

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED July 18, 2006 _____

REFERRED Urban Design Commission _____

Repealing and recreating Chapter 31 entitled "Street Graphics Control Ordinance", amending portions of Chapter 28 to conform language to various changes made by the new Chapter 31, amending Section 1.08(3)(a) to amend the bail deposit schedule for violations of Chapter 31, and amending Section 1.08(4) to establish the Director of the Inspection Unit or designee as enforcement authority for Chapter 33.

RULES SUSPENSION _____

PUBLIC HEARING _____

EXHIBIT X

Drafted by: Lara Mainella

Date: July 11, 2006

SPONSORS: Alds. Radomski, Van Rooy; Verveer; and Gruber

DRAFTER'S ANALYSIS:

The Common Council of the City of Madison do hereby ordain as follows:

1. Chapter 31 is hereby repealed and recreated to read as follows:

"31.01 SHORT TITLE. This ordinance shall be known and may be cited as the Sign Ordinance.

31.02 PURPOSE AND SCOPE.

- (1) Purpose and Intent. The Common Council, by enacting this ordinance, recognizes the City has a significant and substantial governmental interest in promoting public safety and aesthetic values through the regulation of signs displayed within the City of Madison. The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of signs, and thereby to facilitate an easy and pleasant communication between people and their environment. Sign regulations, including but not limited to those which control the type, design, size, location and maintenance of signs, are hereby established to further the goals of safety and aesthetics and achieve more specifically, the following purposes:
(a) To enable the public to locate goods, services and facilities without difficulty or confusion;
(b) To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment and preventing conditions which have undesirable impacts on surrounding properties;
(c) To promote the development of attractive and harmonious residential districts, viable commercial districts and identify industrial and other uses;

Approved as to form:

- (d) To protect the public and promote safety, including but not limited to traffic and pedestrian safety; and to minimize effects of signs which may distract or obstruct visibility of official traffic signals and other safety or informational devices; and
 - (e) To protect scenic views and the visual environment along all city streets, highways and rights-of-way and promote overall aesthetics, avoid clutter and inappropriate scale.
- (2) Applicability. This code shall be binding alike upon every owner of a building, every operator, lessee, and every person in charge or responsible for or who causes the erection, construction, repair, relocation or alteration of any sign in the City of Madison.
- (3) Scope. This code shall apply to all signs in the City of Madison. However, this Ordinance shall not be construed to amend or in any way interfere with any other ordinances or applicable law governing official traffic signs or signals.

31.03 RULES AND DEFINITIONS.

- (1) Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:
- (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number shall include the plural number, and the plural the singular.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "may" is permissive.
 - (e) All references to section numbers are Madison General Ordinances, unless otherwise noted.
- (2) Definitions. For the purposes of this Ordinance, the terms listed below shall have the following definitions:
- Above Roof Sign. A sign displayed above the roofline.
- Accessory Sign. A wall sign on a large building, subordinate in area to the principal sign, located elsewhere than the primary signable area, listing other businesses or generic services or departments in the building, such as pharmacy, optical, auto repair, garden center and excluding product brand names.
- Advertising Sign. A sign containing a commercial or noncommercial message directing attention to a business, commodity, service, political candidate or cause, public service, social cause, charity, community affair or entertainment, not related to the premises at which the sign is located, or directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located. Advertising appearing on public transportation vehicles is not regulated by this ordinance.
- Alteration. Any major change made to an existing sign, other than routine maintenance, painting or change of copy of an existing sign.
- Architectural Detail. Any projections, relief, change of material, window or door opening that is on the facade of a building. Where an overall consistent pattern of projections or reliefs exists on a signable area, they shall not be considered architectural details.
- Attention-getting Device. An object made of flexible material whether or not it contains text, logos or any other images and whether it is free-standing or attached to a sign, such as a streamer, pinwheel, pennant or other such device; suspended, hung, pinned or otherwise fastened to a sign or other structure in such a manner that the object is permitted to spin, fly, flap or otherwise move the wind.
- Awning. A roof like cover, temporary in nature, that projects from the wall of a building.
- Awning, Internally Illuminated. An awning consisting of a rigid frame covered with vinyl, plastic, or other translucent material that is internally illuminated.
- Banner. A suspended sign made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.
- Banner, Decorative. A banner containing no message or logo that is displayed for the purpose of adding color and interest to the surroundings or to the building to which it is attached.
- Banner, Promotional. A banner or series of banners containing a noncommercial message displayed to call attention to cultural events, charity campaigns or neighborhood sponsored activities.

Building Entrance Identification Sign. A wall sign used to identify non-residential building entrances such as, "Emergency Room Entrance", "Lubrication", "Wash Rack," as may be customarily found on Large Buildings as defined herein.

Building Line. A line established by ordinance beyond which no building may extend. A building line may be referred to as "required setback".

Business Opening Sign. A sign displayed in addition to permitted wall, roof, above-roof and ground signs; displayed on the premises of a new building or new business or the premises of an existing business upon a change of name or change of ownership; and displayed for a period not to exceed thirty (30) days.

Business Sign. A sign used for identification purposes, which directs attention to a business or profession conducted upon the premises at which the sign is located, which may also refer to goods or services produced, offered for sale or obtained at such premises, and which may also include political, social, public service or other noncommercial messages.

Canopy. A permanent roof structure over a space that is completely unenclosed on at least two (2) sides.

Canopy, Attached. A canopy that is attached to and supported by a building, which may also be supported by additional vertical ground supports or other structures.

Canopy, Detached. A canopy that is a permanent, free-standing roofed-over structure, with four open sides, accessory to but not attached to a principal building.

Changeable Copy Sign. Any sign characterized by copy, letters, or symbols that are designed to be changed, regardless of method of attachment.

Change of Use. Change in use of the premises from one use category listed in Chapter 28 (the Zoning Code) to another use category listed in Chapter 28.

Commercial Message. A message that directs attention to a business, commodity, service or entertainment enterprise which is intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is taxable under the Internal Revenue Code.

Comprehensive Design Review. A process whereby the Madison Urban Design Commission ("UDC") reviews all existing and proposed signs on a building or zoning lot upon request of an applicant, seeking approval for a Comprehensive Sign Plan. The UDC may recognize unique, exceptional and innovative effort to integrate signs with building architecture and materials by approving a Comprehensive Sign Plan that includes special allowances in signable area and number of ground signs, and may incorporate other approvals as authorized in sec. 31.041.

Comprehensive Sign Plan. A complete signage plan for a building or zoning lot that has been approved by the Urban Design Commission through a Comprehensive Design Review.

Condominium Identification Street Graphic. An identification street graphic for a condominium established under Chapter 703 of the Wisconsin Statutes, that displays the name, address(es) and number(s) of the buildings(s) located within a single condominium.

Construction Directional Sign. A temporary sign displayed on private property for a limited period of time, to identify the location of and entrance to a business that remains open when normal access or pedestrian or vehicle traffic flow has been diverted by construction or road work.

Curb Level. The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Design Extension. Any addition to a sign that is added to or protrudes from the top, sides, or lower edge of the main or principal portion of the sign.

Detached Building. A building surrounded by open space on the same lot or built to the lot line.

Director. Director means the Director of the Inspection Unit of the Department of Planning and Development.

Electric Sign. Any sign utilizing electric wiring, material, or devices.

External Lighting Fixtures. For purposes of this Chapter, shall mean lighting sources (as defined in sec. 10.085(2)) which are electrically powered illuminating devices, lighted or

reflective surfaces, lamps and similar devices, permanently installed or portable, used to illuminate a sign.

Facade. Any separate face or surface of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than one-hundred and thirty-five (135) degrees, they are to be considered as part of a single facade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy. This definition does not include the flag of any country, state, city, county, corporation or institution.

Flashing Sign. A sign that displays a flashing or changing message or multiple messages that alternate or scroll from one message to the next. A message shall be considered to have flashed, changed or alternated if there is a change in text, color, brightness, logos, symbols or any other image.

Gross Area. The total area of the sign, including all supporting structures, viewed from the direction the sign is facing; calculated within a single continuous perimeter enclosing the smallest possible square or rectangle, or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around a sign of an irregular shape; enclosing the extreme limits of such sign, with sides that are perpendicular to the ground. Said perimeter shall not pass through or between any adjacent elements of the sign except when more than one square or rectangle is drawn around a sign of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no gap between them. If sign copy is displayed on more than one face of a single sign structure, the two-dimensional area encompassing each side of the entire structure displaying sign copy shall be measured and added together for purposes of calculating the gross area.

Ground Sign. A freestanding sign supported permanently upon the ground and not attached to any building, such as a "pole" or "monument" style sign.

Identification Sign. A wall sign located in the residential, conservancy, or agricultural districts; including those displayed pursuant to a home occupation under sec. 28.04(26); limited to the name of the building occupant or management, address of the building, and any lawful home occupation.

Inflatable Sign. A freestanding or moored sign expanded with air or another gas, like a balloon and when inflated with a gas lighter than air, may rise and float above the ground.

Inspection Unit. Inspection Unit means the Inspection Unit of the Department of Planning and Development.

Kiosk. A freestanding structure upon which temporary information or notices may be posted.

Large Buildings. Those buildings exceeding one hundred twenty-five (125) feet in length or having five (5) stories or more in height.

Logo. A symbol or trademark commonly used to identify a business or organization but which in itself contains no more than two (2) words or numerals.

Marquee. (See Canopy.)

Menu Board. A changeable copy sign, enclosed in a lockable or latchable protective case or covering, mounted firmly to a wall, and not projecting more than four (4) inches from the surface of the wall.

Merchandise Sign. A sign made of flexible nonmetallic material attached to, and advertising, merchandise displayed outside of an enclosed building.

Motion Sign. Any sign possessing visible moving parts or parts that appear to move.

Mural. A picture illustration or abstract expression containing no commercial message applied directly to and made integral with a wall or window surface.

Neighborhood Identification Sign. Any sign containing the name of the neighborhood in which it is located.

Net Area. The entire area within a single continuous perimeter enclosing the smallest possible square or rectangle drawn around the sign copy; or a combination of not more than three (3) of the smallest possible squares or rectangles that can be drawn around sign copy of an irregular shape; enclosing the extreme limits of such sign copy with sides that are

perpendicular to the ground. The perimeter shall not pass through or between any adjacent elements of the sign copy except when more than one square or rectangle is drawn around sign copy of an irregular shape, in which case each square or rectangle must be immediately adjacent to the next so that there is no space between them. If the sign copy is contained entirely within one sign can or board, the entire area of the can or board shall be measured to determine the net area. If the sign copy is contained within multiple sign cans or boards, then all cans or boards shall be measured using the methods for sign copy of an irregular shape, above. The net area shall not include any structural elements lying outside the limits of the sign copy and not forming an integral part of the display. For the purpose of window signs, any background material under sec. 31.10(2) shall be included in the measurement of net area.

