

CHAPTER 15
Property Maintenance Code

ITEM 3

15.01 Title, Purpose, Scope and Applicability.

- (1) Title. This chapter shall be known and cited as the "Property Maintenance Code" of the City of Wisconsin Dells.
- (2) Purpose.
 - (a) The purpose of this chapter is to prevent the deterioration of buildings and structures in the City. This chapter recognizes that such deterioration develops because of faulty design and/or construction, poor maintenance, lack of proper sanitary facilities, inadequate lighting and ventilation, inadequate heating facilities, or a combination of these factors.
 - (b) Dilapidated and neglected building and properties jeopardize and are detrimental to the health, safety, morals, general welfare or the economic values of adjoining properties.
 - (c) The adoption and enforcement of this Chapter is declared to be essential to the public interest. It shall be liberally construed to maintain a safe and healthful environment and to ensure the maintenance of property values within the City and to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises.
- (3) Scope and Applicability.
 - (a) General. The provisions of this code apply to all residential and nonresidential, and commercial buildings and properties and establish:
 - (1) Minimum requirements and standards for premises, structures, equipment and facilities;
 - (2) Responsibilities of owners, operators and occupants; and
 - (3) Administration, enforcement and penalties.
 - (b) Most Restrictive Shall Govern. Where, in a specific case, different restrictions of this code specify different requirements, the most restrictive shall govern.

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- (c) Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building; and mechanical code of the City. Nothing in this code shall be construed to cancel, modify or supersede any provision of the zoning code.
- (d) Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the city or its officers or agencies related to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

15.02 Definitions.

The following definitions apply in the interpretation and enforcement of this chapter.

- (1) Approved. Approved by or in accordance with regulations established by City ordinance or code and authority designated by law to enforce such ordinance or code.
- (2) Basement. That portion of a dwelling, not deemed as “first story,” located partly underground, but having less than ½ of its clear floor-to-ceiling height below average finished grade of the adjoining ground.
- (3) Bath. Bathtub or shower stall properly connected with both hot and cold water lines.
- (4) Bathroom. A non-habitable room within a dwelling unit which is used, or intended to be used primarily for bathing and/or toilet purposes and which contains a toilet, lavatory and, in some cases, bathtub or shower facilities.
- (5) Bedroom. Any room or space used or intended to be used for sleeping purposes in a dwelling unit.
- (6) Cellar. That portion of a dwelling not deemed as “first story,” located all or partly underground, but having more than ½ of its clear floor-to-ceiling height below average grade of the adjoining ground.
- (7) City. The City of Wisconsin Dells, Wisconsin.
- (8) Dwelling. One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

- (9) Extermination. The control and elimination of insects, rodents or other pests by elimination of their shelter places by removing or making inaccessible material that may serve as their food by poisoning, spraying, trapping or by any other recognized and legal elimination methods.
- (10) Garbage. The animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (11) Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyer, communicating corridors, closets and storage spaces.
- (12) Infestation. The presence of insects, rodents or other pests within a dwelling or on a building or premises.
- (13) Kitchen. An area used or designed to be used for the preparation of food.
- (14) Occupant. Any person living, sleeping or eating in or having actual possession or use of a building or premises.
- (15) Openable Area. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (16) Operator. Any person who has charge, care or control of a building or premises or part thereof which is let or offered for occupancy.
- (17) Owner. Any person who alone, jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof; who has charge, care or control of any building or premises as agent or owner or as executor, administrator, trustee or guardian of the estate of the owner, including the legally recorded holder of a land contract vendee interest.
- (18) Person. Any individual, firm, corporation, partnership or association.
- (19) Plumbing. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- (20) Premises. A parcel of land including its buildings.

- (21) Property. Buildings, dwellings, structures or improvements, land, vacant or improved.
- (22) Rubbish. Discarded household furnishings and household wastes, except garbage, including lawn rakings, tin cans, glass, metal, crockery and similar household wastes, papers, rags and other combustible refuse. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- (23) Supplied. Paid for, furnished or provided by or under the control of the owner or operator.
- (24) Temporary Housing. Any tent, trailer or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.
- (25) Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

15.03 Inspections.

- (1) Duly designated city inspectors are authorized and directed to make inspections upon request, complaint, cause or when deemed necessary to determine the conditions of buildings or premises located within the City.
- (2) The owner, operator or occupant of every building or premises shall, upon the request of a lawful inspector and upon the showing of proper credentials, shall permit access to all parts of such building on premises at all reasonable times for the purpose of the inspection, examination and survey hereby authorized.
- (3) Every occupant of a building or premises shall give the owner, operator or employee thereof access at all reasonable times for the purpose of making such repairs as are necessary to effect compliance with the provisions of this section.

15.04 General Requirements.

- (1) Responsibility. The owner of a premises shall maintain the structures and premises and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and

which do not comply with the requirements of this chapter. Occupants of a dwelling or rooming unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

- (2) **Equipment Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied building, except for such temporary interruption as necessary while repairs or alterations are in progress.

15.05 Exterior Property Areas.

- (1) **Sanitation.** All exterior property areas shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- (2) **Disposal of Rubbish and Garbage.** Every premises shall have adequate receptacles or disposal equipment for garbage and for rubbish to hold all garbage and rubbish produced by each premises. Such receptacles shall comply with requirements and standards set by the City and shall include leakproof containers with close-fitting covers. Every occupant of a premises shall place all rubbish accumulating between times of collection or other satisfactory disposal in proper receptacles. Every occupant of a premises who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner shall prepare all garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all units of a premises.
- (3) **Grading and Drainage.** No premises shall be graded or maintained so that stagnant water will accumulate or stand on the premises or adjacent premises or within any building or structure. No premises shall be graded or maintained so that surface runoff causes damage to any person or property. Yards shall be landscaped so that the visual character of the neighborhood is preserved.
- (4) **Accessory Structures.** All accessory structures shall be maintained in structurally sound condition and good repair.
- (5) **Defacement of Property.** No person shall intentionally damage, mutilate or deface any part of buildings, supplied fixtures, equipment and furnishings or any other property of another.

- (6) Retaining Walls. All retaining walls shall be structurally sound and shall be constructed and maintained in a reasonably good state of repair and in such a manner as not to allow or cause repeated flow of mud, gravel or debris upon any public sidewalks, street or alley.
- (7) Vehicles. Motor vehicles, personal, recreational and commercial, including trailers, boats, campers and motor homes shall not be parked or stored on unpaved public right of way areas.
- (8) Hazardous/Unsafe Items. Unsafe or hazardous items of personal property such as refrigerators, stoves, washers, dryers, televisions, electric and computer equipment and fixtures shall not be left unattended or discarded.

15.06 Lawn Areas.

- (1) General. Lawns shall not be allowed to deteriorate to such a condition as to be a serious blighting influence on surrounding areas or adjoining premises. Lawns shall be kept free of unsightly debris, the accumulation of which has an adverse effect on the neighborhood or City property values, health, safety or general welfare.
- (2) Responsibility for Tree Bank. The owner, occupant or operator shall be responsible for maintaining the area between the curb and sidewalk
- (3) Height Restriction. Grass or weeds shall not exceed the height of 8" on any lawn area.
- (4) Natural Lawns.
 - (a) A natural lawn is any land managed to preserve or restore native Wisconsin grasses and forbes, native trees, shrubs, wild flowers and aquatic plants.
 - (b) Any owner or operator of a lot or parcel maintaining or desiring to maintain a natural lawn may register with the Building Inspector for a natural lawn if grasses exceed 8" in height.
- (5) Exceptions. The height requirements of sub. (3) shall not apply to the following:
 - (a) Where no lawns exist.
 - (b) Territory annexed or attached to the City which consists of unimproved real estate and which is not subject to development plans, site plans or building permits of the City.

- (c) Where the height requirements set forth herein conflicts with other provisions of the Municipal Code.

15.07 (Reserved).

15.08 Exterior Structure.

- (1) **General.** The exterior of a structure shall be maintained in a reasonably good state of repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare; or create or contribute to neighborhood blight.
- (2) **Protective Treatment.** All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in a reasonably good state of repair and in a clean and sanitary condition. Peeling, chipping, flaking or abraded paint caused by water damage shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Exterior wood surfaces, other than decay-resistant woods, shall be reasonably protected from the elements and against decay by paint or other protective covering or treatment to prevent deterioration of the structure and a detriment to the visual character of the area. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (3) **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
- (4) **Structural Components.** All structural components shall be maintained free from deterioration and shall be capable of supporting the imposed dead and live loads.
- (5) **Foundation Walls.** All foundation walls shall be maintained free from open cracks and breaks which jeopardize the health, welfare and safety of the building's occupants, and shall be kept in such condition so as to prevent the entry of rodents and other pests.

- (6) **Roofs and Drainage.** The roof and flashing of buildings shall be sound, tight and free from defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that causes damage to adjoining properties.
- (7) **Decorative Features and Overhangs.** All decorative features, including, but not limited to, cornices, belt courses, corbels, terra cotta trim, and wall facings, and all overhangs, including, but not limited to, fire escapes, standpipes and exhaust ducts, shall be maintained with proper fastening and in safe condition.
- (8) **Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all attached appurtenances, including handrails and guards, shall be maintained structurally sound, in good repair, with proper fastening and capable of supporting the imposed loads.
- (9) **Window, Skylight and Door Frames.**
 - (a) Every window, skylight, door and frame shall be kept in reasonably good state of repair and weather tight. All glazing materials shall be maintained so as to prevent the window pane from coming loose from its frame.
 - (b) **Window area:** the minimum total window area in every sleeping room shall be 8% of the floor area of such room, but not less than twelve (12) square feet.
 - (c) **Boarded Windows Prohibited:** Every window opening shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes. Subject to lawful orders of appropriate City or state officials, no windows may be boarded up for more than two (2) months.
- (10) **Insect screens.** Where evidence of flies or other pests exists on the premises, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with tightly fitting screens of not less than 16 mesh per inch (16 mesh per 26 mm).
- (11) **Doors.** All exterior doors, door assemblies and hardware shall be maintained in a reasonably required good state of repair and in working condition. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

15.09 Interior Structure.

- (1) General responsibilities of owners and occupants. The interior of a building and equipment and fixtures shall be maintained in reasonably good state of repair, structurally sound and in sanitary condition. When in this Code the obligation for compliance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:
 - (a) Sanitary Responsibilities of Owner. Every owner of a building shall be responsible for maintaining in safe, clean and sanitary condition all communal, shared, or public areas of the dwelling or other premises thereof which are shared or used by the occupants of two (2) or more dwelling or rental units in nonresidential structures.
 - (b) Sanitary Responsibilities of Occupant. Every occupant of a building shall maintain in a clean and sanitary condition that part of the building and yard which the occupant occupies and controls.
 - (c) Use and Operation of Plumbing Facilities. Every occupant shall keep all plumbing fixtures in a clean and sanitary condition and shall be responsible for the proper use and care.
 - (d) Use and Operation of Mechanical Systems. Every occupant shall be responsible for care in the proper use and operation of mechanical equipment.
- (2) Structural components. All structural components shall be maintained free from deterioration and shall be capable of supporting the imposed dead and live loads.
- (3) Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in reasonably good state of repair and in sanitary condition. Peeling, chipping, flaking or abraded paint caused by water damage shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions, including, but not limited to, missing or damaged drywall that are caused by structural settling shall be corrected.
- (4) Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface in the exterior of a building shall be maintained in sound condition and in reasonably good state of repair.

- (5) Handrails and guards. Every handrail and guard in the exterior of a building shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in reasonably good state of repair.
- (6) Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
- (7) Mold Growth. Interior surfaces shall be kept free from mold growth and other human health hazards.

