

**TOWN OF SPRINGDALE,
DANE COUNTY, WISCONSIN**

**AN ORDINANCE CREATING TITLE IX, CHAPTER 4
IN THE TOWN OF SPRINGDALE CODE OF ORDINANCES**

RECITALS

- A. Pursuant to the Wisconsin Statutes, including sections 12.04, 60.10(2)(c), 60.22(1) and (3), 60.23 (29), and 61.34(1), the Town of Springdale may regulate the size, shape, placement and other criteria related to signs within the boundaries of the Town.
- B. The Town of Springdale Land Use Plan states that the Town shall develop a signage ordinance that promotes rural business activities primarily related to agriculture and that ensures signage will not negatively affect the rural character of the Town.
- C. It is necessary to create Title IX, Chapter 4 of the Town of Springdale Code of Ordinances in order to ensure that signage does not negatively affect the rural character and scenic beauty of the Town; to promote rural business activities primarily related to agriculture; to comply with statutory requirements concerning communication of political messages; to ensure that signage is limited to those signs necessary to direct customers to on-premise businesses and agricultural activities; and to ensure that signage does not negatively affect public health, safety and welfare.
- D. The regulation of signs within the boundaries of the Town is in the public interest and serves a public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Springdale that Title IX, Chapter 4 of the Town of Springdale Code of Ordinances is created to read as follows:

Chapter 4. SIGN ORDINANCE

4.01 TITLE. This chapter shall be officially known, cited and referred to as the “Sign Ordinance, Town of Springdale, Dane County, Wisconsin.”

4.02 AUTHORITY. These regulations are adopted under the authority granted by the Wisconsin Statutes, including sections 12.04, 60.10(2)(c), 60.22(1) and (3), 60.23 (29), and 61.34(1).

4.03 PURPOSE AND INTENT. The purpose of this chapter is to ensure that signage does not negatively affect the rural character and scenic beauty of the Town; to promote rural business activities primarily related to agriculture; to comply with statutory requirements concerning communication of political messages; to ensure that signage is limited to those signs necessary to

direct customers to on-premise businesses and agricultural activities; and to ensure that signage does not negatively affect public health, safety and welfare.

4.04 JURISDICTION. This chapter shall apply to all lands within the Town of Springdale.

4.05 INTERPRETATION. In their interpretation and application, the regulations contained herein shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly in favor of the Town of Springdale to promote the purpose and intent for which they are adopted.

4.06 SEVERABILITY. If any part or provision of this ordinance or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations, or the application of them to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application, which is judged to be invalid.

4.07 DEFINITIONS.

(1) Agricultural activities. Activities related to beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; and raising of fruits, nuts, berries, sod farming and vegetable raising.

(2) Agricultural products. Products derived from beekeeping; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; and raising of fruits, nuts, berries, sod farming and vegetable raising.

(3) Sign. ~~A device that is intended, designed or used for advertising display, identification, announcements, or related purposes, including signs, screens, billboards and other advertising devices of any type.~~ Any object, device, display, structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. (This is the Dane County definition)

(4) Ground Sign. A freestanding sign mounted on supports or uprights and whose bottom edge is less than 8 feet above the ground. A monument sign is a type of ground sign and is a two-sided sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts or similar uprights. (This is the Dane County definition)

(4) ~~(5)~~ Government sign. A sign authorized or installed by the Town, another governmental agency, the State of Wisconsin or the federal government, including, but not limited to, traffic-related signs.

~~(5) (6)~~ Non-conforming sign. ~~A sign which does not comply with the regulations set forth in this chapter but was in existence on the effective date of this chapter.~~ Signs existing prior to the effective date of this ordinance which do not conform to the provisions of the ordinance shall be nonconforming signs. [This is the Dane County definition]

(7) Off-premise sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere other than upon the premises where the sign is located. (Dane county definition)

~~(6) (8)~~ On-Premise sign. ~~A sign identifying or advertising a business, person, activity, goods, products or services located on the property where the sign is installed and maintained.~~ A sign which directs attention to a business, commodity, service or entertainment sold, offered or conducted on the same premises that the sign is located. (Dane county definition)

~~(7) (9)~~ Political sign. Any sign containing a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

(10) Projection sign. An on-premise advertising sign, other than a wall sign which is attached to and projects out from a wall or building. [This is the Dane County definitions]

(11) Pylon sign. A freestanding sign erected upon one or more pylons or posts, the bottom edge of which is eight or more feet above the ground. (Dane county definition)

~~(8) (12)~~ Real estate sign. A sign used to offer for sale, lease, or rent the property upon which the sign is placed.