Nonconforming Sign. Any sign does not comply with the regulations of this ordinance.

Nonconforming Use. Any use of land or buildings does not comply with the regulations of Chapter 28 (Zoning Code).

Noncommercial Message. A message intended to direct attention to a political, social, community or public service issue and not intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is exempt from taxation under the Internal Revenue Code.

Number. For the purposes of this ordinance, the term number shall mean a number or combination of numerals used to identify or designate one particular item such as a quantity, price, telephone number or address of a property.

Off-Premise Directional Sign. A ground sign, including a theater program directory sign, designed to guide or direct the public to a business, service or entertainment activity.

Parking Lot Directional Sign. A sign that is necessary, for safety or promoting traffic flow, to guide or direct pedestrian or vehicular traffic to a location on the premises on which the sign is located.

Parking Lot Regulation Sign. A sign designating the conditions of use or identity of such parking area, including identification and labeling of individual parking stalls, except for signs that are required by law to identify certain parking stalls or parking areas.

Pennant. A tapered or dove-tailed banner or flag.

Person. May include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Pole Sign. A ground sign that is supported by a single pole that is one third (1/3) or less in width than the total width of the sign copy structure it supports.

Political Sign. Any sign that states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating social or political views or policies.

Portable Sign. A sign that is not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

Principal Building. A non-accessory building in which is conducted the principal use of the lot on which it is located.

Project Sign. A temporary sign on private property, describing a construction or improvement project including the names of contractors, architects, engineers, investors, owners or occupants.

Projecting Sign. A sign that is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Public Service Sign. Any sign primarily to promote noncommercial items of general interest to the community.

Real Estate Sign. A sign advertising the sale, lease, or rental of the property upon which it is located.

Roof Line. The uppermost line of the roof of a building, including original parapets.

Roof Sign. A sign erected on the roof of a building no portion of which is above the roof line.

Rotating Sign. (See Motion Sign)

Scoreboard. A scoreboard is a sign designed to provide information to spectators at athletic events that may or may not contain advertising messages or public service announcements.

Sidewalk Showcase. A freestanding structure consisting of an enclosed display case or cabinet, used to display information or notices, located on a public or private sidewalk or sidewalk area.

Sign. Any device, structure, fixture, or placard, including its supporting base, frame, electrical and all other accessory components, using text, graphics, symbols and/or other written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services; located outside of a building or within three (3) feet of the interior of a window and which is visible from the exterior.

Sign Copy. The portion of a sign comprised of any combination of text, graphics, symbols, images, and/or other written copy, whether it is displayed within or outside of a sign can or board.

Signable Area. One designated area of the facade of the building up to the roof line that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, on which signs are to be displayed.

Street Occupancy Signs. Signs displayed on street occupancy barricades, passageways and fences that have been erected pursuant to a valid street occupancy permit issued under sec. 29.10(7); denoting only the owner, occupant, architect, engineer or contractor(s) of the project for which the street occupancy permit was issued.

Subdivision Identification Sign. Any sign containing the name of the subdivision in which it is located.

Swinging Sign. (See Motion Sign)

Symbol. Something that stands for or suggests something else by reason of relationship, association, convention or resemblance placed or erected for public view as a sign or as a part of a sign.

Theater Program Directory Sign. A ground sign that contains the name of the theater complex and a listing of the program being presented.

Time and/or Temperature Sign. A flashing sign giving the time and/or temperature.

Wall Sign. A sign that is attached to a wall of a building and projects fifteen (15) inches or less from such wall.

Window Sign. Any sign that is displayed, painted on, applied to, or affixed to the exterior or interior of a window; or displayed within three (3) feet of the interior of a window; and that is visible from the exterior. For purposes of this ordinance, "window" shall include any glass or transparent panels on exterior doors. Merchandise available for purchase within the premises and displayed within three (3) feet of the interior of a window shall not be considered a window sign under this definition.

31.04 ADMINISTRATION, ENFORCEMENT, AND CONSTRUCTION REQUIREMENTS

(1) Interpretation.

- (a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and least intrusive means for the promotion and protection of the public health, safety, and general welfare.
- (b) Where the conditions imposed by any provision of this ordinance upon the erection or maintenance of signs containing commercial messages are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose the higher standards or requirements shall govern.
- (c) Any sign permitted or authorized in this ordinance may contain any noncommercial message in addition to or in lieu of any other message.

(2) Superseding Regulations.

- (a) Signs Located Near Interstate Highways. All signs hereafter erected within six hundred sixty (660) feet from the edge of the interstate highway easement or property measured

horizontally along a line normal or perpendicular to the center of the interstate highway shall be subject to the provisions of Section 84.30, Wis. Stats. and Sections Trans. ss. 201.01, 201.04, 201.05 of the Wisconsin Administrative Code.

- (b) Chapters Trans 200 and 201 of the Wisconsin Administrative Code shall supersede any conflicting provisions of this chapter.
- (c) The following sections of the Madison General Ordinances supersede any conflicting provisions in this chapter:
 - 1. Section 28.04(21)(b).
 - 2. Sections 28.08(7)(c) 7. and 8.
 - 3. Section 28.09(3)(d)15.c.
 - 4. Section 28.09(3)(d)16.e.

(3) Administration and Enforcement of the Sign Control Ordinance.

This Ordinance shall be administered as described in this subsection. The authority and duties described below shall be in addition to any other authority described elsewhere in these ordinances. Nothing in this Ordinance shall be construed as a limitation upon the powers of the City of Madison nor the enforcement powers of the Inspection Unit, Police Department or any other duly authorized personnel.

(a) Duties of the Director of the Inspection Unit or Designee:

- 1. Approve and issue sign permits.
- 2. Inspect sign construction and erection.
- 3. Enforce this ordinance as authorized by sub. (4) and elsewhere by ordinance or law.
- 4. Determine the form and content of applications for sign permits and sign erector's licenses, consistent with this Ordinance.

(b) Duties of the Building Board of Examiners and Appeals:

- 1. Hear appeals relating to matters of structural or mechanical concern.
- 2. Hear complaints against sign erectors filed by the Director of the Inspection Unit and revoke sign erector's license pursuant to sec. 31.042.

(c) Duties of the Plan Commission. Act upon certain sign permit applications and appeals, where applicable.

(d) Duties of the Director of Planning and Development. Act upon specific sign permit applications as may be authorized in sec. 31.15 (Tables) or elsewhere in this ordinance.

(e) Duties of The Urban Design Commission of the City of Madison ("UDC.")
Act upon all matters relating to signs as described in Sec. 31.041 and Sec.33.02.

(4) Enforcement.

(a) Summary and non-summary removal or alteration of signs. If the Director of the Inspection Unit "Director" or designee shall find that any sign regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this ordinance, s/he may give written notice describing the problem to the permittee thereof or the owner of the sign, or the owner of the property on which the sign is located. If the permittee, sign owner, or property owner, to whom the Notice is given, fails to remove or alter the sign so as to comply with the Notice by the date or time for compliance established in the Notice, the Director or the Chief of Police or designee may remove or alter such sign to comply with the Notice and this ordinance at the expense of the permittee, sign owner or owner of the property upon which it is located. In addition, the Director may cause any sign that is a hazard to person or property to be removed summarily and without notice. The Director may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under this paragraph.

(b) Other Enforcement Action, Injunctive Relief. The provisions of sub.(a) shall be in addition to any other authorized enforcement action or prosecution for ordinance violations or other law violations; including but not limited to issuance of a Uniform Municipal Ordinance Citation, referral to the City Attorney for prosecution of a forfeiture action and/or other legal or equitable relief. The City Attorney is authorized to pursue civil injunctive or other equitable relief when, in the opinion of the Director, a sign

presents a hazard and at least one (1) conviction for a violation of the ordinance has been obtained and the sign remains in violation of this Ordinance. A notice, or failure to comply with a notice sent under sub. (a) shall not be a prerequisite for prosecution, injunctive relief, or other civil remedies available at law based upon a violation of this ordinance.

(5) Construction Requirements.

(a) Definitions:

1. Approved Combustible Material. An approved combustible material shall include:
 - a. Wood or materials not more combustible than wood.
 - b. Combustible plastics, which, when tested in accordance with ASTM Standard Method for Flammability of Plastics over 0.050 inch in thickness (D 635-44) burn no faster than 2.5 inches per minute in .060 inch in thickness.
2. Incombustible Material. Any material which will not ignite at, or below, a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of five (5) minutes and which will not continue to glow at that temperature. Tests shall be made as specified in UBC Standard No. 4-1-61.

(b) Sign Structure. Sign structure shall be of incombustible materials, except that nonelectric business and identification signs, not exceeding thirty-two (32) square feet in area nor six (6) feet in height aboveground, and located in a landscaped area, may have a preservative treated wood sign structure, and the structural trim of the sign may be of approved combustible material.

(c) Sign Facings. Sign facings shall be of incombustible materials or approved combustible materials.

(d) Letters, Decorations and Embellishments.

1. Letters, decorations and embellishments of signs shall be of incombustible materials or other approved combustible materials.
2. Letters, decorations and embellishments, in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(e) Electric Signs.

1. All electrical signs, as defined in sec. 31.03(2) shall bear the label of approval of a recognized testing laboratory.
2. All electrical signs shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the sign.
3. Covers of service openings shall be securely fastened by chain or hinges.

(f) Wind Pressure. All signs shall be designed, constructed and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area.

(g) Dead Load. All sign structures shall be constructed and fastened to adequately support the dead load of any sign.

(h) Footings. All footings for supports of ground signs shall be not less than three (3) feet six (6) inches below the existing ground level.

(i) Attachment. Projecting signs may not be attached to any part of an unbraced wall above a point of bearing of the roof rafters.

(j) Roof or Above-Roof Signs. Signs constructed on the roof of a building shall be thoroughly secured and anchored.