15.10 Extermination.

- (1) Infestation. All premises and structures shall be kept free from insect and rodent infestation. All premises and structures in which an insect or rodent infestation is found shall be promptly exterminated by approved processes that will not be injurious to human health.
- (2) Extermination of pests; owners' responsibilities. Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation occurs in more than one dwelling unit or rental unit in nonresidential structures or in the shared or public parts of a dwelling of two (2) or more units, or a building containing two (2) or more rental units in nonresidential structures.
- (3) Extermination of pests; occupants' responsibilities. Every occupant of a dwelling unit or rental unit in nonresidential structures where the building contains more than one (1) such unit shall be responsible for the extermination of any insects, rodents or other pests therein, whenever said occupant's unit is the only one infected; provided, when infestation is caused by failure of the owner to maintain the unit free from insect or rodent infestation, extermination shall be the responsibility of the owner. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

15.11 Light Standards.

- (1) Common areas. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each two-hundred (200) square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than thirty (30) feet. In nonresidential occupancies, means of egress, including stairways and exterior means of egress, shall be illuminated at all times with a minimum of one (1) footcandle (11 lux) at floors, landings and treads.

- (2) Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

15.12 Ventilation Standards.

- (1) Habitable spaces. Every habitable room shall have at least one window or skylight facing directly to the outdoors. ~~No skylight shall be installed in lieu of a window where a skylight has not previously existed.~~ Every window other than a fixed window shall be easily openable and capable of being held in an open position.
- (2) Bathroom. Every bathroom and toilet compartment shall have at least one openable window facing the outside, except where a mechanical ventilation system is supplied which discharges exhaust air to the exterior.
- (3) Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions and the requirements of the applicable mechanical code.

15.13 Standards for equipment and facilities.

- (1) Sinks. Every dwelling unit shall contain a sink which shall be located in the room where food is cooked or prepared.
- (2) Toilets and sinks. Every dwelling unit shall contain a bath, flush toilet and a sink, irrespective of the sink required as a kitchen facility.
- (3) Privacy. The room, in which the toilet, lavatory and bathtub or shower required under this section are installed, shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.
- (4) Multiple use. Occupants of two (2) or more dwelling units may not share a toilet or lavatory with the exception of hotels or rooming houses.
- (5) Water supply. Every kitchen sink, lavatory basin, bathtub and shower required by this Chapter shall be properly connected

with both hot and cold water lines supplying water of safe, sanitary quality.

- (6) Water heating facilities. Every dwelling shall have supplied automatic or manually operated water heating facilities which are properly installed, are maintained in safe and good working condition and in reasonably good state of repair, are properly connected with hot water lines, are capable of heating water to a temperature of at least 120 degrees Fahrenheit and to permit an adequate amount of hot water to be drawn at every required sink, lavatory basin, bathtub or shower.
- (7) Exits. Each exit from a dwelling unit shall be kept in reasonably good state of repair. Required exits shall, in addition, comply with all provisions of the appropriate codes of the State of Wisconsin.
- (8) Stairways. All stairways in dwellings shall have at least one firmly constructed handrail at not less than two (2) feet six (6) inches vertically above the nose of the thread.
- (9) Plumbing systems and fixtures.
 - (a) All plumbing shall be properly installed and maintained in clean and sanitary working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed.
 - (b) Where plumbing systems or fixtures in a structure constitute a hazard to the occupants or the structure because of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage, the building inspector shall require the defects to be corrected to eliminate the hazard.
- (10) Electrical and Mechanical systems and equipment.
 - (a) Appliances and systems. All electrical and mechanical systems and appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

- (b) Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.
- (c) Clearances. All clearances to combustible materials required under the Building or Fire Codes shall be maintained.
- (d) Safety controls. All safety controls on mechanical appliances, including but not limited to auto shutoff devices and pressure relief valves, shall be
- (e) Combustion air. A supply of air for complete combustion of the fuel and for ventilation of any space containing fuel-burning equipment shall be provided for the fuel-burning equipment located therein.

15.14 Dwellings and Dwelling Units which may be occupied.

- (1) No building in the City may be occupied if the building has been inspected by the Building Inspector or Fire Inspector and it is determined that the building does not conform to the requirements of this chapter.
- (2) No person shall deface or remove a placard from any premises which has been determined unfit for human habitation and placarded.
- (3) Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of Wis. Stat. §66.0413. The Building Inspector shall carry out the provisions thereof.
- (4) (a) If the Building Inspector determines that a building is in such condition that it constitutes a public nuisance and that there is great and immediate danger to public health, safety and welfare, or that a building or part thereof is unsanitary and unfit for human habitation, occupancy or use, the inspector shall post a notice on the premises containing the following words:

“THIS BUILDING CANNOT BE USED FOR HUMAN HABITATION,
OCCUPANCY OR USE,”
- (b) The use of the building for human habitation, occupancy or use shall be prohibited immediately until the necessary repairs have been made.

15.15 Vacant Building Ownership Registration.

(1) Purpose and Scope. The registration of residential buildings or any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the enforcement of the city's codes and to safeguard persons, property and general welfare. Residential condominium and rental units are excluded from this section provided the vacancy rate of the building they are situated in does not exceed 95%.

(2) Definitions. In this section:

- (a) Owner. The person on whom is vested all or part of the legal title to the property of all or part of the beneficial ownership and right to present use and enjoyment of the premises.
- (b) Secured. A building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its doors and window components, including frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes intact and unbroken.
- (c) Vacant. A building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95% vacant.
- (d) Violation. An order has been issued by the department and the conditions forming the basis for the order have not been fully abated.
- (e) Unsecured. Any building that does not meet the definition of secured.

(3) Registration Required.

- (a) The owner of any building that is vacant, or has become vacant while owned by that person or entity, shall within 30 days after the building becomes vacant or within 30 days after assuming ownership, whichever is later, file a registration statement and pay a registration fee for each such building.

- (b) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner or owners in connection with the enforcement of this section. This person shall reside within Adams, Columbia, Sauk or Juneau's "four county" area.
 - (c) The owner shall be required to renew the registration for successive 6-month periods as long as the building remains vacant and shall pay a registration renewal fee for each registered building, or a late registration renew fee for each registered building if required registration fee is paid untimely.
- (4) Exemptions. The following are exempt from the provisions of this section.:
- (a) Property owned by governmental bodies.
 - (b) Property that is vacant as a result of a natural disaster.
 - (c) Property that is undergoing an active renovation or rehabilitation.
 - (d) A single family home or owner-occupied 2-family dwelling residential property that has been used as a residence by the owner for a period of at least 3 months within the previous 9 months and the owner intends to resume residing at the property.
 - (e) Residential Condominium and rental units in buildings whose vacancy rate does not exceed 95%.
 - (f) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative resides in the four county area.
- (5) Owner Responsibilities. The owner of any building that has become vacant shall:
- (a) Enclose and secure the building as provided in the city's property maintenance code.
 - (b) Maintain the building in a secure and closed condition until the building is again occupied or demolished.

- (c) Acquire or otherwise maintain liability insurance in an amount not less than \$300,000.00 for building designed primarily for residential and use and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of the city.

- (6) Inspections. After filing a registration statement, the building owner shall provide access to the city, upon reasonable notice, to conduct exterior and interior inspections of the building to determine compliance with this section. In addition to any other applicable requirements, vacant buildings shall comply with all other requirements.

- (7) Rules and Regulations. The Building Inspector may issue rules for the administration of this section. These rules may specify additional board-up materials, which may be used to secure a building.

- (8) Penalty.
 - (a) Failure to Register. Any property owner or entity functioning as a trustee of an owner, that fails to register a vacant building as required under sub. (3) shall, be subject to the penalty provisions of City Code Sec. 30.04.

 - (b) Failure to Secure and Maintain. Any property owner or entity functioning as a trustee of an owner that has a duty to register a vacant building that fails its duty to secure and maintain the property as required under subs. (5) through (8) shall, upon conviction, forfeit not less than \$250.00 nor more than \$1,500.00, together with the cost of the action, and in default of the payment of such forfeiture and costs, shall be imprisoned in the county jail until the payment of such forfeiture and costs of prosecution, but not exceeding 90 days for each violation.

 - (c) In addition to any other penalty imposed under this section, failure to pay any fees for registration, renewal, or failure to allow inspection shall be assessed against the real estate as a special charge.

 - (d) The registration shall be filed with the City Building Inspector on forms provided by the Building Inspector.

- (9) Fees. Fees related to the administration and enforcement of this section shall be established by a city resolution.

15.16 Enforcement.

- (1) Order to Correct.
 - (a) Whenever the City, its agents or employees, shall, upon inspection of any premises, find the conditions of the premises are in violation of this, Code, an Order shall be issued to the owner and/or occupant of the premises to correct the conditions.
 - (b) The order shall identify the conditions to be corrected and specify a time within which the owner and/or occupant shall comply.
 - (c) The order shall be served upon the owner and/or occupant by delivering a copy to the owner/occupant personally or by delivering the same to and leaving it with an adult, competent person in charge of the premises, or in case no such person is found upon the premises by fixing a copy in a conspicuous place near the entrance to the premises; or by regular U.S. Mail.
- (2) Citation. Any person, firm, corporation or organization who violates any provision of this chapter or who fails to timely correct a condition shall be subject to penalties as provided at City Code Sec. 30.04. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the City from commencing an action to prevent, remove or abate a violation of this section including an action pursuant to Wis. Stat. Chap. 823.
- (3) Abatement.
 - (a) The building official may determine that the public interest requires correction or abatement of the condition and, upon failure to comply with the order to correct, the building official may cause the cleaning, repair, improvement, abatement or removal of the offending condition.
 - (b) Such cleaning, repair, improvement or removal shall be deemed a special benefit to the premises and the cost shall be charged against the owner or owners of the property. If the cost is not paid within thirty (30) days, it shall be levied as a special charge against the premises.
 - (c) Except in the event of imminent danger or harm, notice of abatement shall be given and the owner or occupant may appeal the abatement to the Board of Appeals within three (3) days after service of the order.

- (4) A written order to correct a property maintenance code violation shall remain in effect for twenty-four (24) months from the date it is issued.

January 6, 2016

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CHAPTER 14
Building and Mechanical Code

14.01 General Provisions.

- (1) Title. This chapter shall be known as the “Building Code of the City of Wisconsin Dells” and is referred to in this Chapter as “this Code,” “this Chapter or “this Ordinance”.
- (2) Authority. This chapter is adopted under the authority granted, without limitation, by Wis. Stat. Secs. 62.17, 66.0103, 66.0413, 66.0435, 66.1019, 101.12, 101.65, 101.76 and 101.86, as may be amended from time to time.
- (3) Purpose. This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished; and, regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using the buildings and the general public.
- (4) Scope. This chapter applied to the construction, addition, enlargement, alteration, modification, improvement, conversion, repair, demolition, relocation, or change of use of new or existing residential, commercial, agricultural, recreational or related accessory buildings and structures with the City of Wisconsin Dells (the “City”). In addition, this chapter applies to any structural changes; changes to mechanical systems, including plumbing, electrical and heating, air conditioning and ventilation; and, restoration or repair of an installation to its previous code-compliant condition, as determined by the City.
- (5) New Buildings. The construction requirements of this Chapter shall apply to one and two-family dwellings, to their accessory structures, and to parts thereof, which are hereafter erected. This Chapter shall also apply to public buildings and places of employment pursuant to Wis. Admin. Code sec. 361.02.
- (6) Existing Buildings. This Chapter shall also apply to buildings and conditions described in this Section:
 - (a) An existing building to be occupied as a one or two-family dwelling, which building was nor previously so occupied.
 - (b) An existing structure that is altered or repaired, when the cost of such

- alterations or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure. The value to be determined by the building inspector, in consultation with the city assessor.
- (c) Additions and alterations, regardless of cost, made to an existing building, when deemed necessary in the opinion of the building inspector, shall comply with the requirements of this Code for new buildings.
 - (d) Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable sections of this Chapter.
 - (e) Any addition or alteration, regardless of cost, made to a building, shall be made in conformity with applicable sections of this Chapter.
- (7) Exclusions of Manufactured Homes. This Chapter shall not apply to manufactured homes [defined as a structure, transportable in one or more sections, which, in traveling mode, is eight (8) body feet more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein] manufactured in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq) as approved and administered by the United States Department of Housing and Urban Development (HUD).

