

§ 195-42. Electronic variable message (EVM) ~~unit~~ signs and portable and temporary signs.

A. Electronic variable message (EVM) ~~unit~~ signs.

(1) Conditional Use requirement. With the exception of EVM signs only displaying time and temperature or to display gas prices, all EVM signs shall only be permitted as a conditional use following issuance of a conditional use permit per Section 195-22 of Article IX of the Village Code and subject to the following restrictions of this Section.

(2) Location.

(a) EVM signs displaying only time and temperature or to display gas prices shall be permitted in all business districts; all other forms of EVM signs shall only be located in B-2 business districts, B-1 business districts or in any zoning district when on school, religious or Village owned property. EVM signs on school, religious or Village owned property may only display public and community service information, and civic and charitable events.

(b) EVM signs shall only be located on single-user lots.

(c) A maximum of one EVM sign shall be permitted per zoning lot; the sign shall be placed along the approved corridor frontage only.

(d) EVM signs shall only be located on freestanding signs. EVM signs shall be built and maintained as part of the primary, on-premises sign, and shall be combined with the primary sign when calculating the total square footage of the sign face.

(3) Operation.

(a) Excluding the display of registered trademarks, logos, pictures or other images, all copy, characters and messaging shall be set against a dark background.

(b) The message shall not flash, scroll, scintillate, alternate, fade in or fade out. Illumination representing movement shall be prohibited. Illumination representing animation shall be

prohibited. Illumination representing traveling or segmented message displays shall be prohibited.

- (c) Any message on an EVM sign shall be displayed for a minimum of three (3) seconds.
 - (d) EVM signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination (this capability shall exist independent of scheduled dimming by use of software) such that the light level does not exceed (0.3) foot candles above ambient light, as measured using a foot candle meter at a preset distance depending on sign size. Measuring distance shall be calculated as follows: The square root of the product of the total EVM sign area multiplied by one hundred. (Example using a 12 square foot sign: $\sqrt{12 \times 100} = 34.6$ feet measuring distance).
 - (e) Messaging that violates the definition, and therefore the defined purpose of an EVM sign, shall be prohibited.
 - (f) EVM signs shall be maintained so as to be able to display messages in a complete and legible manner.
- (4) Size. Excluding display of gas prices, the EVM sign portion of a freestanding sign shall not exceed 40% of the total sign area (square footage).
- (5) EVM signs existing as of September 13, 2012. Unless in conflict with the provisions of an approved conditional use permit or sign permit, all EVM signs existing prior to the passing of this ordinance (September 13, 2012), shall be permitted to abide by the following operational restrictions, however once the EVM sign is removed, replaced, relocated or for whatever reason loses its legal nonconforming status, the sign must conform to all provisions of this Article, including Section 195-42A(3):
- (a) No EVM sign shall be permitted to flash or display flashing, rotating or brilliant intermittent messages (to avoid the creation of a flashing image or message, it is recommended that any message on an EVM sign be displayed for a minimum of three (3) seconds).
 - (b) EVM signs designed for the purpose of traveling messages, must ensure that no message travels slower than 16 light columns per second and yet no faster than 32 columns per second.
 - (c) Messaging that violates the definition, and therefore the defined purpose of an EVM sign, shall be prohibited.
 - (d) No EVM sign or message shall create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property (to avoid the creation of a hazard, dangerous distraction or potential nuisance due to the brightness and contrast of the sign, it is recommended that the sign be adjusted so that the brightness and contrast of the sign does not exceed (0.3) foot candles above ambient light).

~~(1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.~~

~~(2) Segmented messages must be displayed for not less than 1/2 second and not more than 10 seconds.~~

~~(3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.~~

B. Portable and temporary signs.

(1) Such signs shall be limited in use to 30 days at a time following approval by the Village, provided, however, that the Village shall not give approval for placement of a portable sign if it presents a vision obstruction, and it shall not be displayed more frequently than one time per year at any one location. No more than one sign per premises shall be permitted. Temporary EVM signs are prohibited.

(2) The maximum size shall be 32 square feet on each face, back to back.

§ 195-43. Nonconforming signs.

A. Signs eligible for characterization as legal nonconforming. Any sign located within the Village of Holmen limits as of the date of adoption of this chapter hereafter which does not conform to the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

(1) The sign was covered by a proper sign permit prior to the date of adoption of this article.

(2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this article.

B. Loss of legal nonconforming status.

(1) A sign loses its nonconforming status if one or more of the following occurs:

(a) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God or structurally altered in any way, except for normal maintenance and repair. The sign may be reconstructed and used as before if it is reconstructed within three months after such calamity, unless the damaged to the sign is 50% or more of its replacement value, in which case the constructed sign shall comply with the provisions of this article.

(b) The sign is removed, replaced or relocated.

(c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.

(d) The sign is declared to be a hazard, is distracting or is a nuisance as determined by the Village when considering the safety, health and general wellbeing of Village residents, such as off-premises signs, billboards, displays and devices, or signs which create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property. When considering the removal or discontinuance of a hazardous, distracting or nuisance sign, billboard, display or device, the Village may choose to pay just compensation as required by Wisconsin State Law.

(2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured therefor or shall be removed.

C. Legal nonconforming sign maintenance and repair. Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

Section 2. Effective Date. This ordinance shall become effective on the date of passage, following publication.

Date approved and adopted: September 13, 2012

VILLAGE OF HOLMEN

Nancy Proctor, Village President

Angela Hornberg, Clerk/Treasurer