(k) Illumination of Signs. Signs shall not be illuminated unless specifically allowed elsewhere in this chapter. For purposes of this chapter, illumination includes any source of direct or reflected lighting incorporated in or connected with a sign. Illumination, when allowed, may be internal or external to the sign. All sign illumination shall be subject to the provisions of sec. 10.085, Outdoor Lighting, in addition to the following restrictions. In the event of a conflict between this ordinance and sec. 10.085, the more strict provision shall apply:

1. Any illumination shall be so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.
2. All external lighting fixtures, as defined in sec. 31.03(2) shall be steady, stationary, fully shielded light sources directed solely onto the sign, and shall use lighting designed to minimize light spill and glare.
3. Lighting sources (as defined in sec. 10.085(2)) shall not be directly visible or cause glare to adjacent public right-of-ways or adjacent private property boundaries. This may be accomplished through the use of shields or cut off devices or other similar equipment.
4. All signs illuminated by an external lighting fixture shall be limited to a maximum amount of illumination as follows:
 - a. Signs with a gross area (for ground signs) or net area (all other signs) of less than 300 square feet shall have a maximum illumination level equal to the greater of: 1) 40 foot-candles average across the sign surface, or 2) a total of 50 watts for all fixtures.
 - b. Signs with a gross area (for ground signs) or net area (all other signs) equal to or greater than 300 square feet shall have a maximum illumination level of 70 foot-candles average across the sign surface.
5. Internally illuminated signs or any other signs with internal illumination or indirect light from the back of the letters or sign shall not produce any glare.
6. This section shall not apply to "official traffic control devices" as defined in Wis. Stats. sec. 340.01(38), 2003-04 and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way.
7. Awning signs may be internally illuminated if constructed with a rigid frame covered with vinyl, plastic, or other translucent material and otherwise compliant with this section and 31.06.
8. See sec. 31.10 regarding illumination of window signs.
9. Exposed neon signs are exempt from this section.
10. Applicability. This section applies to the illumination of all signs that are erected after the effective date of the ordinance creating this section, as well as new external lighting fixtures installed on an existing sign, any other illumination feature that is added to an existing sign, and upon replacement of any sign illumination feature (external or internal) after the effective date of this ordinance. Nothing in this section shall be construed to limit or modify the permit and inspection requirements elsewhere in this ordinance, such as those applying to electrical signs, replacement or repair of signs, change of copy, etc.

31.041 SIGN PERMITS AND FEES.

- (1) Permit Required.
 - a) Signs may be erected, moved, enlarged, or reconstructed within the City of Madison as allowed in this Ordinance only when a permit therefor shall have been issued by the Director of the Inspection Unit, except when specifically exempt from permit under Sec. 31.044 or elsewhere in this Ordinance.
 - b) It shall be unlawful for any person to erect, repair, alter, relocate, maintain, or change copy, except for signs designed for changeable copy, within the City of Madison any sign as defined in this ordinance without first obtaining a permit from the Director and making payment of the fee(s) required by this ordinance, unless a permit is not required under Sec. 31.044 or unless otherwise exempt from obtaining a permit or paying a fee under the provisions of this ordinance. All electric signs shall, in addition, be subject to the provisions of the Electrical Code (Chapter 19), and the permit fee required thereunder.
 - c) Permit Identification Tag. When the permit for any type of sign is issued, a metal tag shall accompany such permit. This tag shall be affixed to the sign at the time of erection, in a place visible for inspection, as proof of issuance of the permit.
- (2) Application for Sign Permit.

Applications for permits shall be filed on application forms provided by the Director. A photograph of the property, a plot plan, and construction and installation plans, including specifications and engineering data, shall accompany the application. When all of the provisions of this ordinance or other ordinances relating to such sign shall have been complied with and when the applicant has paid the required fee for every such application, the permit may be granted. The Director determine, consistent with the provisions of this ordinance, the form and contents of all applications for permits herein required. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected, or the applicant must make a sworn statement that the applicant is authorized by the owner, lessee or other authorized occupant of the premises to erect the proposed sign(s).

(3) Permit and Application Fees.

All fees under this subsection shall be payable to the City Treasurer, as follows:

- (a) Initial Sign Permit. When a permit is required under this ordinance, the permit fee shall be as follows:
1. Initial permit for all signs under this chapter (except ground signs, advertising signs, and business opening signs): one dollar and seventy-five cents (\$1.75) per square foot of the net area.
 2. Ground signs: one dollar and seventy-five cents (\$1.75) per square foot of the gross area.
 3. Advertising signs: two dollars and fifty cents (\$2.50) per square foot of the net area.
 4. Business opening sign: flat fee of fifty dollars (\$50).
 5. Minimum permit fee: in no case shall any sign permit fee be less than fifty dollars (\$50.00).
- (b) Change of Copy and Change of Location Fees. The permit fee for changing the face or sign copy of a sign for which a permit is required under this ordinance, other than a sign designed for changeable copy, shall be one dollar and fifty cents (\$1.50) per square foot of the net area but in no case less than ten twenty-five dollars (\$25). The permit fee for changing the location of an existing sign on the same zoning lot shall be twenty-five dollars (\$25).
- (c) Failure to Obtain Permit. The permit shall be obtained before erecting or starting work on a sign or commencing any action for which a permit is required under this ordinance. The fee for a permit issued after commencement shall be doubled.
Imposition of a double fee under this subsection shall be in addition to any monetary forfeiture or other penalty under this Ordinance and shall not be a bar to prosecution or pursuit of other legal remedies by the City.
- (d) Urban Design Commission Fees. The fee for all applications to the Urban Design Commission under this ordinance, including appeals from the decisions of the Director of the Inspection Unit, requests for approvals in height, area, and setback, and Comprehensive Design Review, shall be two-hundred dollars (\$200) payable to the City Treasurer.
- (e) Sign Erector's License – See sec. 31.042.

- (4) Issuance of Sign Permit, Duration. It shall be the duty of the Director upon the filing of an application for permit to promptly examine such plans and specifications and other data and, if deemed necessary by the Director, to inspect the premises upon which the proposed sign is to be erected, and if the proposed sign is in compliance with all the requirements of this Ordinance and any other applicable laws, he/she shall promptly issue the appropriate permit upon payment of the appropriate permit fee(s) herein. If work authorized under a permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

- (5) Denial of Permit for Unpaid Fees, etc. The Director may refuse to issue a sign permit to any permittee or owner who has failed to pay costs assessed for removal of a hazardous sign under sec. 31.041(1), or failed to comply with a court order to pay a forfeiture for a violation of this Ordinance, or failure to pay other unpaid civil judgment arising out of a violation of this Ordinance. If the Director denies a permit under this paragraph, s/he shall provide written

notice to the applicant of the denial, the reason, a description of the unpaid cost, forfeiture or judgment. The permit shall be issued upon proof of payment of the costs, fees, forfeiture or judgment in question. Proof of payment of a docketed civil judgment shall be in the form of a satisfaction of judgment .

- (6) All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere permits, revocable at any time by the Director of the Inspection Unit, and all such applications shall contain this provision.

31.042 LICENSING OF SIGN ERECTORS.

(1) Sign Erector's Licenses.

- (a) License Required. A sign erector's license shall be obtained prior to engaging in the business or commencing work to erect, remove, service, repair or maintain a sign in the City of Madison on behalf of another. This requirement does not apply to persons wishing to erect, remove, service, repair or maintain a sign on the premises which the person owns or leases.
- (b) Examination. To be licensed, an individual must pass an examination administered under the direction of the Director of the Inspection Unit. The examination shall be given by the Inspection Unit by appointment with the Zoning Administrator.
- (c) Administration. The sign erector's license program shall be administered by the Director of the Inspection Unit or designee. Applications and appointments for the examination shall be made with the Inspection Unit. Applications shall be filed at least ten (10) days before the date on which the examination is to be held. The applicant shall pay an examination fee of fifteen dollars (\$15) at the time of application. This fee shall be in addition to the license fee hereunder.
- (d) License Fee. Upon passing the examination, payment to the City Treasurer of one- hundred twenty-five dollars (\$125), and recording any required bonds or insurance, an annual license will be issued for erecting, removing, servicing, repairing or maintaining all signs listed in this code.
- (e) Duration, Renewal of Sign Erector's License. Every license shall expire on the thirtieth (30th) day of June following the date of its issue. A sign erector's license may be renewed upon filing a renewal application and payment to the City Clerk of the renewal fee of one hundred twenty-five dollars (\$125) prior to expiration of the current license. Should any person fail to obtain a renewal license by July 1st s/he will be required to make application for and take the examination for a new license in the same manner as a new applicant.
- (f) Application for Sign Permit by Licensee. A person with a sign erector's license may lawfully obtain permits for a corporation or firm that is actively engaged in the sign contracting business with a recognized business location, provided such person is permanently employed by such firm or corporation.
- (g) Transfer of Sign Erector's License Prohibited. It shall be unlawful for any person with a sign erector's license to allow the use of her/his license, directly or indirectly, for the purpose of obtaining local permits for others.
- (h) Discontinuance of Licensee's Employment. In the event that any person holding a sign erector's license shall sever her/his employment with an sign contracting and erection business entity that has been in continuous operation within the City for a period of one (1) year or more and there is no other person in such firm, association or corporation, or employed by it, who is licensed under the provisions of this chapter, the Director may issue permits to the business for a period of thirty (30) days from the date the licensee's employment was severed. At that time, if the firm wishes to continue in the business of sign erecting, another member or employee must apply for a license to conduct the business of outdoor sign erection and contracting according to the provisions of this ordinance. In the event that such applicant fails to obtain such license and the firm wishes to continue in the business of sign erecting, t it shall employ a properly- licensed outdoor sign erector to conduct the business of outdoor signs erection and contracting within thirty (30) days after said applicant for license has been notified of her/his failure to meet the license requirements. If work done by said business during the interim 30-

day period above, fails to meet all requirements of the Madison General Ordinances and applicable state law, Director shall not issue further sign permits until the business has properly obtained a sign erector's license under this section.

- (i) Revocation of Sign Erector's License, Appeal. Any license may be revoked by the Building Board of Examiners and Appeals should the licensee violate this Ordinance or any other law or ordinance relating to signs. No license shall be revoked except by a majority vote of the Building Board of Examiners and Appeals at a regular meeting, and no license shall be revoked unless the licensee has been notified in writing of the charges against her/him at least ten (10) days before such meeting. The licensee shall have the right to appear before the Board to answer the charges and present testimony in her/his defense. A person whose license has been revoked under this section shall not again be licensed within a period of one (1) year from date of such action.