14.02 State Codes Adopted.

The following provisions of the Wisconsin Administrative Code, as amended, are adopted and incorporated by reference:

- (1) Flammable, Combustible and Hazardous Liquids, Ch. SPS 310
- (2) Electrical Code, Ch. SPS 316.
- (3) Uniform Dwelling Code, Chs. SPS 320-325.
- (4) Smoke Detectors and Carbon Monoxide Detectors, Ch. SPS 328.
- (5) Heating, Ventilating and Air Conditioning Code, Ch. SPS 364.
- (6) Existing Building Code, Ch. SPS 366.
- (7) Commercial Building Code, Chs. SPS 361-366.

- (8) Historic Buildings, Chs. SPS 375-379.
- ~~(9) Existing Buildings, Chs. SPS 366.~~
- (10) Plumbing Code, Chs. SPS 381-387.

14.03 Administration.

- (1) This Code and other relevant state and local laws rules and regulations, shall be administered and enforced by the City building inspector or persons appointed or designated.
- (2) The building inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work, or any other permits which may be required. No person shall interfere with or refuse to permit access to any such premises.
- (3) The building inspector shall perform all administrative tasks required by City or state laws, rules and regulations regarding public health, safety and welfare pertaining to this chapter, including but not limited to the following:
 - (a) Administer and enforce the provisions of this chapter.
 - (b) Maintain records of all permits issued, inspections made, work approved and other official actions taken.
 - (c) Investigate all complaints made and violations found relating to the location, removal, construction or reconstruction of all structures or portions thereof.
 - (d) Assist the City Attorney in the prosecution of violations of this chapter.
 - (e) Permitted access to the properties and structures during reasonable business hours to make those inspections as deemed necessary to ensure compliance with this chapter; and, if necessary, procure a special inspection warrant.
 - (f) Prohibit the construction of any structures or modifications to any structures until the proper permits have been first applied for and issued by the City.
- (4) Under the direction of the building inspector, the City shall employ or contract with State certified inspectors for the inspection and implementation of this chapter. Nothing in this chapter, however, shall preclude the City from hiring or training persons to become fully certified for the building inspector positions. Inspectors shall have the authority to complete inspections for the following areas in which they are certified:
 - (a) Single family and two family residential inspectors shall be certified as:

1. Certified Uniform Dwelling Code - construction inspector.
2. Certified Uniform Dwelling Code - electrical inspector.
3. Certified Uniform Dwelling Code - HVAC inspector.
4. Certified Uniform Dwelling Code - plumbing inspector.

(b) Commercial inspectors shall be certified as:

1. Commercial building inspector, which includes commercial HVAC.
2. Commercial electrical inspector.
3. Certified Plumbing Inspector.

14.04 Permits.

- (1) General Requirement. No person shall perform or authorize the performance of building, heating, ventilating, air conditioning, plumbing, electrical or fire protection, whether initial or new construction or remodeling, alteration, additions or replacement, unless the required permit or license is issued by the building inspector.
- (2) Application. Application for a permit shall be made in writing upon a form furnished by the building inspector and shall state the name and address of the owner of the land, and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the contractor, the use to which said building is to be put, and such other information as the building inspector may require.
- (3) Plans. With the application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building with respect to the adjoining roads, highways, streets, alleys, lot lines and buildings, and public and private utilities. Plans for buildings involving the state building code shall bear the stamp of approval of the Department of Safety and Professional Services. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer.
- (4) Approval of plans. If the building inspector determines that a building will comply in every respect with all the ordinances of the City and applicable laws and administrative rules, a building permit shall be issued which shall state the use to which said building is to be put. After being approved, the plans and specifications shall not be altered in any respect that involves any of the above-mentioned ordinances, laws or administrative rules, or which involves the safety of the building or occupants, except with the written consent of the building inspector. If adequate plans are presented for part of the building only, the building inspector may issue a

permit for that part of the building before receiving the plans and specifications for the entire building.

- (5) Grades. No work shall commenced until the proper grades have been reviewed by the city engineer, including the grade for sidewalks, streets, sewer and general construction.
- (6) Posting of Permit. The permit shall be posted on the building site in plain view.
- (7) Fees.
 - (1) Fees for permits and inspections shall be established and made part of the city fee schedule.
 - (2) All permit fees shall be doubled if work commences before the required permits are obtained, and the proper fees are paid. The fees shall be doubled for each violation and every day a violation occurs or continues shall constitute a separate offense.
- (8) Waiver of Plans-Minor Repairs.
 - (1) Plan Waiver. If the building inspector finds that the character of the work is sufficiently described in the application, the filing of plans for alterations, repairs or moving, may be waived.
 - (2) Minor Repairs. The building inspector may authorize minor repairs or maintenance work on any structure or to electrical, heating, ventilating or air conditioning systems installed therein, valued at less than one thousand dollars (\$1,000.00) which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (9) Lapsing Permit. A building permit shall lapse and be void unless building operations are commenced within 6 months, or no significant progress has been made within one year, from the date of issuance thereof.
- (10) Stop Order. If the building inspector shall find at any time that applicable ordinances, laws, orders, administrative rules, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or instruction has been issued to him, the building inspector she revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work

thereunder until the permit is reissued, except such work as a building inspector may order to be done as a condition precedent to the re-issuance of the permit as may be required for the safety, welfare protecting public???

- (11) Report of Violations. The police or other City officers shall report at once to the building inspector any building which is being carried on without a permit required by this chapter.

14.05 Alterations and Repairs.

The following provisions shall apply to buildings altered or repaired:

- (1) Alterations. Existing construction shall be made to conform to the minimum requirements of this chapter applicable to such occupancy and use, and given type of construction, when alterations are made to an existing building or structure, accommodating a legal occupancy and use but of substandard construction, which involves any or all of the following: beams, girders, columns, bearing, or other walls, room, heating and air conditioning systems, arrangement, light and ventilation, or changes in locations of exit stairways or exits.
- (2) Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
- (3) Alterations when not permitted. Alterations or moving a building or structure shall not be permitted when an existing building or structure does not conform to the regulations of this chapter, has deteriorated from any cause whatsoever to an extent greater than 50% of the equalized value of the building or structure. Such a building or structure shall be considered a hazard to public safety and welfare and shall be ordered vacated thereafter may be ordered razed or removed.
- (4) Alterations and repairs required. When any of the structural components of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of the building or structure shall cause such structural components to be restored to their required strength; failing in which the building or structure shall be considered a hazard to public safety and shall be vacated and thereafter no further occupancy or use shall be permitted until the regulations of this chapter are satisfied.

14.06 Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the building inspector.

14.07 Inspection and Occupancy Permit.

- (1) The owner or agent shall notify the building inspector when ready and the building inspector shall inspect all buildings upon the completion of the foundation forms, or before the foundation is laid, and again when ready for lath and plaster, or before paneling is applied. After completion, the building inspector shall make a final inspection of all new buildings, alterations, and existing buildings put to new uses. If the building inspector finds that the work conforms to the provisions of this code, a certificate of occupancy shall be issued which shall contain the date and result of such inspection, a duplicate of which shall be filed in the office of the building inspector.
- (2) If the building inspector determines that a building has been constructed in accordance with all applicable codes, the inspector shall issue an occupancy permit. If the building fails to comply with any applicable code in a minor respect which does not threaten the safety, health or welfare of the building's occupants, the building inspector may issue a temporary occupancy permit for thirty (30) days or other specified term. No person may have occupancy of a building until an occupancy permit is issued.

14.08 New Methods and Materials.

All materials, methods of construction and devices designed for use in buildings or structures covered by this code and not specifically mentioned in or permitted by this code shall not be used until approved in writing by the state Department of Safety and Professional Services. Such materials, methods of construction and devices when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions or use established by the state Department of Safety and Professional Services. The date, tests and other evidence necessary to prove the merits of such materials, method of construction or device shall be determined by the State Department of Safety and Professional Services.

14.09 Disclaimer on Inspections.

The purpose of the inspections under this chapter is to improve the quality of construction and structures in the city. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection are intended to report conditions or noncompliance with code standards that are readily apparent at the time of inspection. The

inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

14.10 Unsafe Buildings.

- (1) It shall be unlawful to occupy or use or permit the occupancy or use of any building or structure that is unsanitary or dilapidated, or deteriorated, or out of repair, thereby being unfit for human habitation, occupancy or use until the regulations of this Chapter have been complied with.
- (2) Whenever the Common Council, upon the inspection and report of the building inspector, finds any building or part hereof within the City to be, in its judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, the Council may order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. The Council shall give specific reasons for its determination. Such order and proceedings shall be as provided in Wis. Stat. Sec. 66.0413.
- (3) When the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary and shall cause the building or structure to be made safe or to be removed, and the expenses of such work may be recovered by the City in an action against the owner or tenant.

14.11 Moving Buildings.

- (1) General Requirements.
 - (a) No person shall move any building or structure upon any public way of the City without first obtaining a permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - (b) A report shall be made by City employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the City, shall be paid to the City Clerk-Treasurer prior to issuance of the moving permit.

- (2) Continuous Movement. The movement of buildings shall be a continuous operation during all hours of the day and at night until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall remain overnight upon any street crossing or intersection or to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places and east end of the building during the night.
- (3) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report to the Building Inspector, who shall inspect the streets, highways and curbs and gutters over which the building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall place them in good repair as they were before the permit was granted. On the failure of said permittee to do so within ten (10) days thereafter to the satisfaction of the Common Council, the City shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for payment of the same.
- (4) Conformance with Code. No permit shall be issued to move a building within or into the City and to establish it upon a location within the said City until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the building inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Codes. In the event a building is to be moved from the City to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (5) Bond.
- (a) Before a permit is issued to move any building over any public way in the City, the party applying therefor shall give a bond to the City in a sum to be fixed by the Building Inspector and which shall not be less than Fifty Thousand Dollars (\$50,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the City Attorney or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the

payment of any judgment together with costs and expenses incurred by the City in connection therewith arising out of the removal of the building for which the permit is issued.

(b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall be not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the following into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(6) Insurance. The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering personal injury and property damage in an amount of not less than One Million Dollars (\$1,000,000.00) from an insurance company licensed to do business in the State of Wisconsin.

(7) Permit Fees. The City shall establish a building moving fee in the City fee schedule.

14.12 Reserved.

14.13 Enforcement and Appeals.

(1) Violations and Penalties.

(a) Prohibitions. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this chapter.

(b) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than twenty-five dollars (\$25.00) nor more than one thousand (\$1,000.00) for each day of non-compliance, together with the costs of prosecution.

(c) Violations discovered by the building inspector shall be corrected within thirty (30) days, or more if allowed by the inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the building inspector.

- (d) Compliance with the requirements of this title is necessary to promote the safety, health and well-being of the community of the owners, occupants and frequenters of buildings. Violations of this title shall constitute a public nuisance that may be enjoined in a civil action.