(13) Sign area. The total area which may be used for display of advertising, message, announcement, etc. (Dane county definition)

(14) Temporary Sign. Signs which are installed for a limited time period for any purpose. A permanently mounted sign shall not be considered as temporary even though the message displayed is subject to periodic changes. [This is the Dane County definition]

(15) Wall sign. A sign mounted on and parallel to a building wall or other vertical building surface. Signs on the sides of a service station pump island roof structure shall be considered wall signs. [This is the Dane County definition]

~~(9) (16) Warning sign.~~ **Private property protection sign.** A sign, less than 1.5 square feet, that warns the public about trespass to property, dangerous conditions (such as an aggressive dog), unusual hazards (such as drop-offs), high voltage, fire dangers, or explosives.

4.08 PROHIBITION ON SIGNS. All signs shall be prohibited in the Town except:

(1) Signs advertising or identifying agricultural products produced in **or agricultural activities occurring** in the Town.

~~(2) Signs advertising or identifying agricultural activities occurring in the Town.~~

~~(3) In areas zoned A-1, B-1, A-B, LC-1 and C-1,~~ **Certain on-premise signs on properties zoned GC (General Commercial), LC (Limited Commercial), and HAM-M (Hamlet-Mixed Use).**

(3) Certain on-premise signs for properties with permitted home occupations and/or limited family businesses.

~~(5) (4) Political signs~~

~~(6) (5) Real estate signs.~~

~~(7) (6) Government signs.~~

~~(8) (7) Private property protection Warning signs.~~

4.09 CONDITIONS APPLICABLE TO CERTAIN EXEPTED SIGNS FROM SECTION 4.08.

1. Signs that are permitted in the Town pursuant to section 4.08 shall not:

a. Resemble, imitate, or approximate the shape, size, form, or color of Government signs, unless the sign is a Government sign.

b. Obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices or the safe flow of traffic.

c. Be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape.

d. Be placed so as to obstruct or interfere with traffic or pedestrian safety and visibility.

2. Signs advertising or identifying agricultural products produced **or agricultural activities occurring** in the Town. Not more than **a total of three on-premise and/or off-premise signs** shall

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be erected by a property producing agricultural products or **hosting agricultural activities** in the Town. Any such sign shall not exceed a total of 32 square feet **including all faces if two faced** (as defined by Dane County 10.802 (2) (a)) and:

- a. The sign shall be located:
 - (1) Upon the property on which the agricultural products are produced **or agricultural activities held**;
 - (2) If the property on which the agricultural products are produced **or agricultural activities held** is not adjacent to a highway, upon other private property adjacent to a highway with the permission of the property owner; or
 - (3) If a privilege in street has been obtained pursuant to section 66.0425 of the Wisconsin Statutes, upon land within the road right-of-way.
- b. **On-premise signs may be ground, pylon, wall or projection signs.**
- c. **The height of the sign shall not exceed 12 feet as measured from the ground level at the base of the sign to the top edge of the sign.**
- d. **Signs advertising or identifying agricultural products or activities shall be unlit.**

~~3. Signs advertising or identifying agricultural activities occurring in the Town. Not more than three signs shall be erected by a property hosting agricultural activities occurring in the Town. Any such sign shall not exceed 32 square feet in area on all sides and shall be located:~~

- ~~(a) Upon on the property on which the agricultural activities are occurring;~~
- ~~(b) If the property on which the agricultural activities are occurring is not adjacent to a highway, upon other private property adjacent to the highway with the permission of the property owner; or~~
- ~~(c) If a privilege in street has been obtained pursuant to section 66.0425 of the Wisconsin Statutes, upon land within the road right of way.~~

4. 3. Certain on-premise signs on properties zoned GC (General Commercial), LC (Limited Commercial), and HAM-M (Hamlet-Mixed Use).

- a. On-premise sign that is **less than or equal to 32 square feet for a pylon sign (all faces) or wall sign and 16 square feet per face for a projection sign** ~~6 square feet in size~~, and are necessary to direct customers to the on-premise business. **Ground signs will not be allowed.** Each property is limited to one (1) sign. Such sign shall comply with all

other applicable Town, county, and state regulations.