Any person aggrieved by any decision of the Building Board of Examiners and Appeals regarding the revocation of a sign erectors' license under this subsection may, within thirty (30) days after the filing of the decision in the office of the Board, commence an action seeking the remedy available by certiorari, or forever be barred.

- (j) Bonds and Liability Insurance. Every person licensed to erect signs shall file with the Director a performance bond in the sum of ten thousand dollars (\$10,000) with sureties satisfactory to the Risk Manager conditioned that such person shall faithfully comply with the provisions and requirements of this ordinance with respect to the construction, alteration or location and safety of said signs and conditioned further to indemnify, save and hold harmless the City of Madison its public officers and employees from any and all claims, damages, losses, liabilities, actions, suits or judgments which may be presented, brought, secured or sustained against the City or any of its officials on account of the construction, maintenance, alterations or removal of any said signs or by reason of any accidents caused by or resulting therefrom. In addition, every person licensed to erect signs shall carry commercial general liability insurance with no less than the following limits of liability; bodily injury, death and property damage of one million dollars (\$1,000,000) in the aggregate. This policy shall also be endorsed for contractual liability in the same amount. As evidence of that coverage the licensee shall provide a Certificate of Insurance, on a form provided by the City.

31.043 URBAN DESIGN COMMISSION AND COMPREHENSIVE DESIGN REVIEW.

The authority of the Urban Design Commission of the City of Madison ("UDC") to act upon all matters relating to signs shall be exclusively as described herein and Sec. 33.02. The fee for any application to the UDC under this section shall be as described in sec. 31.043.

- (1) Inspection Unit Appeals. Hear appeals of decisions and, where applicable, Official Notices issued by the Director of the Inspection Unit relating to signs, except decisions regarding structural or mechanical concerns are not appealable.
- (2) Modifications of height, area or setback. After a public hearing as provided in Section 33.02(4)(e)3., the UDC may Approve a sign with up to twenty-five percent (25%) greater net area or 25% higher than the maximum height otherwise allowed, or reduce the required yard or setback if such approval:
 - (a) Is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
 - (b) Will result in a sign more in scale with the building and site and in a superior overall design.
- (3) Additional Sign Code Approvals. After a public hearing as provided in Sec. 33.02(4)(e)3., the UDC may:
 - (a) Permit signs which that will front on roads which according to the official map or capital improvement program indicate a change of size of that road or a change of zoning in the future as if the change were currently in effect;
 - (b) Permit the use of an above-roof sign on a given zoning lot in a commercial district provided that if the signs on adjacent properties reduce the effectiveness of other types of conforming signs or where topographic relationships between structures and right-of-ways would deem their use appropriate;

- (c) Permit the use of an above-roof sign when the architecture of the building does not provide a reasonable signable area;
- (d) Permit the use of wall signs on building facades not adjacent to off-street parking areas where, due to a variation of building setbacks, a signable area exists, provided the area of the sign shall not exceed the area of the wall sign permitted on the front of the building;
- (e) Permit an above-canopy sign that crosses architectural detail to be erected closer than five (5) feet to the nearest face of a building under Sec. 31.071(2)(c), if the proposed sign would not substantially detract from the contribution of the architectural detail to the overall building design.
- (f) Approve additional street graphics for wayfinding purposes on certain zoning lots as authorized under sec. 31.14(2)(b)4.a.; and
- (g) Approve a condominium identification street graphic of up to thirty-two (32) square feet, as authorized under sec. 31.14(2)(b)6.
- (h) When allowed under this Chapter, approve the use of a banner in place of a permanent sign in all Urban Design Districts.

(4) Comprehensive Design Review ("CDR.")

The Urban Design Commission may approve a Comprehensive Sign Plan to allow special allowances in number of ground signs and signable area for any zoning lot, and may incorporate other approvals as authorized in ss. 31.043(2) and (3), above. The purpose of the Comprehensive Design Review is to determine whether unique, exceptional, and innovative use of materials, design, color, lighting, and other design elements; resulting in visual harmony created between signs, building(s), and building site; are sufficient to warrant special allowances in number of ground signs or signable area beyond the restrictions contained elsewhere in this Ordinance. The Comprehensive Sign Plan shall encompass only the new signs requested by the applicant, and modifications to existing signs on the same zoning lot and under the control of the applicant. For these signs, there shall be no predetermined requirements for signable area or ground signs, but such requirements will be made part of the approved Comprehensive Sign Plan.

(a) Comprehensive Design Review Procedure.

1. The applicant shall file the required application with the required fee(s); submit site plans showing all existing and proposed buildings and signs, location and dimensions of each requested signable area; a color graphic of each proposed sign with dimensions; and any other materials as may be required by the UDC or elsewhere in these Ordinances.
2. The UDC shall review all proposed and existing signs on the buildings and zoning lot, and may require modifications to existing signs over which the applicant has control.
3. The UDC's decision to approve a Comprehensive Sign Plan shall be after a public hearing on the application, following the UDC's procedures for a public hearing in sec. 33.02(4)(e)3.

(b) Comprehensive Design Review Criteria. The UDC shall apply the following criteria upon review of an application for a Comprehensive Sign Plan:

1. The Sign Plan shall create visual harmony between the signs, building(s), and building site through unique and exceptional use of materials, design, color, any lighting, and other design elements; and shall result in signs of appropriate scale and character to the uses and building(s) on the zoning lot as well as adjacent buildings, structures and uses.
2. Each element of the Sign Plan shall be found to be necessary due to unique or unusual design aspects in the architecture or limitations in the building site or surrounding environment..
3. The Sign Plan shall not violate any of the stated purposes described in ss. 31.02(1) and 33.02(2).
4. All signs must meet minimum construction requirements under sec. 31.04(7).
5. The Sign Plan shall not approve Advertising Signs or Off-Premise Directional Signs beyond the restrictions in Sec. 31.11.

6. The Sign Plan shall not be approved if any element of the plan:
- presents a hazard to vehicular or pedestrian traffic on public or private property,
 - obstructs views at points of ingress and egress of adjoining properties,
 - obstructs or impedes the visibility of existing lawful signs on adjacent property, or
 - negatively impacts the visual quality of public or private open space.

- (c) Comprehensive Sign Plan Approval. An approved Comprehensive Sign Plan shall include all approved new signs and any required modifications to existing signs on the same zoning lot over which the applicant has control.
- (d) Violation of Approved Comprehensive Sign Plan. Once a Comprehensive Sign Plan has been approved, no person shall erect or cause to be erected any sign, or alter or relocate any sign displayed pursuant to the Plan without first obtaining approval for the alteration from the Urban Design Commission, and all required sign permits from the Zoning Administrator. However, the Zoning Administrator may grant approval for minor changes that are compatible with the concept approved by the UDC and the standards in sec. 31.04(2)(b)2.c., upon approval of the Planning Unit Director or designee.

- (5) Appeals from Decisions of the UDC. The decision of the Urban Design Commission under this ordinance shall be a final administrative decision for purposes of judicial review. Any person aggrieved by the decision of the Urban Design Commission may commence an action seeking the remedy available by certiorari within thirty (30) days of the decision.

31.044 SIGNS EXEMPT FROM PERMIT.

- (1) Signs Exempt from Permit. Consistent with the purpose and scope of this ordinance, the Common Council recognizes that certain temporary, necessary, or limited-purpose signs may be displayed without obtaining a permit, subject to the safety and aesthetic regulations herein. The Common Council finds that the following signs may be displayed without a permit because they serve an immediate or temporary traffic safety or wayfinding function, including but not limited to the temporary replacement or relocation of permitted, permanent signs during construction; serve a governmental purpose; are permitted or mandated by city ordinance, state or federal law; allow freedom of speech and expression in a timely manner; allow political expression during election periods; or the size, location or duration of the sign as regulated herein is not significant enough to require review and a permit prior to display of such sign.

No permit shall be required for the following signs when displayed according to the following provisions and any other requirements of these Ordinances or applicable law. When zoning districts are indicated, such signs are only exempt from permit in those districts. When no zoning district is indicated, the following signs are exempt from permit in all districts. These exempt signs may not be illuminated unless expressly stated herein or elsewhere in this chapter:

- (a) Athletic Field Signage. Signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Park Commission shall be required to display a sign, banner or scoreboard under this paragraph at a city park. Scoreboards that qualify under this paragraph may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Director of Planning and Development and Traffic Engineer. For purposes of this paragraph, a "school" shall mean public schools as defined in Wis. Stat. Sec. 115.01(1), private schools defined in Wis. Stat. Sec. 115.001(3r), and technical colleges authorized under Wis. Stat. Chapter 38. Athletic field signage may be illuminated.
- (b) Awning Signage. Signs displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height. May be illuminated externally. See sec. 31.06 for dimensional and internal illumination requirements, and for additional awning signs that require a permit.

- (c) City signs on City property erected by Parks Division, Traffic Engineering Division, or the Community and Economic Development Unit of the Department of Planning and Development on City-owned lands, park property or City-owned and occupied buildings.
Maximum Gross Area: twenty-four (24) square feet.
Maximum Height: minimum of two (2) feet and maximum of ten (10) feet above the curb.
Illumination: Yes.
- (d) Construction-Related Temporary Signs.
1. Street Occupancy Signs. Signs displayed on street occupancy barricades, passageways and fences that have been erected pursuant to a valid street occupancy permit issued under sec. 29.10(7); denoting only the owner, occupant, architect, engineer or contractor(s) of the project for which the street occupancy permit was issued. See 29.10(7) for maximum number of signs and any gross area, height, and setback requirements.
 2. Construction Directional Signs. Temporary signs displayed on private property for a limited period of time, to identify the location of and entrance to a business that remains open when normal access or pedestrian or vehicle traffic flow has been diverted by construction or road work so as to decrease the effectiveness of existing permanent signs, when approved by the Zoning Administrator. The Zoning Administrator shall approve the quantity, placement and duration of such signs to ensure traffic and pedestrian safety.
Maximum Gross Area: total signage shall not exceed thirty-two (32) square feet, square footage may be divided.
Maximum Height: ten (10) feet.
Illumination: No.
 3. Project Signs. Temporary signs on private property, describing a construction or improvement project, including the name of contractors, architects, engineers, investors, owners and occupants; and displayed only while the project is under construction and valid building permits are in force.
Maximum Gross Area: total signage shall not exceed thirty-two (32) square feet in Residential, Agricultural and Conservancy districts, one-hundred and forty-four (144) square feet in all other districts. Square footage may be divided.
Maximum Height: Eight (8) feet in Residential, Agricultural and Conservancy districts, ten (10) feet in all other districts.
Setback: ten (10) feet.
Number of Signs: one (1) per street frontage in the Residential, Agricultural and Conservancy Districts.
Illumination: No.
- (e) Election Campaign Signs. A sign containing a “political message” displayed during an “election campaign period”, as those terms are defined in Section 12.04 of the Wisconsin Statutes. Such signs shall not have any electrical, mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public right-of-way and, if affixed to a permanent structure, shall not extend beyond the perimeter of the structure or obstruct any window, door, fire escape, ventilation shaft or other area that is required to remain unobstructed by an applicable building code.
Maximum Gross Area: twelve (12) square feet
Maximum Height: fifteen (15) feet when displayed on a wall, six (6) feet if displayed on a wooden stake
Setback: ten (10) feet.
Number: one per candidate or cause
Illumination: No.
- (f) Holiday or Temporary Decorations. Holiday or other decoration displayed temporarily on private property, that does not contain any commercial message or logo or depict any commercial symbol or character and that does not exceed fifteen (15) feet in height.