- (2) Stop-work order. The building inspector may issue a stop-work order for a project to prevent further noncomplying work. No person, firm or entity may continue a construction project after a stop-work order has been issued. The person, firm or entity that receives such a stop-work order may contest the validity of the same by requesting a hearing before the board of zoning appeals pursuant to Section 14.10 (3). The stop-work order shall remain in full force and effect until the board of zoning appeals has issued its determination. The appellant shall have the burden of proof at the board of zoning appeals.

- (3) Appeals.
 - (a) Boarding of Zoning Appeals. The board of zoning appeals created pursuant to the city zoning ordinance pursuant to Wis. Stat. Sec. 62.23(7)(e).
 - 1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the city building inspector in administering this title;
 - 2. Upon appeal, may authorize variances from the provisions of this title which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
 - 3. Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

 - (b) Who May Appeal. Appeals to the board of zoning appeals may be taken by any aggrieved person affected by any decision of the city building inspector.

CHAPTER 22 | SIGN ORDINANCE

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Section 22.01 Purpose and Applicability

- (1) **Purpose.** This chapter provides standards for on-site and off-site signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the city's image. The provisions of this chapter are intended to:
 - (a) Require creative and well-designed signs that contribute in a positive way to the city's visual environment, express local character, and help develop a distinctive image for the city.
 - (b) Require signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
 - (c) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review and approval process to allow for unique circumstances and creativity.
- (2) **Applicability.**
 - (a) **Sign Permits Required.** To ensure compliance with the regulations of this chapter, a sign permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits enumerated in Code sec. 22.05. See Code sec. 22.03 for sign permit application and processing requirements.
 - (b) **Sign Standards.** The sign standards provided in this chapter shall apply to signs in each zoning district in the city. Only signs authorized by this chapter shall be allowed.

- (c) **New Zoning Districts.** If a new zoning district is created after the enactment of this chapter, the Zoning Administrator shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Chapter 19 until this chapter is amended to govern the new zoning district.
- (d) **Design Standards.** The city's Downtown Design Standards will be used in the evaluation of sign permit applications for properties zoned C-2 to ensure that signs are well designed, compatible with their surroundings, and do not detract from the overall visual quality of the downtown. The process of design standards review shall be dictated by Chapter 19.

Section 22.02 Definitions

- (1) **Awning:** an architectural projection that provides weather protection, identity or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
- (2) **Awning Sign:** a sign which is painted on, attached to, or supported by an awning.
- (3) **Blade Sign:** a special projecting sign attached to the building along the storefront frontage following one of three design alternatives provided by the City of Wisconsin Dells.
- (4) **Blank Sign:** a sign void of advertising matter, or a sign displaying an "available for lease" message or similar message.
- (5) **Canopy:** an architectural projection that provides weather protection, identity or decoration, and is wholly supported by the building to which it is attached and a ground mounting, by one or more stanchions. A canopy is comprised of a structure over which a covering is attached.
- (6) **Canopy Sign:** a sign which is painted on, attached to, or supported by a canopy.
- (7) **Directional Sign:** any sign which provides directions to motorists regarding the location of parking areas and access drives.
- (8) **Erect:** to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs.
- (9) **Facing or Surface:** the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (10) **Legacy Signs:** a sign designation intended to provide for the preservation of Wisconsin Dells' unique character, history and identity, as reflected in its historic and/or iconic signs.
- (11) **Illuminated Sign:** any sign which has characters, letters, figures, designs or outlines illuminated externally by electric lights or internally by luminous tubes.
- (12) **Incidental Sign:** secondary, informational signs such as menu boards, "open" signs, hours of operation signs.

- (13) **Informational Sign:** any sign that provides information regarding the use or prohibited use of any area or room. These include restrooms, exit/entrance, office, heated pool, no parking, parking, loading dock.
- (14) **Internal Signs:** any sign placed within three (3) feet of a storefront window or door intended for viewing from the exterior.
- (15) **Marquee:** a permanent, roof-like structure projecting from a building at the entrance to the building with signage on the top or face of the structure.
- (16) **Marquee Sign:** a sign which is painted on, attached to, or supported by a marquee.
- (17) **Monument Sign:** a detached, self supporting sign mounted or incorporated into a solid base.
- (18) **Multi-Tenant Sign:** any sign applied for and erected for use by multiple business owners within the same shopping center, commercial subdivision or distinct area of the city.
- (19) **Off-premises Sign:** an advertising sign or structure that pertains to goods or services not sold or provided on the premises where the sign is located, or any announcement whose subject is not available on the premises.
- (20) **On-premises Sign:** a sign or structure designed, used or intended to be used to advertise the principal purpose of the business, such as the major category of goods, materials, or services, sold or provided on the premises where the sign is located. On Premise does not include tickets sold for off-premise businesses.
- (21) **Other Advertising Structure:** any marquee, canopy or awning as further defined in this ordinance.
- (22) **Permittee:** a person receiving an erection permit pursuant to the provisions of this ordinance.
- (23) **Person:** any person, firm, partnership, association, corporation, company or organization of any kind.
- (24) **Pole Sign:** any sign supported by uprights or braces placed in the ground and not attached to any building.
- (25) **Portable Sign:** a sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and "A" frame signs.
- (26) **Projecting Sign:** A sign attached to a building or other structure and extending more than eighteen (18) inches beyond the building plane.
- (27) **Projecting Structures:** Awnings, retractable awnings, canopies and marquees.
- (28) **Temporary Sign:** a sign, banner, pennant or other advertising display constructed of cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time. Billboards or other changeable face or copy signs are not temporary signs.
- (29) **Three Dimensional Sign:** A sign that has a depth or relief on its surface greater than six (6) inches exclusive of the supporting sign structure, and not to include projecting wall signs.

- (30) **Retractable Awning:** a cantilevered structure, entirely supported from a building, and constructed so that the awning cover and supporting frame retracts completely against the building, and in doing so, relieves the awning from wind, rain and snow loads.
- (31) **Roof Sign:** any sign erected, constructed or maintained wholly upon or above the roof of any building with the principal support attached to the roof structure.
- (32) **Sign:** any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, and is placed in view of the general public and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification or expression.
- (33) **Sign Area:** is the area encompassing all graphic content and any cosmetic or structural frame or trim. For signs that are part of a larger surface such as a wall or canopy, the sign area will be measured by enclosing all lettering, logos, trademarks and graphic trim within a simple shape, either circle, rectangle or triangle.
- (34) **Super Graphic:** a super graphic is a painted mural or scene that does not include letters, words or numbers advertising the business being conducted on the premise.
- (35) **Variable Message Sign:** an outdoor advertising sign, display or device using LCD, LED or plasma displays or other similar technology for the displaying of moving images, static images animation or changing the message. The display area of a variable message sign consists of that portion of the overall sign displaying these electronic images. Variable message signs include but are not limited to Commercial Electronic Variable Message Signs (CEVMS), animated signs, dynamic displays and changeable copy signs.
- (36) **Wall Sign:** a sign attached to or erected against the wall of a building with the face parallel to the building wall.
- (37) **Wind Sign:** a sign consisting of one or more flags, pennants, ribbons, spinners, or streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or manufactured air current.
- (38) **Window Sign:** a sign attached to, suspended behind, placed or painted upon, the window or glass door of a building, including internal signage.

Section 22.03 Administration and Sign Permit Issuance

- (1) **Permit Required.** Except as provided in Code sec. 22.09 and Code sec. 22.10, it shall be unlawful for any person to erect, relocate or structurally alter, within the City of Wisconsin Dells, any sign or other advertising structure as defined in this ordinance, without first obtaining an erection permit from the Building Inspector and making payment of the fee required by Code sec. 22.03(5). All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and its requisite permit fees. No permit is required for repair, repainting or maintenance which does not entail structural change; or, for change of copy, message, or face panel. Change of copy, message or face pane is subject to review by the Design Review Committee.

- (2) **Application for Erection Permit.** Application for an erection permit shall be made upon a form provided by the Building Inspector and shall contain and have attached the following information:
- (a) Name, address and telephone number of the applicant.
 - (b) Location of building, structure, or real estate to which or upon which the sign or other advertising structure is to be attached or erected.
 - (c) Position of the sign or other advertising structure in relation to nearby buildings, structures, signs or other advertising structures.
 - (d) One set of blueprints, ink drawings or scale drawings of the plans, specifications, copy and method of construction and attachment to the building or in the ground; and, location of proposed sign in relation to existing signs.
 - (e) Name of the person erecting the structure; and, name of electrical contractor, if any.
 - (f) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
 - (g) Size and cost of sign or advertising structure.
 - (h) Such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the City.
- (3) **Electric Signs.** Any sign making use of electricity for illumination or motion shall be connected by a licensed electrical contractor.
- (4) **Permit Issuance.**
- (a) Upon the filing of an application for an erection permit, the Building Inspector shall, not sooner than two (2) working days and not later than seven (7) working days.
 - (i) Examine the plans and specifications and the premises upon which the proposed structure shall be erected.
 - (ii) Refer the sign to the Design Review Committee per Article 3 Division 5 of the Zoning Code (Chapter 19).
 - (iii) Issue a permit if the proposed structure complies with the requirements of this ordinance and all other laws and ordinances of the City of Wisconsin Dells.
 - (b) Every applicant shall pay to the Building Inspector a nonrefundable fee as established by resolution adopted pursuant to section 2.05 for each sign or other advertising structure regulated by this ordinance.
 - (c) If the work authorized under an erection permit is not completed within ninety (90) days after the date of issuance, the permit shall become null and void; except, the building inspector may extend an erection permit for an additional one hundred twenty (120) days for good cause shown. An extension may be granted only if sought prior to expiration of the underlying permit.

- (5) **Annual Inspection Fee.** The Building Inspector shall inspect biennial, each sign or other advertising structure regulated by this ordinance for the purpose of ascertaining whether the structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this ordinance. To meet the expense of such inspection, the permittee, or owner of the property on which the sign is located, shall pay to the City Treasurer a fee as established by resolution adopted pursuant to Code Section 2.05 for each structure inspected. No inspection fee other than the application/permit fee as required in Code sec. 22.03(5) shall be charged during the calendar year in which the sign or other advertising structure is erected.
- (6) **Appeals.**
- (a) Within thirty (30) days after denial of a sign permit by the zoning administrator per direction of the Design Review Committee, an appeal or request for variance may be filed with the Board of Appeals pursuant to Ord. sections. 1.04(2) and Chapter 19 Article 3 Division 2 (19.220-19.239)
- (b) The board, upon appeal from a decision by the zoning administrator, may decide any question involving the interpretation of any provision of this ordinance.
- (c) The board may vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any variance, the board shall prescribe any conditions that it deems to be necessary or desirable. However, no variance in the strict application of any provision of this ordinance shall be granted by the board unless it finds:
- (i) That there are special circumstances or conditions, fully described in the findings, applicable to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
- (ii) That, for reasons fully set forth in the findings, the granting of the variance is for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.
- (iii) That the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- (iv) Except as specifically provided, no action by the board shall have the effect of permitting, in any district, uses prohibited in such district.

