

## 1. Ordinance # 12-1, Billboard Control

An Ordinance Regulating Large Outdoor Signs in the Town of York, Green County, Wisconsin.

## 2. Purpose and Applicability.

The citizens of the Town of York, acting through the Town Board and Planning Commission and as manifest in the Township Vision Statement, have indicated their strong desire to maintain the rural character and scenic beauty of the Town. To that end the Town hereby adopts the present ordinance entitled Billboard Control.

It is to be noted that large and tall signs are out of proportion with small rural roads, distract motorists and thereby pose a threat to public safety. The present ordinance is thus also intended to protect public health, safety, and welfare by prohibiting the construction and reconstruction of outdoor signs that are excessively high or excessively large.

This ordinance applies to the entirety of the Town, including along both town and county roads, and is consistent with Sec 60.23 (29), Wisconsin Statutes which sets standards to protect and promote the safety of public travel on town and county roads by minimizing distractions and obstacles to clear views of the road and of directional or warning signs.

## 3. Definitions

### a. Abandoned Sign:

- i. Any Sign that does not display a well maintained message for a consecutive one hundred-twenty (120) day period;
- ii. Any Sign the Owner of which cannot be located at Owner's last address as reflected in relevant public records; or
- iii. Any Sign no longer fully supported by the structure designed to support the sign, for a consecutive one hundred-twenty (120) day period.

b. **Area of a Sign:** The area of one (1) side of a sign is calculated from the smallest rectangle that encompasses all the exposed face that could be filled with a message or graphics.

c. **Banners:** Signs placed without a permanent structure containing a time-bound message and used in aggregate no more than seven (7) days in any calendar year on any private parcel.

d. **Office:** The Town of York, which has responsibility for administering this ordinance.

e. **Double-Faced Sign:** Sign with a message on both sides of a support structure thus counting as two sign faces.

f. **Government Sign:** A Sign authorized by this municipality, another governmental agency, the State or Wisconsin, or the federal government.

g. **Highway:** Any roadway that is accessible to the public and maintained by the town or by the county for purposes of vehicular traffic.

h. **Non-conforming Sign:** A Sign in place before the effective date of this ordinance that does not comply with all of the requirements of this ordinance, but that does comply with the requirements of all other relevant ordinances and laws.

i. **Owner:** A person owning a Sign.

j. **Parcel in Unincorporated Area:** Contiguous real estate, irrespective of public roads, with tax bills sent to a single address.

k. **Permit:** The authorization for a Sign issued by the Office.

l. **Person:** Any individual or entity, including a firm, partnership, association, corporation, Limited Liability Company, trustee, and their legal successors.

m. **Sign:** An object, including a structure, wall, image, or movable device displaying any message visible to the public. Notices legally placed on public property and removed on a daily basis are not considered Signs. Letters individually painted on or attached to a building that merely identify the owner or occupant or name of the establishment are not considered Signs.

n. **Special Event Sign:** A Sign for events such as grand openings, displays, craft shows, benefits, fund-raisers, festivals, and other limited term events and that in aggregate are used no more than fifteen (15) days in any calendar year on any private parcel.

o. **Warning Sign:** A Sign, less than three (3) square feet, that warns the public about trespass to private property, dangerous conditions such as an aggressive dog, or unusual hazards such as drop-offs, high voltage, fire dangers and explosives.

p. **Conglomerate Residential or Commercial Signage:** A single sign or adjoining signs used to collectively identify; give single common name to; and / or connote as in any way separate or distinct from the township, a grouping of affiliated or non-affiliated residential or business structures.

#### **4. Prohibited Signs.**

No new outdoor Sign may be constructed in the Town of York that has any of the following characteristics:

- a. An area of more than twenty four (24) square feet.
- b. A combined area of all Sign faces on any one parcel of more than fifty (50) square feet.
- c. A height of any part of the Sign that is more than eight (8) feet above the uniform finished grade.
- d. Conglomerate Residential or Commercial signage.

#### **5. Exemptions to the Ordinance.**

The following signs are exempt from the provisions of this Ordinance:

- a. Governmental Signs and Flags
- b. Banners
- c. Warning Signs
- d. Special Event Signs

#### **6. Non-Conforming Signs.**

**a. Intent.** This ordinance is intended to encourage the eventual elimination of Signs which do not comply with the Ordinance. The elimination of Non-conforming Signs is important to the purpose stated in Section 2.

However, it is also the intent of the Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of Non-conforming Signs.

**b. Compliance.** A Sign not complying with this Ordinance, but in place on the effective date of this Ordinance, shall be brought into compliance with the Ordinance, if it is practical to do so, as determined by the Owner of the Sign.

**c. Continuance.** A Non-conforming Sign may be continued if it is maintained in good condition. It shall not, however, be replaced by another Non-conforming Sign. It may not be structurally altered so as to prolong the life of the Sign. It may not normally be reestablished after damage or destruction, but it may be replaced if intentionally damaged or destroyed by Person(s) who do not act upon instruction of the Owner(s) of the Sign.