- Illumination: Yes.
- (g) Identification signs.
1. Identification signs, including those displayed for a home occupation under sec. 28.04(26), allowed in the residential, agricultural or conservancy districts under sec. 31.14(2)(b)1., 2.
Maximum Gross Area: two (2) square feet for single family or 2-unit residential uses, three (3) square feet for multiple family
Maximum Height: twelve (12) feet or one (1) story, whichever is lower.
Illumination: No.
 2. Identification signs denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling.
Maximum Gross Area: two (2) square feet
Maximum Height: twelve (12) feet or one (1) story, whichever is lower.
 3. See 28.04(6)(e)2. for height, area and setback requirements for identification signs in the RPSM district.
 4. Illumination: No.
- (h) Leaflet-type Temporary Notices, flat-mounted to kiosks or public information boards, on private property, or in the public right-of-way pursuant to the encroachment proceedings in Section 10.31 of the Madison General Ordinances. Kiosks and information boards help to minimize and eliminate clutter and provide convenient alternatives to attachment of leaflets to trees or public structures in the right-of-way.
Maximum Gross Area: shall not project beyond the edge of any plane of the kiosk or board, when flat-mounted to the kiosk or board.
Illumination: No.
- (i) Memorial Signs or Tablets, such as cornerstones, denoting only the names of buildings and date of erection, cut or set into a masonry surface and displayed on a wall only.
Maximum Gross Area: Twelve (12) square feet.
Number: one (1) per street frontage.
Illumination: No.
- (j) Merchandise Signs in Commercial and Manufacturing Districts.
Maximum Gross Area: nine (9) square feet
Maximum Height: eight (8) feet
Number: two (2) per street frontage
Illumination: No.
- (k) Noncommercial. Signs expressing a noncommercial message that do not fit into any other category of sign permitted or allowed by this ordinance, or signs in a location and size permitted or allowed under sec. 31.14 that display a noncommercial message pursuant to sec. 31.04(1)(c).
Maximum Gross Area: twelve (12) square feet in residential districts, thirty-two (32) square feet in all other districts.
Maximum Height: one (1) story or twelve (12) feet, whichever is lower in residential, conservancy or agricultural districts (see 31.14,) and fifteen (15) feet in all other districts.
Setback: ten (10) feet in residential districts, same as ground signs under 31.08 in all other districts
Number: one (1) per street frontage.
Illumination: No- in residential, conservancy or agricultural districts. Yes, if in a location and size that would otherwise be allowed to be illuminated.
- (l) Parking Lot Signs.
1. Parking Lot Regulation Signs.
Maximum Gross area: nine (9) square feet
Setback: ten (10) feet
Number: no limit
Illumination: Yes, except in residential districts
 2. Parking Lot Directional Signs.
Maximum Gross area: three (3) square feet

Maximum Height: ten (10) feet

Setback: None

Number: two (2) per street frontage, but no limit on number if setback more than one-hundred (100) feet from the property line.

Illumination: Yes, except in residential districts.

3. Parking lot traffic signs required by law. See also sub. (m).

4. Other Parking lot signs allowed under sec. 31.14.

(m) Portable Signs displayed pursuant to sec. 31.046(2)(b).

(n) Public-hearing-notice signs provided by the Department of Planning and Development, denoting the times and locations of public hearings before the Plan Commission and Common Council on applications for zoning map amendments or conditional uses, as required by ss. 28.12(10)(e) and 28.12(11)(f).

(o) Real estate signs advertising only the sale, rental or lease of the premises upon which the sign is located.

Maximum Gross Area: twelve (12) square feet in residential districts, thirty-two (32) square feet in Special, Commercial, Office, Manufacturing Districts.

Maximum height: one (1) story or twelve (12) feet, whichever is lower in residential, conservancy or agricultural districts (see 31.14,) and fifteen (15) feet in all other districts.

Minimum setback for a ground sign: ten (10) feet.

Number: one (1) per street frontage.

Illumination: No.

(p) Traffic or other official government signs placed, authorized or required by the city or other authorized governmental agency, including but not limited to official traffic control devices, signs and signals, other municipal signs, legal notices, railroad crossing signs, warning and temporary emergency signs, mandatory gasoline price signs, or warning signs on utility poles, fixtures or structures. The requirements for gross area, height, setback, other size, materials or physical specifications (including illumination) shall be as required by law or the authorizing agency.

(q) Window signs as regulated under Section 31.10 of this Ordinance.

31.045 UNSAFE AND UNLAWFUL SIGNS AND STRUCTURES.

(1) General Enforcement.

The authority of the Director of the Inspection Unit or designee ("Director") with respect to unsafe, insecure or unlawful signs, or any sign found to in violation of this ordinance is as described in sec. 31.04(2) and (4) herein.

(2) Maintenance and Removal of Signs.

(a) All signs and structures shall be properly maintained and kept in an overall clean, neat state of appearance. It shall be the responsibility of the permit holder or property owner to maintain signs and structures.

(b) Abandoned Signs. Signs that no longer serve the purpose for which they are intended, or are not maintained, or which have been abandoned, shall be removed by the most recent permit holder, the property owner, or by the City, at the expense of the property owner and may be charged to the property owner as a special charge. The Director of the Inspection Unit shall keep an accurate account of the cost of such removal and bill the property owner. If any account remains unpaid, the Director may report the same to the City Comptroller, who shall annually prepare a statement of all special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged against said lot or parcel of land shall be entered in the tax roll as a special charge against said lot or parcel, and the same shall be collected in all respects like any other special charge upon real estate under sec. 66.0627 of the Wisconsin Statutes.

(c) Damaged or defaced signs shall be cleaned, repaired or removed by the most recent permit holder or property owner, or by the City of Madison under 31.04(4).

(3) Hazardous or Prohibited Signs, Structures and Conditions.

(a) Bracing of Signs. No sign or structure or any part of such structure as defined in the preceding sections, or any anchor, brace, guidewire or guide rod shall be attached,

fastened or anchored to any fire escape, fire ladder or stand pipe, and no such structure or any part of such structure or anchor brace, guidewire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building by a Fire Department as necessity may require.

- (b) Signs Not to Constitute a Traffic Hazard. No sign regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision as further delineated in other sections of this ordinance; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or that makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic.
- (c) Public Right-of-Ways. No sign, advertisement, cabinet or obstruction, or any other object shall be placed upon, over, or in any public highway right-of-way, including the sidewalk, street, alley or any public ground or lands, or upon posts, trees or other supports in any public street or public ground, except that this section shall not be construed to prohibit the erection or placing of official traffic control devices, signs, signals or markers or other signs authorized by law or this ordinance, or of any other object specifically authorized by law of the State of Wisconsin or by these ordinances. This section shall not prohibit carrying of portable hand-held signs on the sidewalk or other pedestrian ways, when done so in compliance with Sec. 31.04(6)(k)5.
- (d) Suspended Signs. No sign or other structure as defined in this section shall be fixed to or suspended from any other sign so that the distance from the lower side of the sign or projection will be less than eight (8) feet from the top of a pedestrian walkway.
- (e) Signs Affixed Flat Against Building Walls. No sign affixed flat against a building wall shall extend beyond any edge of such wall, and no sign shall be painted or posted directly upon any wall except as provided for in Section 31.15(2) and Section 33.01(5)(d) or (e). See also sec. 31.07 for the regulation of wall signs in commercial, office and manufacturing districts.
- (f) Use of Motion Picture Machines, Projected Images, or Stereopticons in Conjunction With Signs. No person shall use, operate or employ any motion picture machine, projected images or stereopticons in conjunction with any signs or structure, building, wall, sidewalk, street or any other structure.
- (g) Motion signs and Attention-getting devices. All Motion signs and displays and attention-getting devices are prohibited.
- (h) Signs on Bridges and Overpasses. No person shall display, place, erect, post, maintain, install, affix, or carry any sign, including a hand-carried sign, on any portion of a vehicular or pedestrian bridge or overpass that passes over a freeway or expressway as defined in Wis. Stats. sec. 346.57, or a controlled access highway as defined in Wis. Stats. sec. 990.01, when such highway has a speed limit of more than 40 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government, provided that such sign is visible from such freeway, expressway or controlled access highway.

This paragraph shall not apply to "official traffic control devices" as defined in Wis. Stats. sec. 340.01(38), 2003-04 and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way. Nothing in this subsection shall be construed to limit or restrict the application of Secs. 31.04(6)(c) and (e) of this ordinance, Wis. Stats. Chapter 86 and any regulations created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts the placement of signs in highways or other right-of-ways.

31.046 MISCELLANEOUS SIGNS

- (1) Flashing Signs. Flashing signs, as defined in 31.03(2), may be displayed wherever signs are permitted, however the flashing element(s) of the sign shall not alternate or scroll more

frequently than once every ten (10) seconds. If the flashing element displays only the time and temperature, the flashing element shall not alternate more frequently than once every five (5) seconds. Continuously-scrolling messages are considered to be flashing constantly, and are therefore prohibited. This paragraph does not apply to scoreboards approved under sec. sec. 31.044(1)(a).

(2) Portable Signs.

(a) Display on Private Property.