- (7) **Revocation of Permit.** The Building Inspector may revoke any permit where there has been a violation of the provisions of this ordinance or a misrepresentation of fact on the permit application.
- (8) **Identification Tags.**
- (a) Each sign or other advertising structure shall have affixed to it an identification tag which shall be issued by the building inspector at the time of permit issuance pursuant to Code sec. 22.03(4).
 - (b) Within ninety (90) days following completion of the biennial sign inspection completed after the effective date of this ordinance, signs or other advertising structures erected prior to the effective date of this ordinance shall have identification tags affixed thereto. Said tags shall be provided by the building inspector upon receipt, for each sign or other advertising structure, of a completed sign identification form which shall contain the following information:
 - (i) Location of sign or other advertising structure.
 - (ii) Name of sign owner.
 - (iii) Name of owner of real estate upon which sign is located.
 - (iv) Dimensions of sign.
 - (v) Type of sign pursuant to this ordinance.
 - (vi) Cost to replace.
 - (vii) Date of erection.
 - (c) Each sign identification form filed pursuant to subsec. (2) shall be accompanied by a processing fee per sign face as established by resolution adopted pursuant to Code Sec. 2.05.
 - (d) Identification tags shall be attached at the bottom right corner of each sign face or at such other location as specified by the building inspector.

Section 22.04 Maintenance and Repair

- (1) **Generally.** Every sign, or other structure, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, burned out lighting elements, painting (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of said sign. In addition, the premises on which the sign is erected shall be kept in a clean, sanitary and inoffensive condition, free and clear of all noxious substances. If the sign, or sign structure, is not timely modified to comply with the standards outlined in this section, the Building Inspector, or his authorized agent, may require its removal in accordance with Code sec. 22.14.

- (2) **Notice and Cure.** Any sign, or sign structure, wherever situated or placed, which is dangerous or which flakes, peels, flags, fades, deteriorates, or is unsightly in any other manner as determined by the City Building Inspector to be dangerous or unsightly in terms of its maintenance shall be repaired, reposted, repainted or restored as necessary within five (5) days of written notice given by the City Building Inspector to the owner. Notice shall be given by certified mail and the time for cure shall commence upon service. If a sign is not repaired, reposted, repainted or restored within the time specified, the provisions of Code sec. 22.14 and Code sec. 22.15 shall take effect.
- (3) **Repairs.** Repairs to and maintenance of signs and sign structures shall be completed within ninety (90) days of the day upon which the repairs or maintenance were commenced. For good cause shown, the building inspector may extend the completion deadline up to an additional one hundred and twenty (120) days. An application for extension must be in writing and must be received by the building inspector prior to the expiration of the underlying deadline. If repairs or maintenance are not timely completed, a fine pursuant to Wis. Dells sec. 22.15 may be imposed. In addition, the sign or sign structure shall be subject to the application provisions of Code sec. 22.03.

Section 22.05 Exemptions

The following signs are exempt from the permit requirements of this ordinance:

- (1) Temporary real estate signs not exceeding sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property.
- (2) Temporary political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area. Such signs may be erected no earlier than sixty (60) days prior to an election or referendum and shall be removed no later than seven (7) days after the election or referendum.
- (3) Temporary signs advertising the date, time and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and shall be removed one (1) day after the sale.
- (4) Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospital, historical sites or public facilities.
- (5) Flags of any government or governmental agency or any patriotic, religious, charitable, civic, education or fraternal organization not exceeding fifty (50) square feet in area; except that the Flag of the United States of America shall be exempt, whatever its size.
- (6) Temporary signs in conjunction with special events such as philanthropic campaign or church, circus, carnival or other community activity. Such signs shall not exceed forty (40) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event; and shall not be erected without consent of the Common Council.

- (7) Temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration. Such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the celebration.
- (8) Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding sixty-four (64) square feet in area. Such signs shall not be erected prior to approval of a site plan and shall be removed no later than seven (7) days after completion of the project.
- (9) Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four (4) square feet in area.
- (10) Signs or advertising structures associated with governmental, patriotic, religious, charitable, civic, educational, or like organizations or activities provided such sign or structure shall not exceed forty (40) square feet in area.
- (11) Signs that are not designed or located so as to be visible from any street adjoining property, or public way; except that signs that are designed or located so as to be visible from adjoining property shall not be exempt.
- (12) Signs or nameplates, at single or two-family dwellings not exceeding three (3) square feet indicating the name or address of occupants.
- (13) Signs erected and regulated as part of the Wisconsin Dells Parks & Recreation baseball outfield sign program.
- (14) "Open" for business flags installed and displayed in conjunction with Business Improvement District (BID) program and criteria.
- (15) The mandated posting of business name and address on the rear alleyway entrance to businesses along Broadway, with letters and number less than 6 inches high and no logo or other advertisement.
- (16) Sandwich boards, "A" frame and Pedestal Signs in the C-2 District, following the downtown design standard and subject to review of the Design Review Committee (DRC).
- (17) Temporary Business Sign for an operating business for up to thirty (30) days after business opening, or until a sign permit has been obtained through the DRC review process, whichever comes first.

Section 22.06 Prohibited Signs

The following are expressly prohibited under this ordinance:

- (1) Any sign or structure that constitutes a hazard to public health or safety;
- (2) Any sign or advertising structure that is erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, including sign of any kind attached to a stand pipe or fire escape.

- (3) Any sign that causes traffic hazards. No sign or other advertising structure shall:
 - (a) obstruct free and clear vision at any street intersection;
 - (b) any sign that interferes with, obstructs the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color; or
 - (c) Makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
- (4) Any sign or other advertising structure that displays any matter in which the dominant theme of the materials taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (5) Any vehicular signs with a total sign area in excess of ten (10) square feet are prohibited when the vehicle:
 - (a) is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right of way;
 - (b) is visible from the street right of way that the vehicle is within one hundred (100) feet of; or,
 - (c) is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- (6) Any signs having a sign area of more than 300 square feet per facing.
- (7) Signs having more than two (2) faces visible at one time.
- (8) Temporary signs such as captive or tethered ballons, banners or portable devices, excluding those described in Code Sec. 22.05(16) and Code Sec. 22.05(17).
- (9) Revolving signs.
- (10) Any signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- (11) Any signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (12) Any signs erected or maintained upon trees or utility poles, or painted or drawn upon rocks or other natural features.
- (13) Any interior signs visible from the public right-of-way which advertise or promote off-premises goods, services or businesses; and which feature a video display.
- (14) Obsolete or abandoned signs (see Code Sec. 22.12) that are not lawful nonconforming signs.

Section 22.07 Super Graphics (Murals)

Super graphic (also known as murals) shall be allowed only with a conditional use permit per the requirements of this section. Any part of a super graphic incorporating letters, words or numbers advertising the business being conducted on the premise will be treated as a sign and shall meet the wall sign requirements in Code sec. 22.09 and Code sec. 22.10.

- (1) **Application.** An application for a Super Graphic shall be submitted to the Zoning Administrator and in addition to the information provided pursuant to Code sec. 22.03.
- (2) **Process.** The Design Review Committee shall make a recommendation to the Common Council who shall then approve or reject the proposed Super Graphic. Within thirty (30) days after denial of a super graphic application by the Common Council, an appeal or request for variance may be filed with the Board of Appeals pursuant to Ord. sections. 1.04(2) and Chapter 19 Article 3 Division 2 (19.220-19.239).
- (3) **Standard of Review.** The Design Review Committee and City Common Council may attach to its approval of a sign application any conditions which in its judgment are necessary to carry out the purposes and intent of the standards listed below. In reviewing the application, the Design Review Committee and City Common Council shall determine whether or not the proposed Super Graphic does the following:
 - (a) harmonizes with the structure(s) on the parcel on which it is to be painted;
 - (b) is suitable and appropriate to the neighborhood;
 - (c) is well-designed and pleasing in appearance;
 - (d) does not constitute a nuisance to the occupants of adjacent or contiguous property as determined by the Zoning Administrator or the Design Review Committee; and,
 - (e) does not constitute a traffic and safety hazard (i.e. it is not distracting, or is not considered indecent or otherwise offensive to public morals).
- (4) **Maintenance.** The Design Review Committee may also require annual maintenance inspections of the super graphic by the building inspector, and revoke any permit issued if a graphic design is not maintained. No sign application for a super graphic shall be required to repaint any super graphic exactly as it previously existed, pursuant to a previously approved graphic design permit.
- (5) **Change of Ownership.** In the event of a sale of the property which includes the Super Graphic, the new owner shall file an addendum to the Super Graphic Plan agreeing to be bound by all of the terms and conditions required by the city in approving the Super Graphic Plan accommodation.

Section 22.08 Projecting Structures

- (1) **Canopy Location.** Canopies are not permitted over the public right-of-way.
- (2) **Design Standards.**
 - (a) Projecting structures may not be supported by columns or posts located in the public right-of-way.
 - (b) Projecting structures shall be at least 10 feet above the public right-of-way
 - (c) The underside of a canopy or marquee shall be finished and enclosed
 - (d) Projecting structures may not extend more than six (6) feet over the public right-of-way.
 - (e) Projecting structures shall be pitched from the supporting walls a minimum of one (1) inch per foot.
 - (f) All projecting structures shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign with a minimum safety factor of two.
 - (g) No projecting structure shall have a height more than five (5) feet above the roof line of the supporting wall.
 - (h) If a projecting structure interferes with the illumination of the sidewalk, alternate lighting must be provided.
- (3) **Projecting Structure Approval.**
 - (a) This section shall govern the issuance of a permit to construct or erect a projecting structure.
 - (b) Applications for permits to construct projecting structures shall be submitted pursuant to Code sec. 22.03.
 - (c) The Building Inspector shall determine if the application is complete. Incomplete applications shall be returned to the applicant for resubmission.
 - (d) Completed applications shall be referred to the Design Review Committee. The Design Review Committee shall review applications for projecting structures within 30 days of the day on which a completed application is submitted. The Design Review Committee shall approve or disapprove applications based upon design and construction criteria to be promulgated by the Design Review Committee.
 - (e) Decisions of the Design Review Committee may be appealed to the Board of Appeals.
 - (f) Projecting structures in the STH right-of-way are subject to WisDot approval. All projecting structures may be subject to other agency approvals.
- (4) **Inspection.** Projecting structures shall be inspected every two (2) years by the Building Inspector or by a person designated by the City Planner/Zoning Administrator to perform the inspection. Inspection fees shall be established by a resolution approved by the Common Council pursuant to Code Sec. 2.05.

- (5) **Declaration of Policy.** The erection of a projecting structure over the public right-of-way is declared to be a privilege granted by the City of Wisconsin Dells. There is no guarantee that all applications for projecting structures will be approved or that all designs will be permitted. Applications will be considered on a case by case basis and evaluated on their contribution to downtown Wisconsin Dells.