- b. The height of the sign shall not exceed 12 feet as measured from the ground level at the base of the sign to the top edge of the sign.
- c. Limited lighting.
 - a. Signs shall not be lit or illuminated between 9 p.m. and 5 a.m.
 - b. Additionally, signs may only be illuminated when business is open to the public.
 - c. Any lighting shall conform to the Town's Dark Sky Ordinance. No externally lit sign shall be illuminated from below. (See Dane County 10.802 (4) (f). See additional requirements per Dane County.

4. Certain on-premise signs for properties with permitted home occupations and/or limited family businesses.

- a. one (1) wall sign shall be permitted
- b. shall not exceed two (2) square feet in area
- c. shall not be lighted.

5. Political signs – not exceeding 11 square feet in area and not having an electrical, mechanical or audio component, during an election campaign period as provided in section 12.04 of the Wisconsin Statutes. A political sign may exceed 11 square feet in area if the sign is affixed to a permanent structure, does not extend beyond the perimeter of the structure, and does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.

6. Real Estate Sign. Real Estate Signs shall be treated as temporary signs Dane County 10.803 and shall not exceed 32 square feet.

7. Governmental Signs. Signs installed by the state, county, or township.

8. Private Property Protection Sign. Shall not exceed 1.5 square feet.

4.10 NON-CONFORMING SIGNS.

(1) Intent. Although the eventual elimination of non-conforming signs is important to the purposes stated in section 4.03, it is the intent of this chapter to avoid unreasonable invasion of property rights while accomplishing the removal of non-conforming signs.

(2) Maintenance. A non-conforming sign may be continued if it is maintained in good condition. A non-conforming sign may be replaced, but only if the non-conforming sign is replaced by a sign of the same size and character. If the desired replacement sign varies from the original, the owner may appeal to the Town Board for an exception. Any variance granted may

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not be more permissive than what would be allowed by this ordinance in the GC, LC or Ham-M districts. The replacement non-conforming sign shall not have lights.

(3) Business continuation.

(a) If a business with a non-conforming sign is sold to a new owner who continues the business, the non-conforming sign may be continued per paragraph (2).

(b) If a business with a non-conforming sign is sold to a new owner who does not continue the business, the non-conforming sign shall be removed and a replacement non-conforming sign shall not be erected.

(c) If a business with a non-conforming sign is discontinued or terminated, the non-conforming sign shall be removed.

~~4.09 PERMITTED SIGNS~~ 4.11 ENFORCEMENT

The Town may remove a sign that:

(a) Is located on Town property without approval of the Town Board;

(b) Poses a traffic hazard emergency or other emergency threat to public safety as determined by the building inspector; or

(c) Is erected or maintained in violation of this chapter.

4.12 Variance

Where the Town Board finds that a particular proposal for a sign or signage is reasonable but is limited or prohibited by strict compliance with the provisions of this ordinance, it may consider granting a variance to one or more provisions so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the purpose and intent of this ordinance.

Variances are limited as specified in this section.

1. The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

2. When a variance is requested, the Board shall consider the particular physical surroundings, shape, size and/or topographical conditions of the specific property and buildings involved.

3. The conditions upon which the application for a variance is based would not be applicable generally to other properties in the Town.

4. The granting of the variance will not be detrimental to the public welfare, or injurious to the rural character in the neighborhood in which the property is located.

5. The proposed variance will not impair an adequate supply of light and air to adjacent property, endanger the public safety or substantially diminish or impair property values within the neighborhood.

6. The Board may impose such conditions or restrictions upon the sign and premises benefited by a variance as may be necessary to comply with the above standards to reduce or minimize the injurious effect of such variance upon other property in the neighborhood and to better carry out the general intent of this ordinance.

4.13 PENALTIES. Should a sign be erected or maintained in violation of the provisions of this chapter, the owner of the land on which the sign is erected or maintained shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. An unlawful sign constitutes a public nuisance and may be enjoined.

4.14 4.12 REVIEW. A decision made by the Town under this chapter is subject to review pursuant to Chapter 68 of the Wisconsin Statutes.

The foregoing ordinance was duly adopted by the Town Board of the Town of Springdale at a meeting held on the 16 of June, 2008.

TOWN OF SPRINGDALE

~~Ed Eloranta~~ John Rosenbaum, Town Chairperson

~~Vicki Anderson~~ Jackie Arthur, Town Clerk

ENACTED: June 16, 2008

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