Hand-carried portable signs may be displayed on a zoning lot in any zoning district, with the owner's permission and without a permit. Other Portable signs may be displayed on a zoning lot in the Commercial and M1 districts with a permit and subject to the following:

1. Size. The maximum area of the portable signs including all supporting structures, shall be no greater than two (2) feet by three (3) feet on a side, with a maximum of two (2) signable sides or faces. Sign copy shall not be displayed on more than two (2) sides or faces and shall not extend beyond the outer edges of the sign structure.
2. Number. A maximum of one portable sign (1) per street frontage and two (2) per zoning lot may be displayed.
3. The portable sign shall only be displayed when the business or organization to which the sign refers is open for business.
4. A portable sign shall be free-standing, self-supportive and constructed of substantial materials so as to withstand moderate wind velocity as required by sec. 31.04(5)(f), and otherwise not create a hazard.
5. No portable sign shall be displayed within an entryway or exit that is required to remain unobstructed by any applicable ordinance, state or federal law.

(b) Display on Public Property. Portable signs may be displayed on public property only as follows, and may be displayed without a sign permit:

1. Portable signs used in a parade for which a permit has been issued under Section 12.87(11).
2. Portable signs displayed during and within the confines of an event for which a valid street use permit has been issued under Section 10.056, or displayed on private property directly adjacent to the area for which the street use permit has been issued and only while the street use permit is valid.
3. Portable signs used at a city park during and within the confines of an event for which a valid permit has been issued by the Parks Division of the City of Madison and only while the permit is valid.
4. Hand-carried portable signs on private property with the owner's permission or hand-carried signs on the public sidewalk or other pedestrian way, if the person carrying the sign or the sign itself is not in violation of other ordinances or laws applicable to the location and conduct, including but not limited to obstructing traffic, obstructing the sidewalk, trespassing, or conducting or participating in an event for which a parade permit, street use permit or park use special event permit would be required by city ordinance, but without such a required permit. Portable hand-carried signs shall be prohibited on certain bridges and overpasses as stated in Sec. 31.04(6)(m) and this exception shall not apply. Nothing in this exception shall be construed to limit the application of Secs. 31.04(6)(c) or (e) of this ordinance, Wis. Stats. Chapter 86 and any regulations created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts signs in highways or other right-of-ways, except as expressly stated herein.

(c) All other portable signs shall be prohibited.

(2) Inflatable Signs. Inflatable signs, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, tend to have an anchoring device that is less reliable under wind pressure, and out of scale and less compatible with surrounding structures and signs. The following inflatable signs may be displayed as describe below:

- (a) Parades. Balloons and inflatable figures and displays used in a parade for which a permit has been issued under Section 12.87(11).
- (b) Street Use Events. Inflatable signs, including registered hot air balloons moored and being used primarily as a sign, displayed during and within the confines of an event for which a valid street use permit has been issued under Sec. 10.056, or on private property directly adjacent to the area for which the street use permit has been issued, while the permit is valid, subject to the following conditions:
 - 1. A Certificate of Insurance, on a form acceptable to the City, showing that commercial general liability insurance is provided for the inflatable device with the City of Madison, its employees and agents being named as additional insureds. Liability coverage shall include no less than the following limits of liability; bodily injury, death and property damage of one million dollars (\$1,000,000) in the aggregate. This policy shall also be enforced for contractual liability in the same amount.
 - 2. Displays may not exceed thirty-five (35) feet in height and may not be displayed from rooftops or moored or tethered with the device floating more than one foot off the ground, unless approved by the Common Council under Sec. 10.056 or the Board of Park Commissioners for displays in public parks;
 - 3. Displays must be set back sixty (60) feet from the traveled portion of any public street or highway and one hundred (100) feet from any intersection, unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks;
 - 4. Displays may not occupy parking spaces for the handicapped, drive aisles, or required parking spaces for multi-tenant properties and must be safely displayed in accordance with the manufacturer's instructions and any applicable Federal Aviation Administration (FAA) regulations.
- (c) The following inflatable devices shall not be considered a sign:
 - 1. Registered hot air balloons in use and momentarily moored but not being used primarily as a sign.
 - 2. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground.
 - 3. Inflatable holiday or other decoration displayed temporarily on private property of a residential use, that does not contain any commercial message or logo or depict any commercial symbol or character and that does not exceed fifteen (15) feet in height.

31.05 NONCONFORMING SIGNS.

- (1) Any existing sign except an advertising sign that was conforming at the time of erection and becomes nonconforming on the effective date of this Ordinance or subsequent amendment, may be continued if no increase in size, illumination, or flashing of such sign shall be made. In the event of a change of use, all signs shall conform to the provisions of the zoning district in which said signs are located, except as provided for in Section 31.05(3), or where two or more uses share a single ground sign, and one or more of those uses are changed, copy may be changed accordingly to serve the new use(s). However, if all uses that share the ground sign are changed simultaneously, that ground sign shall be brought into conformity with the current provisions of the zoning district.
- (2) Nonconforming Advertising Signs.
 - (a) Any existing advertising sign, and its supporting structure if other than a wall sign, located on any zoning lot with frontage on State Street, on the Inner or Outer Ring or on streets connecting the Inner Ring and Outer Ring, shall be removed by the owner thereof at no cost to the City no later than December 31, 1983. For purposes of this subsection, the term "Inner Ring" shall mean the connecting pattern of streets abutting the Capitol Square, to wit: Main Street, Pinckney Street, Mifflin Street and Carroll Street. The term "Outer Ring" shall mean the connecting pattern of streets one block off the Capitol Square, to wit: Doty Street, Webster Street, Dayton Street and Fairchild

Street. All other existing advertising signs within the No Advertising Sign District, except for the Howard Johnson directional bulletin located at 525 University Avenue which may only continue as a directional sign, the two roof signs located at 753 East Washington Avenue and the three ground signs located at 640 Williamson Street, shall be removed by the owner at no cost to the City at the rate of no less than one sign per year beginning in calendar year 1983. However, all such signs shall be removed no later than December 31, 1989.

- (b) Any other advertising sign existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in Subdivision (a) above, may be continued provided that it may not be relocated, replaced, expanded, enlarged, repositioned or raised in height. Such existing advertising signs may not be restored or reconstructed if damaged or destroyed by fire or other casualty or act of God to the extent that the total cost of restoration to the condition in which it was before the occurrence shall exceed 50% of its assessed value or the cost to replace with a new structure of equal quality, whichever amount is lower. The determination of eligibility for restoration or reconstruction hereunder shall be made by the Urban Design Commission and any restoration or reconstruction without the approval of the Urban Design Commission is prohibited. Violation of this subdivision shall result in the said sign being subject to immediate removal by the owner thereof at no cost to the City. Ordinary repairs or normal maintenance shall be considered required by law hereunder.
- (3) Existing nonconforming commercial uses in residential zoned districts may be permitted to erect signs that do not conform to the district in which such use is located provided such signs are approved as a conditional use by the Plan Commission according to the standards of Section 28.12(10)(g).

31.051 APPLICABILITY OF SECTIONS 31.06 TO 31.12

Sections 31.06 through 31.12 shall be applicable only in the zoning districts indicated in each of those Sections and sec. 31.15, "Tables of Permitted Signs." In no case shall any of the signs described in 31.06 through 31.12 be displayed in Residential, Agricultural or Conservancy Districts unless expressly allowed under sec. 31.14 or elsewhere herein.

31.06 AWNING SIGNS.

Signs may be displayed on an awning in the Commercial, Manufacturing and Office districts specified in Table 2, 31.15(2), and subject to the following provisions:

- (1) Signs may be displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height.
- (2) An awning may be designated a signable area as an alternative to one on the building facade, provided the awning does not exceed it in area. The area of signs displayed shall be no more than forty percent (40%) of the area of the principal face of the awning or two (2) square feet of signs for each lineal foot of building frontage, but not to exceed one hundred percent (100%) of the signable area.
- (3) Any internally illuminated awning to be erected on property zoned residential, or within one hundred (100) feet and directly across the street visible from property zoned residential or is adjacent to, or across the street from, a designated landmark or a public park, shall require City Plan Commission approval under the procedure and provisions of Section 28.12 (11), Madison General Ordinances, after review and recommendation of the Urban Design Commission.
- (4) The illumination level of an internally illuminated awning shall not exceed seventy-five (75) footlamberts.
- (5) Awning signs may be external illuminated, subject to sec. 31.04(6)(k).

31.065 BUSINESS OPENING SIGNS.

Business opening signs, as defined in sec. 31.03(2), may be displayed in the districts indicated in Sec. 31.15(2) (Table 2) of this ordinance, subject to the following provisions:

- (1) Type of Sign. A business opening sign may be a wall sign, roof sign, canopy fascia sign, or projecting sign.

- (2) Location. A business opening sign may be displayed in the districts indicated in sec. 31.15(2) (Table 2) of this ordinance. A business opening sign may be displayed in addition to, in lieu of, or affixed to a permanent sign of the type described in subsection (1) above.
- (3) Size. The size of a business opening sign shall be determined by the type of sign chosen, and shall be limited to the maximum size allowed for a permanent sign of that type at that location.
- (4) Banners. A banner may be used as a business opening sign.
- (5) Illumination. Business opening signs may be illuminated subject to sec. 31.04(6)(k).
- (6) Duration. A business opening sign may be displayed for a period not to exceed thirty (30) days from the date the business opened, changed names, or changed ownership; and shall not be renewed.