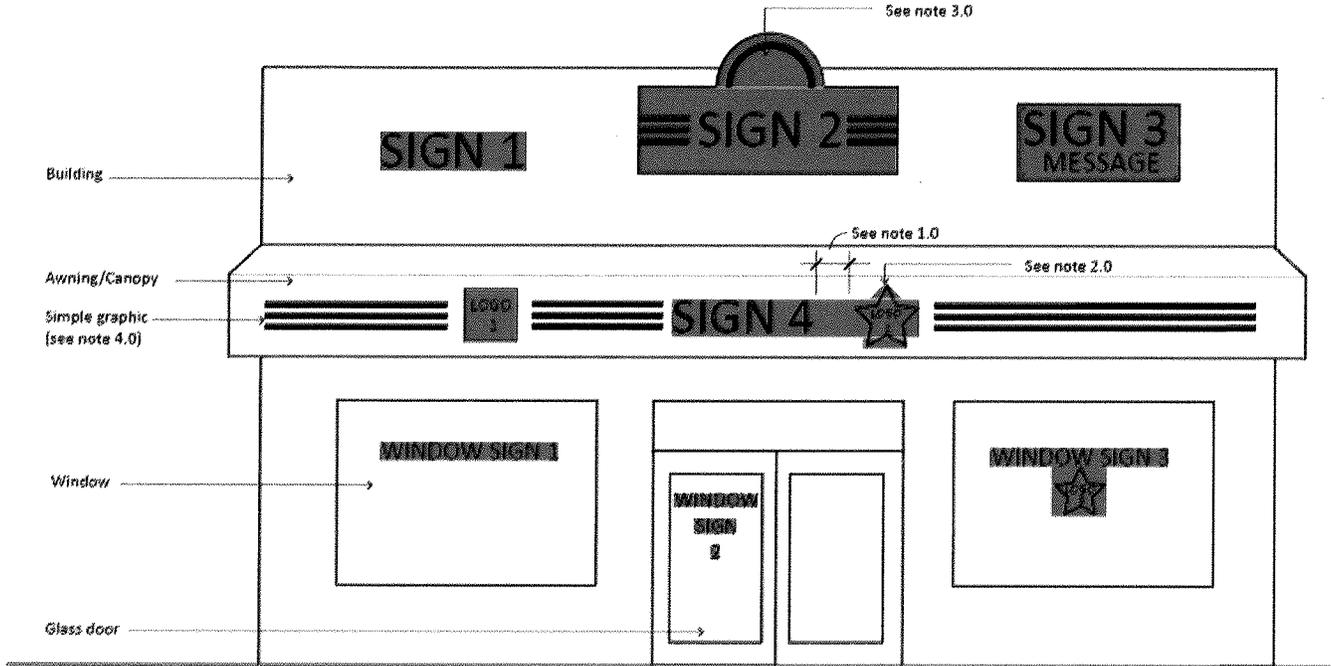
Section 22.09 General Sign Regulations

The regulations in this section apply to signs in all areas of the City with Code sec. 22.10 providing additional sign regulations per said property's designated zoning district. Any regulation shown stricter in Code sec. 22.10 shall take precedent.

- (1) **Total Allowable Sign Area.** The total sign area shall not exceed the limits established in Code sec. 22.09 and Code sec. 22.10.
- (a) **Permitted Sign Area Calculation.** The area of a sign includes all graphic content and any cosmetic or structural frame or trim. For signs that are part of a larger surface such as a wall or canopy, the sign area will be measured by enclosing all lettering, logos, trademarks and graphic trim within a simple shape, either circle, rectangle or triangle (see Exhibit A on the next page).
- (b) **Double Sided Signs.** The sign area calculation of two-sided signs shall only include the display of one side provided both sides of the sign:
- (i) display the identical information;
 - (ii) physically connect at one point; and
 - (iii) run parallel to each other or have an angle of departure 45 degrees or less. If the above criteria has not been met, both sides of the sign shall be included in the permitted sign area calculation.
- (c) **Three dimensional and Multiple-Faced Signs.** Where a sign consists of three or more sign faces, or one or more three-dimensional objects (i.e. balls, cubes, cluster of objects, sculptures, or statue like trademarks), the sign area shall be measured as the area of the smallest two-dimensional rectangle, circle or triangle within which the object(s) can be enclosed when viewed from a point where the largest area of the object(s) can be seen.
- (2) **Sign Design Requirements.**
- (a) **Sign Location.** All signs shall be affixed, mounted, or otherwise installed in accordance with the building code adopted by the City of Wisconsin Dells. No sign shall be located in relation to a public street, right-of-way, sidewalk, or thoroughfare so as to create a traffic hazard by distracting motorists, obscuring traffic signs, or impairing drivers sight lines; nor create hazards by blocking doors, windows, or other openings which are necessary for safe emergency egress, adequate fire suppression, or police surveillance activities; nor create hazards to pedestrians by obscuring, disrupting, or otherwise interfering with the safe movement of pedestrians.

Exhibit A: Sign Area Measurement Calculations

Illustration Not to Scale



■ Denotes sign area to be calculated

Notes

- 1.0 If logos associated with signs are within a few feet of the sign lettering, that area is to be included in the total sign area calculation
- 2.0 Calculate sign area using simple shapes, specifically rectangles and a triangle
- 3.0 Calculate sign area using simple shapes, specifically rectangle and semi-circle
- 4.0 Simple graphics (unrelated to business logo are not included in area calculations)

SIGNS

SIGN 1	Well sign (individual letters)
SIGN 2	Well sign (attached, projecting with 3D feature)
SIGN 3	Well sign (low profile, attached board)
LOGO 1	Business logo
SIGN 4 and LOGO 2	Painted signs on awning/canopy with logo
WINDOW SIGN 1	Window sign
WINDOW SIGN 2	Window sign on door
WINDOW SIGN 3 and LOGO 3	Window sign with logo

- (b) **Sign Structure.** A sign structure shall be limited to that portion of the structure that is only necessary for the support of the sign and shall be designed so as to adequately support the weight being imposed on the structure, including applicable wind loads. All other portions of the structure including sign roofs in the building setback area shall be considered as part of the sign display service area.
- (c) **Vertical Clearance.** No sign shall be less than eight (8) feet clear over any private drive or pedestrian walkway and no less than seven (7) feet clear above any covered walkway.
- (d) **Signs visible from Wisconsin River.** Off-premise signs located on property adjacent to the Wisconsin River are prohibited if they are intended to be visible from the River. On-premise signs intended to be visible from the Wisconsin River are permitted subject to review and approval by the Design Review Committee (DRC). In evaluating such signs, the Committee may consider the following factors: location, size, colors, design and layout; and such other factors as are relevant to that sign. The DRC is directed to consider appropriate aesthetic effects of the surrounding area.

(3) **Directional Signs.**

- (a) **Height and Area Limitations.** Directional signs shall not exceed a height greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. Directional signs shall not exceed six (6) square feet in area.
- (b) **Location.** Directional signs may be placed at the entrance of the subject business. The sign may be a single sign with two (2) faces of equal size; or, may be two (2) single-faced structures of equal size.

(4) **Legacy Signs.** The legacy sign designation is intended to provide for the preservation of Wisconsin Dells' unique character, history and identity, as reflected in its historic and/or iconic signs. An approved Legacy Sign, listed in the Legacy Sign Inventory, is exempted from standards in this ordinance addressing total allowable sign area, location and materials. No applications will be accepted beyond December 31, 2017.

(a) **Designation Criteria.** Prior to any sign being designated as a Legacy Sign, the Design Review Committee and the City Council shall find the Legacy Sign satisfies one or more of the following criteria:

- (i) Is associated with events that have made a significant contribution to the broad patterns of Wisconsin Dells' or the State of Wisconsin's history or cultural heritage.
- (ii) Is associated with the lives of persons important in the past.
- (iii) Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of an important creative individual, or possesses high artistic values.
- (iv) Has yielded, or may be likely to yield, information important in history.
- (v) The sign exemplifies the cultural, economic and historic heritage of Wisconsin Dells.
- (vi) The sign exhibits extraordinary aesthetic quality, creativity and innovation.

(b) **Application for Designation.** Applications for designation shall be submitted by December 31, 2017. It may be submitted by any member of the public or the sign owner and supported by a Legacy Sign Treatment Plan (see subsection (c)). If an application for designation is submitted by a member of the public, written consent from the sign owner is required in order to continue processing the application for designation. Such application shall be made in writing, in a form deemed appropriate by the Zoning Administrator. The application shall include the owner's consent to the designation and agreement to abide by the requirements of this sign ordinance through the execution of a covenant. The Zoning Administrator may require the owner to submit information regarding the significance of the potential Legacy Sign including, but not limited to, photographs, plans, deeds, and any other materials that may provide information regarding the potential Legacy Sign designation. No application will be reviewed until the application fee is paid in full (see Code Sec. 2.05).

- (c) **Legacy Sign Treatment Plan.** The application for designation as a Legacy Sign shall include a Legacy Sign Treatment Plan. The Legacy Sign Treatment Plan will include the following (but is not limited to):
- (i) Description of the Legacy Sign, including current address, original address (if different), date of original construction and installation, sign type, original materials, text, type of illumination (if known), and a list of character-defining features.
 - (ii) Historic documentation, including approved permits, site plans, elevations, and dated photographs, as available.
 - (iii) Current photos of the Legacy Sign, including views of all visible elevations as well as contextual images of the property as a whole.
 - (iv) Provide a list of materials and/or parts to be replaced, and recurring maintenance items.
 - (v) Narrative statement of significance against designation criteria in Code Sec. 22.09(4)(a).
 - (vi) Where an applicant produces physical evidence or documentation sufficient to prove that a proposed Legacy Sign included intermittent lighting features (e.g. flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, such sign elements may be repaired or restored conditioned upon a determination by the City that no negative safety issues will result.
- (d) **Designation Process.** Applications for approval of Legacy Signs shall be reviewed by the Design Review Committee (DRC). The DRC shall determine whether the sign meets one or more of the criteria for approval as a Legacy Sign and, based on this determination, shall recommend to the City Council that the application be approved or denied. The DRC shall adopt a resolution stating its recommendation, focusing on the criteria set forth in Code Sec. 22.09(4)(a), and incorporating its reasons in support or denial of the application. Following DRC approval recommendation, the City Council shall adopt a resolution to approve or deny the application based on the criteria specified in Code Sec. 22.09(4)(a). A condition of approval may be added to any variance application for a property with a potential legacy sign requiring the property owner to designate and/or restore the potential legacy sign.
- (e) **Covenant by Recorded.** If the application is approved by the City Council, the City shall record a signed covenant in the office of the County Recorder at the Legacy Sign owner's expense. The covenant, which shall run with the land and be binding on successors and assigns, shall specify which elements of the Designated Legacy Sign are to be protected; and state that any alteration or removal of these elements shall be done in accordance with Code Sec. 22.09(4)(a). This covenant shall serve as notice of the approval as a Designated Legacy Sign, and shall not be removed from the property without the consent of the City Council.
- (f) **Design Standards.** Legacy signs shall comply with the following requirements (as applicable):
- (i) Restoration and or repair of an intact or nearly intact Legacy Sign shall be consistent with a documented appearance at the time of approved legacy sign designation.

- (ii) Restoration and or repair shall not add typographical or other elements which result in an increase in the size of the restored and or repaired sign.
 - (iii) Text changes shall not result in changes to character defining features.
 - (iv) Text changes shall match or be compatible with existing text in material(s), letter size, font/typography, and color.
 - (v) The sign shall use materials and technology representative of its period of construction.
 - (vi) The sign shall be structurally safe or can be made safe without substantially altering its documented appearance at the time of approved legacy sign designation.
 - (vii) Relocation of a Legacy sign off site is discouraged unless it is technologically impractical or otherwise infeasible to maintain the Legacy Sign in the original location. The burden of proof is upon the applicant and shall be to the satisfaction of the Design Review Committee (DRC). Relocation of a Legacy Sign shall be to a location within the original premises, or to a location deemed appropriate by the DRC.
 - (viii) A Legacy Sign may be replaced as long as the replacement sign is consistent in look, materials and technologies as the documented appearance at the time of approved legacy sign designation.
- (g) **Maintenance.** The owner, lessees, and any other responsible persons shall take all steps necessary to maintain the Legacy Sign in good condition and to prevent any deterioration or decay that would adversely affect the value or integrity of the Legacy Sign. The Design Review Committee may require annual maintenance inspections of the sign by the building inspector. Failure to maintain the Legacy Sign in accordance with this Section is a violation of the Wisconsin Dells Municipal Code and is subject to loss of legacy sign designation and may be subject to prosecution.
- (5) **Multiple-tenant Signs.** Businesses located within a shopping center, commercial subdivision or distinct area of the city may joint together and request accommodations to the provisions of this ordinance to construct a Multiple-tenant Sign identifying their businesses on a single sign structure.
- (a) **Application.** An application for a Multiple-tenant Sign accommodation shall be submitted to the City Engineer and in addition to the information provided pursuant to Code sec. 22.03, shall be accompanied by a proposed Multiple-tenant Sign plan identifying the businesses to be advertised and shall be accompanied by a proposed Multiple-tenant Sign plan signed by the owners of said businesses or their representatives. Said plan should identify all businesses involved, a contact person, an written agreement between the owners of the businesses for sharing the cost of installation, maintenance and repair of the Multiple-tenant Sign and an agreement to limit the number of on-premises signs for each business and to limit the size of any on-premises sign for each business to a maximum height of 6 feet above grade.
 - (b) **Process.** The Design Review Committee shall conduct a public hearing on the proposed Multiple-tenant Sign. The procedure for the hearing shall be the same as the procedure followed for Conditional Use Permit and the fee shall be the same. The Design Review Committee shall make a recommendation to the Common Council who shall then approve or reject the proposed Multiple-tenant Sign.