**d. Nuisance.** An unsafe or Abandoned Sign may be declared by the Town Board to be a nuisance and shall be removed within sixty (60) days of delivery of notice by the Office. Thereafter, the offending Sign may be removed by the Office at the owner's expense.

## 7. Variances

Appeals to the determination of the Office may be made in writing directly to the Town Board which shall conduct a noticed public hearing and decide the request within sixty (60) days.

Variances may be granted if the following criteria are fulfilled:

- a. That the circumstances are not of the applicant's making;
- b. That the applicant's request mitigates unusual site conditions;
- c. That the applicant's request would not create a detriment to the neighborhood or reduce property value;
- d. That the applicant's request is consistent with the spirit and intent of this ordinance;
- e. That without a variance, the applicant would experience a hardship and cannot make any reasonable use of the property;
- f. That the variance is fully consistent with the Vision Statement adopted and in effect for the Town.

## 8. Administration.

**a. Administration.** The Office shall administer and enforce the terms and conditions of this Ordinance.

**b. Enforcement.** The Office shall issue Permits as required by this Ordinance. The Office shall also ensure that Signs comply with this Ordinance and any other applicable law. The Office shall also enforce the requirement that all Sign Owners properly comply with this Ordinance by procuring a Permit. The Office shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this Ordinance and other applicable laws.

**c. Office Powers.** The Office shall have the power and authority to administer and enforce this Ordinance. Included among such powers are the following specific powers:

- i. Upon presentation of proper identification to the Owner or Owner's agent, the Office may enter the Sign area for purposes of inspecting the Sign's area and height. In cases of emergency, where imminent hazards to persons or property are known to exist, and where the Owner, or Owner's agent, is not readily available, the Office may enter the Sign area for purposes of inspection or remediation. When on private property, the

Office shall observe rules and regulations concerning safety, internal security, and fire protection. If the Office is denied admission to inspect any Sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction. When applying for such warrant, the Office shall submit an affidavit setting forth a belief that a violation of this Ordinance exists with respect to a particular Sign, and the reasons for forming this belief. The affidavit shall designate the place and name of the Person believed to own or possess the Sign. If the court finds probable cause exists for the search of the Sign, and supporting structures, then a warrant authorizing the search shall be issued. The warrant shall describe the property with sufficient certainty to identify the same. This warrant shall constitute authority for the Office to enter the Sign area and to inspect the property.

ii. Upon issuance of a Stop Order from the Office, work on any Sign that is being conducted in any manner contrary to this Ordinance shall be immediately stopped. This notice and order shall be in writing and shall be given to the Owner of the Parcel, the Owner, or to the person performing the work. The Stop Order shall state the conditions under which work may be resumed. The police department of the Town or the County Sheriff shall have authority to enforce a Stop Order.

iii. The Office has the authority to revoke any Permit authorized by this Ordinance if the Sign violates this Ordinance or another law, provided that the Office shall offer the Owner an opportunity to be heard. The Person whose Permit is under consideration shall be given at least ten (10) days written notice of the time, place, and reason for the hearing. The Owner and/or Person identified in the Permit shall be permitted to present relevant facts and legal argument concerning the pending revocation. Following this hearing, the Office shall consider the merits of the case and shall present a written decision. If the Office determines that a violation has occurred, the Owner shall have thirty (30) days to remove the sign. If, however, the Office believes violation of the Ordinance is causing imminent danger, the Office may immediately revoke any sign Permit and order immediate removal.

iv. A Sign installed after the effective date of this Ordinance, and not conforming to this Ordinance, shall be removed by the Owner. The Owner shall not be entitled to compensation for the Sign removal and shall reimburse the Office for any cost incurred in connection with the removal.

v. Any Person violating any provision of this Ordinance shall upon adjudication forfeit not less than \$50 and not more than \$500 for each violation. Each day, subsequent to the thirty (30) day removal timetable, on which a violation continues to occur shall constitute a separate offense. In addition, the municipal attorney is authorized to take all action, legal, injunctive and equitable, to assure compliance with this Ordinance.

## **9. Severability and Conflict**

a. **Severability.** This Ordinance, and its parts, are declared to be severable. If any section, clause, provision, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the Ordinance as a whole. All parts of the Ordinance not declared invalid or unconstitutional shall remain in full force and effect.

b. **Conflict.** If any part of this Ordinance is found to be in conflict with any other Ordinance or with any other part of this Ordinance, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state statute that part shall not be enforced.

**10. Effective Date**

This Ordinance shall become effective the day after posting and/or publishing.

Signed this \_\_13th\_\_ day of March, 2011.

Town of York Board of Supervisors

Dan Reeson, Chairman\_\_\_\_\_ (signed)\_\_\_\_\_

Dan Truttman, 1<sup>st</sup> Supervisor\_\_\_\_\_ (signed)\_\_\_\_\_

Steve Hermanson, 2<sup>nd</sup> Supervisor\_\_\_\_\_ (signed)\_\_\_\_\_

Nancy Anderson, Clerk (Attest)\_\_\_\_\_ (signed)\_\_\_\_\_