31.07 WALL, ROOF AND ABOVE-ROOF SIGNS.

- (1) Wall and roof signs may be displayed in the commercial, manufacturing and office districts, subject to the requirements of the Tables of Permitted Signs, Section 31.15,(1) (Table 1). Wall signs may be attached flat to, or pinned away from the wall. Wall and roof signs may be illuminated subject to sec. 31.04(5)(k).
- (2) Wall and Roof Signable Area. All wall and roof signs shall be displayed within the selected signable area, except as provided in subsection (5) below.
 - (a) Number of Signable Areas. There shall be one (1) signable area, whether on the wall or the roof, for each facade facing a street. There shall be no more than four (4) signable areas per building, except:
 1. For buildings with more than one occupant side-by-side: the signable area may be divided for building occupants when the building facade is divided by architectural details or internal segmentation that designating separate horizontal occupancies or tenant spaces. Each occupant/tenant will be allowed a signable area as reasonably close to its space as possible.
 2. For multi-story buildings with more than one vertical occupancy, there may be up to two (2) additional signable areas per façade displayed above the first story, with no limitation on the height of placement, but a total of only one (1) sign per occupant, per façade, will be allowed.
 - (b) How to select and measure signable area: The signable area for wall and roof signs shall be determined as follows:
 1. Wall signs. The signable area for a wall signs is determined by the area of the facade of the building that is free of doors, windows (for purposes of this definition, spandrel panels or other non-vision glass used as an exterior building material are not considered windows) or other major architectural detail, and that extends no higher than the juncture of the wall and the roof, or in the case of a facade that includes a parapet wall, no more than four (4) vertical feet of the parapet wall may be included in the measurement of the signable area.
 2. Roof signs. The signable area for a roof signs is one (1) designated area of the roof that is free of windows and doors or major architectural detail, that extends no higher than the roofline.
 3. Measuring signable area. The size of the signable area is determined by calculating the number of square feet that are enclosed by an imaginary rectangle or square drawn around the area selected pursuant to 1. and 2. above, and sub. (3) below.
- (3) Above-roof signs. An above-roof sign is a sign, any portion of which is displayed above the roofline. Above-roof signs may be displayed in the M1 and M2 manufacturing districts and as allowed in sec. 31.04(2)(b)2.b.iii. and iv., if no wall or roof sign is displayed on the corresponding facade. The signable area for an above-roof sign is calculated on the corresponding wall facade and can be transferred above the roof line. An above-roof sign may extend to a maximum height of ten (10) feet above the roofline.
- (4) Size. The permitted net area of wall, roof and above-roof signs shall be no more than forty percent (40%) of the signable area or two (2) square feet of signages for each lineal foot of building frontage. If the net area is measured by lineal feet of building frontage, the total gross

net area of the sign displayed shall not exceed one hundred percent (100%) of the signable area designated under sec. 31.07(2), above. However, the net area for wall signs in the RPSM district shall be a maximum of 100 square feet per sign, or 100% of the signable area, whichever is less.

- (5) Signs Displayed on a Wall, but Outside Signable Area.
- (a) Parking Lot Directional signs displayed in a location and with dimensions that otherwise inform to the requirements of this Ordinance for such signs.
 - (b) Menu boards placed at a height between 3 ½ to 8 feet off the ground and with a maximum net area of ten (10) square feet.
 - (c) Not more than one (1) logo, a maximum net area of six (6) square feet.
 - (d) Wall Signs Adjacent To Off-Street Parking. Wall signs may be displayed on the facade of a building that does not face a street but is adjacent to an off-street customer parking area of at least thirty-three (33) feet in width, under the following circumstances: (1) if the parking area is on the same zoning lot as the building on which the sign is displayed; or (2) if the parking area is not on the same zoning lot but is available for use under a reciprocal cross-access agreement, an approved planned commercial development site plan or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the signed is displayed. Such signs shall be subject to the same limitations as signs on the street side(s) of the building but shall not exceed the area of the maximum size wall sign permitted elsewhere on that building.
 - (e) Any other wall signs allowed under sec. 31.042, Signs Exempt from Permit, or expressly permitted elsewhere in this ordinance.
- (6) Large Buildings. Additional signable areas may be designated on Large Buildings, as defined in 31.03(2), and wall, roof and above-roof signs may be displayed within those additional signable areas, as provided below:
- (a) Buildings exceeding 125 feet in length. On each facade of the building, where wall, roof or above-roof sign(s) are displayed meeting the criteria of this section, up to four (4) additional accessory signs, as defined in sec. 31.03(2), may be displayed. The accessory signs under this paragraph shall not exceed 50% of the net area or 50% of the height of largest permitted wall, roof or above-roof sign already displayed on that facade.
 - (b) Buildings five (5) or more stories in height. For buildings five (5) stories or more in height, one (1) additional signable area for each facade may be selected. The signable area under this section shall be measured using the criteria under sec. 31.07(2)(b) except the total area of the additional signable area under this paragraph shall not exceed five percent (5%) of the area of the facade. The maximum net area of a sign displayed within this additional signable area shall be determined under sec. 31.07(4).
- (7) Banners. A banner may be used as a wall sign subject to the requirements for a wall sign under section 31.07(2), (4), (5)(b) and (5)(c) herein, except that in an Urban Design District, UDC approval is required under sec. 33.02 before a banner may be used in place of a permanent sign. A banner shall not be used for a roof or above-roof sign, or for any of the signs described in sec. 31.07(5)(a) or (6).

31.071 CANOPY SIGNS

A sign may be displayed on a canopy in the Commercial, Manufacturing and Office districts specified in 31.15(2) (Table 2), and subject to the provisions of this section. Canopy signs may be illuminated, subject to sec. 31.04(6)(k). Banners shall not be used as canopy signs.

- (1) Canopy fascia signs. A sign may be displayed on the fascia of a canopy. Such sign shall be considered a wall sign, with the fascia of the attached canopy acting as the signable area.
The signable area for a canopy fascia sign shall not project beyond the limits of the canopy in any direction, and shall be no wider than the width of the canopy.
- (2) Above-canopy signs. In lieu of a canopy fascia sign or wall sign, a maximum of one (1) sign may be erected on the top of an attached canopy, except where the canopy is facing two street frontages or facing an off-street parking area that is thirty-three (33) or more feet in width, if the parking area is on the same zoning lot as the building on which the sign is displayed, or if the

parking area is not on the same zoning lot but is available for use under a reciprocal cross-access agreement, an approved planned commercial development site or when a conditional use permit has been granted to the owner of an adjacent lot to allow accessory parking for the use within the building on which the sign is displayed, a maximum of two (2) signs may be erected on the top of said canopy. Above-canopy signs shall be subject to the following additional restrictions:

- (a) The sign shall be the business name or business logo only.
 - (b) The sign shall have a vertical dimension no higher than the roofline of the corresponding building facade and no higher than two (2) feet above the canopy, except as allowed in Sub. (2)(c)2., herein.
 - (c) The sign shall be constructed only of free-standing letters, numbers, other characters, or free-standing business logos, subject to the following:
 - 1. The supporting sign construction for a logo must conform to the shape of the logo.
 - 2. A logo shall be limited to four (4) square feet in area measured by drawing the smallest possible square or rectangle enclosing the extreme limits of the logo. The logo shall not extend above the roofline of the corresponding building facade. However, a logo may exceed the two (2) foot height limit.
 - (d) The horizontal dimension of the sign shall be no wider than the width of the attached canopy on which it is displayed, or the width of the corresponding facade, whichever is narrower.
 - (e) An above-canopy sign may be placed at any distance from the face of the building, except a sign which crosses architectural detail may not be displayed closer than five (5) feet from the nearest face of the building, unless prior approval of the Urban Design Commission has been obtained under Section 31.04(2)(b)2.b.vii.
- (3) Miscellaneous canopy signs. A sign may be displayed on a detached canopy or an attached canopy with no signable fascia area as described in Subsec. (1), if approved by the Urban Design Commission as part of a Comprehensive Design Review under Sec. 31.04(2)(b)2.b.vi. The maximum size of any canopy sign approved under this subsection shall be not more than ten percent (10%) of the total area of an imaginary vertical plane measured from the upper edge of the canopy to the lowest point of the canopy on the face the sign will be attached, excluding any supporting structures. The horizontal dimension of the sign shall be no wider than the width of the canopy on which it is displayed. In no case shall a canopy sign be approved unless it is in compliance with Sec. 31.04(6)(f). In addition to meeting the objectives of a Comprehensive Design Review, any sign approved under this subsection shall integrate harmoniously into the design of the canopy structure, building, and overall signage treatment; and may be approved in lieu of other permitted signs as provided in this ordinance.

31.075 PENNANTS, FLAGS AND DECORATIVE AND PROMOTIONAL BANNER(S).

Pennants, flags and decorative and promotional banners may displayed in the districts indicated in §. 31.15(2) (Table 2), and subject to the following:

- (1) It shall be unlawful for the owner or occupant of any private property to permit the placement or display of any pennants, flags or decorative and promotional banners upon private property except in compliance with the following:
 - (a) A permit fee of twenty-five dollars (\$25) for each promotional banner.
 - (b) A minimum clearance of eight feet (8') shall be required over pedestrian ways and twelve feet (12') over vehicular areas.
 - (c) Review and approval by the Director of Planning and Development or her/his designee.
 - (d) No pennant, flag or banner shall be so installed to intrude into any public right-of-way.
- (2) It shall be unlawful for any person to install, place or display any pennant, flag or decorative and promotional banner in the public right-of-way except in compliance with the following:
 - (a) A permit fee of fifty dollars (\$50) for each promotional banner.
 - (b) A minimum vertical clearance of seventeen feet (17') shall be maintained from the roadway to the bottom of the banner when mounted on poles, except on State Street where the clearance shall be a minimum of sixteen feet (16'). When mounted to a

structure, the minimum vertical clearance shall be no lower than the bottom of the structure.

- (c) The maximum tensile strength of any rope, cord or other attachment device to be used for attaching banners to City property shall be four hundred (400) pounds.
 - (d) Attachment of any banner to a City pole shall be by existing eye bolts or other method approved by the City Department of Transportation.
 - (e) A certificate of insurance evidencing the existence of commercial general liability insurance shall be filed with the City Department of Transportation before banner installation with minimum limits of \$500,000 per occurrence with the City named as an additional insured.
- (3) Any pennant, flag or decorative and promotional banner installed placed or displayed in the public right-of-way in violation of this ordinance shall be removed at the owner's expense which shall be in addition to and in excess of any forfeiture or storage fees for violating this ordinance.