- (c) **Standard of Review.** The Design Review Committee and the Common Council shall review the application for a Multiple-tenant Sign permit in order to determine whether or not the proposed Multiple-tenant Sign identifies the businesses advertised with good taste and design and that the proposed signs are in harmony with its neighbors and does not unduly interfere with the existing on-premise signs. The Multiple-tenant Sign should be located near or adjacent to the driveway or access road to the businesses advertised. It is the intent of the city that the number and size of signs be reduced. All businesses depicted on Multiple-tenant Signs shall be restricted to one (1) free standing on-premises sign not exceeding 100 square feet in area nor 6 feet in height above grade. The city may impose such conditions on an accommodation approval as it deems necessary to make the findings required by this section or as it deems appropriate to protect the public health, safety and general welfare.
- (d) **Change of Ownership.** In the event of a sale of a business included in a Multiple-tenant Sign, the Unified Sign Plan shall be changed to include the new owner who shall file an addendum to the Multiple-tenant Sign Plan agreeing to be bound by all of the terms and conditions required by the city in approving the Multiple-tenant Plan accommodation.

(6) **Monument Signs.**

- (a) **Height Limitations.** Monument signs shall not exceed twenty (20) feet in height as measured from the point on the site at which the base of the ground floor of a building thereon would be located. For the purpose of this subsection, "ground floor" is defined as follows: that level of a building on a sloping or multilevel site which has its floor line at or not more than three (3) feet above exit discharged grade for at least one-half of the required exit discharges.
- (b) **Area Limitations.** Monument signs shall not exceed three hundred (300) square feet of area per face, or as defined in Section 22.10, whichever is stricter.

(7) **Pole Signs.**

- (a) **Height Limitations.** Pole signs shall not exceed forty-five (45) feet in height, or as restricted in Section 22.10, whichever is stricter, as measured from the point on the site at which the base of the ground floor of a building thereon would be located. For the purpose of this subsection, "ground floor" is defined as follows: the level of a building is on a sloping or multilevel site which has its floor line at or not more than 3 feet above exit discharged grade for at least one-half of the required exit discharges.
- (b) **Area Limitations.** Pole signs shall not exceed three hundred (300) square feet of area per face, or as defined in Code Sec. 22.10, whichever is stricter.

(c) No pole sign shall be placed upon a tree bank.

(8) **Portable Signs.**

- (a) **Location.** The sign shall be located within ten (10) feet of the business entrance, but shall not be placed in a location where the paved area for passage is reduced to less than six (6) feet or within twelve (12) feet of an intersection, driveway, public stairwell or crosswalk.
- (b) **Usage.** The sign shall only be used during business hours.
- (c) **Material.** The sign shall be made of a durable material such as wood or metal.

(d) **Liability Agreement.** A license agreement is required in a form and amount approved by the City indemnifying and holding the City harmless from liability and naming the City, its officers and employees as an additional insured on a general liability insurance policy.

(9) **Projecting Signs.**

(a) **Area Limitations.** Projecting signs shall not exceed three hundred (300) square feet on each side, or as defined in Code Sec. 22.10, whichever is stricter.

(b) **Projection over Public Property.** Every projecting sign shall be placed at least ten (10) feet above the public sidewalk over which it is erected. No projecting sign shall project more than four (4) feet, six (6) inches into the public way.

(c) **Height.** The highest point of a projecting sign shall be no more than ten (10) feet above the roof line of the building upon which the projecting sign is placed, or as defined in Code Sec. 22.10, whichever is stricter.

(d) **Content.** Projecting signs shall promote or relate only to on- premises goods, services or activities.

(e) **Placement.** Projecting signs shall be a minimum of forty (40) feet apart; except that each building or business may have a projecting sign.

(f) **Declaration of Policy.** The erection of a projecting sign over the public right-of-way is declared to be a privilege granted by the City of Wisconsin Dells. There is no guarantee that all applications for projecting signs will be approved or that all designs will be permitted. Applications will be considered on a case by case basis and evaluated on their contribution to downtown Wisconsin Dells.

(10) **Roof Signs.**

(a) **Area Limitations.** No roof sign shall have a surface or facing exceeding three hundred (300) square feet.

(b) **Height.** The highest point of a roof sign shall be no more than forty-five (45) feet above ground level.

(11) **Wall Signs.**

(a) **Sign Quantity.** There may be one (1) on-premises and one (1) off-premises wall sign per premise face, or as restricted in Code Sec. 22.10, whichever is stricter.

(b) **Area Limitations.** Total wall signage per premise face shall not exceed 300 square feet, or as restricted in Code Sec. 22.10, whichever is stricter.

(c) **Projection setback line.** Wall signs attached to a wall at a height ten (10) feet or less above the sidewalk or ground shall not project more than two (2) inches. Wall signs attached to a wall at a height greater than ten feet shall not project more than eighteen (18) inches. Height. The highest point of a wall sign shall not be more than 10 feet above the roof line of the building upon which the wall sign is placed.

(12) **Wind Signs.**

(a) **Exemption.** Wind signs which are less than 50 square feet in size are exempt from this Ordinance if such wind signs are blank or if such wind signs contain only a logo or graphic which logo or graphic shall not include any copy or printed words.

(b) **Regulation.** Wind signs greater than 50 square feet in size or upon which there appears any copy or printed words shall be regulated as ground signs.

(13) **Window Signs.** There is currently no restrictions on window signage city-wide; however, there may be specific restrictions per zoning district (see Code Sec. 22.10).

(14) **Variable Message Signs.**

(a) **Regulations.** In addition to the regulations imposed by this chapter, variable message signs are subject to the following restrictions:

- (i) Variable Message Signs may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.
- (ii) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
- (iii) No message may be displayed at intervals of less than 6 seconds.
- (iv) No segmented or traveling message may last longer than 10 seconds.
- (v) Display areas may be illuminated only to a degree of brightness that is reasonably necessary for adequate visibility. The City Engineer or designee shall be responsible for determining compliance with this requirement. Signs found to be brighter than reasonably necessary shall be adjusted by the person owning or controlling the sign in accordance with the instructions of the City Engineer.
- (vi) The brightness level of all messages must be uniform.
- (vii) Intervals between messages must be black.
- (viii) Flashing, intermittent or moving light or lights are prohibited, except those giving public service information, such as time, date, temperature, weather or similar information.
- (ix) Lights that are directed at any part of the highway or that interfere with or obscure an official traffic device, sign or signal are prohibited.
- (x) The maximum sign area shall be 300 square feet per facing.
- (xi) The display area shall not exceed 50% of the total area of the sign.

(b) **Conditional Permit.** Variable Message Signs are conditionally permitted in the commercial districts east of the Wisconsin River. The provisions of Wisconsin Dells Code Chapter 19, Article 4 Division 6 (19.370-19.39) shall apply to applications for such signs.

Section 22.10 Specific Sign Requirements, per Zoning District

All signs shall comply with the standards of the applicable zoning district, in compliance with the provisions outlined within this section. See Code sec. 22.09 for general sign requirements.

(1) *D-1 Conservancy and R-1 Residential (single-family) Zoning Districts*

(a) **Permitted Signs.** The following signs or other advertising structures are permitted:

- (i) Signs pertaining to the sale, on premises, of agricultural products from such premises, provided there shall be no more than one (1) sign per premises and the size of such sign shall not exceed thirty (30) square feet;
- (ii) Temporary Signs, excluding Code sec. 22.05(13-17);
- (iii) For each multi-family dwelling or single family and two-family subdivision, there shall be permitted one identification sign not exceeding thirty-two (32) square feet in area located near the main entrance to the building or subdivision and indicating only the name of the building or subdivision and name of the owner, manager or developer thereof; and,
- (iv) Signs pertaining to home occupations, professional offices, or any use permitted in the conservancy and residential districts; provided, there shall be no more than one (1) sign per premises having a maximum size of five (5) square feet, no such signs shall be illuminated. All signs erected hereunder shall be set back at least five (5) feet from any lot line.

(2) *R-2 Residential (single family & duplex), R-3 Residential (mixed), and R-9 Mobile Home Park Zoning Districts.*

(a) **Permitted Signs.** The following signs or other advertising structures are permitted:

- (i) Signs pertaining to the sale, on premises, of agricultural products from such premises, provided there shall be no more than one (1) sign per premises and the size of such sign shall not exceed thirty (30) square feet;
- (ii) Temporary Signs, excluding Code sec. 22.05(13-17);
- (iii) For each multi-family dwelling or single family and two-family subdivision, there shall be permitted one identification sign not exceeding thirty-two (32) square feet in area located near the main entrance to the building or subdivision and indicating only the name of the building or subdivision and name of the owner, manager or developer thereof; and,
- (iv) Signs pertaining to home occupations, professional offices, or any use permitted in the conservancy and residential districts; provided, there shall be no more than one (1) sign per premises having a maximum size of five (5) square feet, no such signs shall be illuminated. All signs erected hereunder shall be set back at least five (5) feet from any lot line.

- (b) **Conditionally Approved Signs.** The following signs or other advertising structures are conditionally permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Wall signs; and Wind signs.
- (3) **R-5 Residential (multi-family) District.**
- (a) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.
- (4) **C-2 Downtown Commercial Zoning District.**
- (a) **Total Allowable Sign Area.** The total sign area permitted (i.e. all sign areas within a facade combined) shall not exceed five (5) square feet per one (1) lineal foot of business frontage with the minimum of 144 square feet and a maximum of 300 square feet allowed.
 - (b) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Projecting and Blade signs; Temporary signs; Wall signs; and, Window Signs. See Code sec. 22.10(5)(c), Code sec. 22.10(5)(d), and Table (E) for restrictions on these permitted signs.
 - (c) **Off-Premise Signs.** Off-premise signs are prohibited, meaning content of signs is limited to the business, service, and activity available or conducted on the subject lot, except in the following condition.
 - (i) When a business or service does not have direct access to a public street, signs directing traffic to the subject business or service may be located off premises at the nearest point of access. Such signs are counted as part of the total allowable sign area.
 - (d) **Downtown Design Standards.** All signs shall adhere to the Downtown Design Standards pursuant Code sec. 22.01(2)(d) and Chapter 19.
- (5) **C-1 Neighborhood Commercial, C-3 Highway Commercial, C-4 Large-scale Commercial, and M-1 Mixed Use Zoning Districts.**
- (a) **Permitted Signs.** The following signs or other advertising structures are permitted: Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.
 - (b) **Pole Sign.**
 - (i) **C-1 Neighborhood Commercial.** Off-premise pole signs shall not be less than 500 feet from any other sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. On-premises pole sign may be nearer than 500 feet to any other ground sign, if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity promoted is situated; and, if said sign has been conditionally approved pursuant to Code Chapter 19 Article 4 Division 6 (19.370-19.389). Such signs shall not exceed 50 square feet. Additional conditions may also be imposed.

Table E: Downtown C-2 District Permitted Signage

Sign Type	Sign Description	Total Sign Area Restriction	Number of Signs Allowed	Maximum Area Per Sign	Maximum Sign Height
Total Sign Area Permitted	The total sign area permitted for each business shall be determined by multiplying the length of lineal business frontage	5 sq. ft. / 1 lineal ft. of business frontage with a minimum of 144 sq.ft. a maximum of 300 sq.ft.			
Monument Sign	Monument sign is a detached sign mounted or incorporated into a solid base, and shall be a self-supporting structure.	Included	1 per lot	60 sq.ft. (per sign face)	6 feet
Wall Sign	A sign attached to or erected against the wall of a building with the face parallel to the building wall	Included	1 sign per 50 feet of business frontage	60 sq.ft.	n.a.
Projecting Sign	A sign attached to a building or other structure and extending more than eighteen (18) inches beyond the building plane.	Included: Count only one side, except faces with angles beyond 45 degrees count each sign face	1 sign per 50 feet of business frontage	50 sq.ft. (per sign face)	n.a.
Blade Sign	A special projecting sign attached to the building along the storefront frontage following one of three design alternatives provided by the City of Wisconsin Dells.	Excluded	1 sign per public entrance per business, except each blade sign shall be at minimum of 40 ft apart	See Downtown Design Standards for three options allowed	See Downtown Design Standards for three options allowed
Awning/Canopy/ Marquee Sign	A sign which is painted on, attached to, or supported by a projecting structure (i.e. awning, canopy or maruqee).	Included	n.a.	75% coverage of valance/flat profile; 50% coverage of awning roof	n.a.
Window Sign	A sign attached to, placed against, painted on, or placed within three (3) feet of a window or door of the building which is intended for viewing from the exterior.	Excluded	n.a.	25% coverage of each window/ door, excluding product display; 50% coverage of each window/ door, inclusive of product display	n.a.
Portable Sign	A sign not permanently attached to the ground or other permanent structure including sandwich boards, pedestal signs, and "A" frame signs	Excluded	1 per business that has obtained a food license	6 sq.ft. per sign face, including boarder and trim)	3 feet (sandwich board); 4 feet (pedestal sign)
Incidental Sign (no permit required)	Secondary, informational signs such as commonly seen as menu boards, open signs, hours of operation sign	Excluded	3 per business frontage up to 10 sq.ft. total	4 sq.ft.	

- (ii) **C-3 Highway Commercial.** On-premises pole signs may project over a sidewalk but such sign shall not project more than 4 feet, 6 inches over a sidewalk and such signs shall be at least 10 feet above a sidewalk. Off-premises pole signs shall not be less than 500 feet from any other sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. An on-premises pole sign may be nearer than 500 feet to any other ground sign, if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity promoted is situated.
- (iii) **C-4 Large Scale Commercial.** Off-premises pole signs shall be not less than 100 feet from any other ground sign or sign structure on the same side of the street on which the pole sign or sign structure is situated. An on-premises pole sign may be nearer than 100 feet to any other ground sign if it is the only on-premises ground sign situated upon the premises or parcel upon which the business or commercial activity is situated; and, if the business is located in a stand-alone building.

(c) Roof Sign.

- (i) **C-1 Neighborhood Commercial.** Off-premises roof signs shall not be less than 500 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated. On-premises roof sign may be nearer than 500 feet to any other roof sign if it is the only on-premises roof sign situated upon the premises or parcel upon which the business or commercial.
- (ii) **C-3 Highway Commercial Districts.** Off-premises roof signs shall not be less than 500 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated. On-premises roof sign may be nearer than 500 feet to any other roof sign if it is the only on-premises roof sign situated upon the premises or parcel upon which the business or commercial.
- (iii) **C-4 Large Scale Commercial District.** All roof signs shall be not less than 100 feet from any other roof sign or sign structure on the same side of the street upon which the roof sign or sign structure is situated.

(6) I-1 Industrial District.

- (a) **Permitted Signs.** The following signs or other advertising structures are permitted Directional signs; Marquee/Awning/Canopy Signs; Monument signs; Pole signs; Projecting and Blade signs; Roof signs; Temporary signs; Wall signs; Wind signs; and, Window Signs.
- (b) **Monument / Pole Sign.** One (1) pole or monument sign per premises identifying the industry or business situated thereon. Such sign shall not exceed one hundred (100) square feet, and shall be set back not less than ten (10) feet from any lot line.
- (c) **Wall Sign.** Wall signage identifying the industry or business not exceeding one hundred (100) total square feet.

Section 22.11 Sign Illumination

In addition to complying with the provisions of this sign ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of City and state electrical codes. No person may erect a sign with exposed electrical wires.

- (1) **Lighting Intensity.** In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed sixty (60) foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of ten (10) inches.
- (2) **Light Shielding.** All sign lighting shall be designed, located, shielded or hooded so as to prevent the casting of direct light or glare upon adjacent roadways or surrounding properties. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires or any other type of support intended to illuminate a sign or other advertising device is prohibited.
- (3) **Neon Illumination.** Neon signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the building's architectural character, and where the colors of such signs have been selected to harmonize with the building's exterior colors. Such lighting shall be subject to review and approval by the Design Review Committee.
- (4) **Compatibility.** Signs shall not have lights that rotate or have pulsating flashing or strobe lights, shall not resemble, imitate or approximate the shape, size, text, form or color of official railroad or official traffic signs, signals, or devices, and shall not obstruct or interfere with the effectiveness of said devices.

Section 22.12 Abandoned Signs

- (1) **Definition.** Subsection (a) - (c) below constitutes an abandoned sign. See Code Sec. 22.12(2) and Code Sec. 22.12(3) for the process to designate a sign as abandoned.
 - (a) a sign that was lawfully erected on the property in conjunction with a particular use that has subsequently discontinued for a period of six (6) months;
 - (b) a sign face that remains blank (i.e. void of advertising matter) for a period of nine (9) months. Signs displaying an "available for lease" message, or similar message are considered to be blank signs; or,
 - (c) a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.
- (2) **Written Notification.** Upon verification of a business discontinuing or a sign being void of advertising (blank sign per Code sec. 22.02(4)), the City shall issue a written notice by mail to inform owner of the abandoned sign regulation. If the sign remains in its current state beyond the the issuance of the said written notification, the City shall initiate the remediation process described in Code Sec. 22.12(3).

- (3) **Remediation Process.** If the owner or lessee fails to remove the abandoned sign after original written notification per Code sec. 22.12(2), the Building Inspector or his authorized agent shall give the owner a thirty (30) day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Building Inspector shall, by certified mail, send a second notice giving the owner an additional forty-eight (48) hours to remove the sign. Upon failure to comply with the second notice, the City of Wisconsin Dells shall cause removal to be executed, the expenses of which shall become a lien against the property as provided in Wis. Stat. sec.66.60(15), on the property on which said sign is located as of the date of the removal of the sign and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property. All proceedings related to the collection, return and sale of property for delinquent real estate taxes shall apply.

Section 22.13 Non-Conforming Signs & Structures

- (1) **Definition.** Any sign or projecting structure constructed in accordance with ordinances and other applicable laws in effect on the date of its construction, but which by reason of its type, size, height, location, design, material, method of illumination, number of signs, or construction is not in conformance with this Chapter shall be considered a legal non-conforming sign or projecting structure.
- (2) **Continuation/Loss of Status.** The lawful use of a nonconforming sign or projecting structure may continue unless one (1) or more of the following occurs:
 - (a) The sign or projecting structure is structurally altered in a way, except for normal maintenance or repair.
 - (b) When the sign or projecting structure is fifty (50) percent or more damaged by fire, flood, explosion, earthquake, war, riot or act of God.
 - (c) The sign or projecting structure is relocated.
 - (d) The sign or projecting structure fails to conform to Code Sec. 22.04 and Code Sec. 22.12 regarding maintenance and repair, abandonment, dangerous or defective.
 - (e) If located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign and/or projecting structure must be brought into conformance with the sign regulations of this article at the time of the transfer unless the business will continue to operate under the same name.
- (3) **Compliance.** Within thirty (30) days of occurrence of any of the above, the sign or projecting structure shall be brought in compliance with this Chapter with a new permit secured, or the sign or projecting structure shall be removed at the owner's expense.
- (4) **Maintenance and Repair.** Nothing in this Chapter shall relieve the owner or user of a legal non-conforming sign/projecting structure or the owner of the property in which the sign and/or projecting structure is located from the provisions of this Chapter regarding safety, maintenance and repair of the sign and/or projecting structure.

Section 22.14 Unlawful Signs.

If the Building Inspector determines that any sign or advertising structure is prohibited by the provisions of this ordinance, the Building Inspector, or its designee, shall serve written notice to the sign owner, or its agent, at the sign location. If the prohibited sign is not removed or altered to comply with the provisions of this ordinance within 24 hours, the owner shall be issued citations pursuant to Code sec. 22.15. An owner shall be entitled to only one warning.

Section 22.15 Penalties

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding One Hundred (\$100) dollars and/or imprisonment not exceeding thirty (30) days. Each day such violation is committed, or permitted to continue, shall constitute a separate offense.

Section 22.16 Severability

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

- Maintain a minimum five foot wide sidewalk corridor for general pedestrian circulation adjacent to the use.
- Maintain a minimum 15-foot radius from street corner intersections, measured from the back of curb.
- Within the sidewalk and flexible zone areas, the City may require a minimum five-foot clearance adjacent to City street trees and furnishings, to allow for use of trash containers and benches by the general public, and to allow access for maintenance of planters, trellis structures, street lights and other street furnishings by City maintenance crews. City staff will review each applicant's site plan to determine if additional access or clearance is required.

Within the flexible zone, planters constructed of sturdy, durable, and attractive materials consistent with this Program shall be placed within the flexible zone adjacent to the valley gutter and along the sides of the use area to define the use area and protect users from vehicular traffic. Planters shall be provided, put in place, planted, maintained, and removed by the City (see furnishing standards below for site plan requirements).

Permanent changes to the flexible zone or sidewalk area shall not be permitted. No decking or stages are permitted. Any flexible zone, sidewalk, or City improvements, furnishings, and utilities damaged or destroyed by the outdoor dining use shall be replaced to City standards with the cost borne by the use operator.

Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.

All outdoor dining area furnishings shall be maintained in a safe and clean condition. All sidewalk use furnishings shall be stored indoors nightly. Flexible zone use furnishings may be secured within the flexible zone use area, or stored indoors nightly. Furnishings shall not be stacked outside at any time.

All outdoor dining use areas shall be maintained in an attractive, clean (free from spills, litter and other debris) and safe manner.

Signage shall be subject to the provisions of this Program.

Tablecloths are permitted to be cloth only. Vinyl tablecloths are not permitted. Tablecloths shall be brought indoors nightly and shall be clean when placed outside each day.

To minimize litter and debris, where table wait service is provided, or food is served to the customer on a tray to be taken and eaten on site in the outdoor dining area, plates, glasses, cups, and silverware made of permanent (non-disposable) materials such as glass, ceramic, and metal, and cloth napkins shall be required. The use of disposable food containers, utensils, and napkins is permitted only where food is served to the customer "to go" only.

Trash receptacles, consistent with this Program, shall be required for all outdoor dining use areas where food is served "to go" with disposable containers, utensils and napkins. The applicant shall be responsible for maintaining the use area and trash receptacles in a clean and tidy manner, including emptying the receptacle daily, or more frequently if needed in high use areas, into the primary restaurant trash receptacle serving the business for proper disposal.