31.08 GROUND SIGNS.

- (1) Applicability, Location. Ground signs under this section are permitted on a zoning lot in the zoning districts indicated in sec. 31.15(1), "Table 1," if the zoning lot is accessible by motor vehicle, or has off-street parking on the premises, or if -the primary building or structure on the zoning lot is set back at least thirty-five (35) feet from the adjacent street or highway right-of-way. Ground signs permitted under this section may be illuminated, subject to sec. 31.04(6)(k). Ground signs in the RPSM district shall be incorporated in the landscape plan, and shall include the provision of plant materials at the base of such signs. This section and Table 1 do not apply to additional ground signs that are expressly authorized under another section of this Ordinance.
- (2) Number, Height, Net Area.
- (a) Number. No more than two (2) ground signs of the type permitted in this section may be displayed on a single zoning lot, unless approved by the Urban Design Commission through a Comprehensive Design Review under sec. 31.043 herein. "Zoning Lot" shall have the definition found in sec. 28.03(2), which includes a planned commercial site, or a lot, or lots; as further described in that section. However, for purposes of this section only, a planned commercial site that meets the criteria of sec. 28.04(24) is considered a single zoning lot. Additional ground signs expressly authorized elsewhere in these Ordinances shall not be counted toward the maximum number of ground signs under this paragraph.
 - (b) Height. The height of a ground sign shall be measured from the top of the sign to the grade at the base of the supporting structure. The maximum height for all permitted ground signs under this Section varies by zoning district, the number of lanes and speed limit of adjacent highways, and whether the sign is supported by a single pole, as set forth in section 31.15(1), "Table 1." No ground sign shall exceed the maximum height allowed in Table 1. A ground sign supported by a single pole that is one third (1/3) or less in width than the total width of the sign copy structure it supports ("pole sign") shall have a maximum height of twenty-two (22) feet, subject to the limits of Table 1. The maximum height of any permitted ground sign in the RPSM district shall be six (6) feet. The maximum height for other exempt or special-purpose ground signs expressly authorized by another section of this ordinance, shall be as set forth in such other section. The maximum height for any other ground sign not addressed by this section or elsewhere in this ordinance, shall be fifteen (15) feet.
 - (c) Net Area. The net area of a ground sign shall be measured according to the definition of "Net Area" in sec. 31.03(2). The maximum net area for ground signs is determined in part by the speed limit of adjacent highways and is set forth in §. 31.15(1), (Table 1) and as follows:
 - 1. The maximum net area of any ground sign face is the lower of the two numbers provided under Ground Signs in Table 1.
 - 2. For a single ground sign with back-to-back or multiple sign faces, the net area of all sign faces shall be added together to determine the total net area of that ground sign.

3. The combined net area of all ground signs on a zoning lot shall not exceed the greater of the two numbers provided under Ground Signs in Table 1. This total net area may be divided between a maximum of two (2) ground signs or displayed on multiple faces, but in no case shall the net area of a single sign **face** exceed the smaller of the two numbers permitted in Table 1.
 4. Ground Signs in RPSM Districts. Ground signs in an RPSM district shall comply with sec. 31.08, except that the maximum net area of any single ground sign face in the RPSM district shall be thirty-two (32) square feet, and the maximum net area for any single ground sign shall be sixty-four (64) square feet, per sign. The net areas and sign faces shall be measured as described above.
- (3) Ground and Projecting Signs. If ground and projecting signs are displayed on the same a zoning lot, only one (1) of such signs, where permitted may exceed twelve (12) square feet in net area.
 - (4) Banners Not to be Used as Ground Signs. A banner may not be used as or displayed upon ground sign.

31.09 PROJECTING SIGNS.

- (1) Projecting signs, as defined in sec. 31.03(2), may be displayed on buildings in the commercial, office and manufacturing districts specified in §. 31.15(2) (Table 2) and subject to the following restrictions:
 - (a) Location. Occupants may display a total of one (1) projecting sign on a facade facing a street or on a corner of a building. Projecting signs may be displayed in addition to any wall sign allowed under sec. 31.07.
 - (b) Net Area. The permitted net area of projecting signs shall not exceed the square footage permitted in the Table of Permitted Signs, Section 31.15(1) ("Table 1"), except if a projecting sign is displayed on the same zoning lot as a ground sign, the permitted net area shall be subject to Section 31.08 (3).
 - (c) Illumination. Projecting signs may be illuminated, subject to sec. 31.04(6)(k).
- (2) The following additional regulations apply to projecting signs:
 - (a) Projecting signs must vertically clear any pedestrian area by at least ten (10) feet and private vehicular ways by at least fourteen (14) feet, and may project no more than twenty-four (24) inches into the public right-of-way.
 - (b) Where setbacks permit, projecting signs may not extend more than six (6) feet from the building face.
 - (c) Projecting signs may extend to the juncture of the roof with the building wall or to the top of any parapet, but projecting signs may not extend above a third story
- (3) Projecting Banners. A banner may be displayed in lieu of a projecting sign permitted under this section and shall be subject to the construction requirements under Section 31.04(7). Banners in an Urban Design District require UDC approval.

31.10 WINDOW SIGNS.

- Window signs, as defined in Section 31.03(2), may be displayed in the Commercial, Manufacturing and Office districts without a permit, subject to the following restrictions:
- (1) Window signs consisting solely of individual alphabetic letters, numerals, or other symbolic characters without any background may be displayed but the net area shall not cover more than thirty (30) percent of the total window area.
 - (2) Window signs that combine individual characters allowed in Subsection (1) with other opaque objects, logos, or images or any type of background, may be displayed but the net area shall not exceed twenty (20) percent of the total window area.
 - (3) The "total window area" shall be one continuous panel of glass or other transparent material, or a set of two or more panels divided by mullions of six (6) inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six (6) inches shall be considered individual windows.
 - (4) The size of the sign shall be determined by measuring a box around each group of characters, objects, images, logos and any background.

- (5) For purposes of this section, any banner attached to the outside of a window shall not be considered a window sign.
- (6) Illumination. Window signs may be illuminated, subject to sec. 31.04(6)(k). Window signs that are internally illuminated and flashing are prohibited.

31.11 ADVERTISING SIGNS AND OFF-PREMISE DIRECTIONAL SIGNS.

- (1) Existing advertising signs are nonconforming and permitted to remain only in the C2, C3, and C3L Commercial Districts and the M1 and M2 Manufacturing Zoning Districts as regulated in this section and in Section 31.15(3), subject to the nonconforming advertising signs provisions of Section 31.05(2). Notwithstanding any other provision of these ordinances, new, relocated and replacement advertising signs are prohibited. Off-premise directional signs are permitted only in the C1, C2, C3, and C3L Commercial Districts, and the M1 and M2 Manufacturing Districts as regulated in this section.
- (2) General Regulations.
 - (a) In addition to the regulations in this subsection, advertising signs shall conform to all other provisions of this chapter except size, height, setback and signable area regulations which apply only to other signs.
 - (b) Advertising signs, and their supporting structures if other than a wall sign, shall be spaced at intervals of not less than three hundred (300) feet when viewed from one directional flow of street traffic.
 - (c) Reserved For Future Use.
 - (d) An advertising sign that is a wall sign shall not exceed three hundred (300) square feet in area and shall not project beyond the limits of the facade on which it is located. Advertising signs displayed as a wall sign may be illuminated subject to sec. 31.04(6)(k).
 - (e) No advertising sign that is a ground sign shall exceed three hundred (300) square feet in area, except that any advertising sign which is located on a zoning lot with frontage on a street on which the speed limit exceeds forty-four (44) miles per hour, provided that such advertising sign conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area. Advertising signs displayed as a ground sign may be illuminated subject to sec. 31.04(6)(k).
 - (f) No advertising sign shall exceed thirty (30) feet in height except that a design extension may exceed the permitted height limit by no more than eight (8) feet, provided the sum total of the area of all such extensions does not exceed seventy-eight (78) square feet in area. The total sum of the area of all design extensions in excess of thirty (30) feet in height shall be determined by calculating the area of the smallest square or rectangle, the sides of which are perpendicular to the ground, that encompasses all such design extensions. In no case shall any design extension which protrudes from the top edge of an outdoor advertising sign exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising sign is less than thirty (30) feet. In the event this provision relating to extensions is amended or repealed, any extensions permitted hereunder shall be promptly lowered in height or removed, accordingly, by the owner, at no cost to the City.
 - (g) The following setbacks for advertising signs are required:
 - 1. An advertising sign situated parallel to the right-of-way line must be set back a distance equal to its height.
 - 2. An advertising sign perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.
 - (h) Roof or above-roof advertising signs shall not be permitted.
 - (i) No advertising signs are permitted in districts of special control.
 - (j) No advertising signs are permitted on lots on which dwelling units are located, except caretakers' or guards' dwelling units shall be permitted on the same lot with advertising signs.
 - (k) No advertising signs shall be permitted on the front facade of any building.
 - (l) No advertising sign shall be located in any required front yard or in the last ten (10) feet of any required rear yard.

- (m) No advertising sign shall be located on any zoning lot occupied by a nonconforming use.
- (n) No off-premise directional sign shall exceed sixteen (16) feet in height or thirty-two (32) square feet in area.
- (o) Not more than one (1) off-premise directional sign shall be located on any zoning lot.
- (p) The following setbacks for off-premise directional signs are required:
 - 1. An off-premise directional sign situated parallel to the street right-of-way must be set back a distance equal to its height.
 - 2. An off-premise directional sign perpendicular, or nearly so, to the street right-of-way must be set back three (3) feet from the property line.
- (q) Any design extension that causes an advertising sign or off-premise directional sign to exceed its total permitted square footage of area is strictly prohibited.

31.12 CHANGEABLE COPY SIGNS. Changeable copy signs are permitted provided that:

- (1) The changeable copy is integral to a business identification sign.
- (2) The combined area of the changeable copy and business identification sign does not exceed that which is permitted in Section 31.15.
- (3) The characters forming the changeable copy message shall be of one color.

31.13 DISTRICTS OF SPECIAL CONTROL FOR PURPOSES OF SIGNS.

The following districts shall be considered "Districts of Special Control" for the purposes of this Ordinance. The provisions of this Ordinance shall apply to all signs within such districts except as stated below:

- (1) Historic Districts. Section 33.01, Madison General Ordinances, permits the City to designate Historic Districts. This Chapter shall apply to Historic Districts, however the plan for an Historic District may include specific sign regulations that shall supersede the provisions of this ordinance.
- (2) Urban Design Districts. Section 33.02, Madison General Ordinances, permits the City to designate Urban Design Districts. This Chapter shall apply to Urban Design Districts, however the Urban Design criteria for any such district may include specific sign regulations that shall supersede the provisions of this ordinance.
- (3) Planned Community Development District (PCD). In the Planned Community Development district, signs shall be classified and permitted in accordance with the sign requirements for the C1 district found in this Ordinance and Chapter 28, if applicable; unless different requirements are recommended by the Urban Design Commission and are made a part of an approved recorded Specific Implementation Plan ("SIP.") If such different requirements are approved they shall be, along with the recorded plan, construed to be and enforced with the full force and effect as this Ordinance. The SIP may adopt by reference all or portions of Chapter 31. No person shall display any sign within a Planned Community Development District in violation of the SIP or this section.
- (4) Planned Unit Development District (PUD). In the Planned Unit Development district, there shall be no predetermined specific regulations for signs, but such requirements as are made a part of an approved recorded Specific Implementation Plan shall be, along with the recorded plan itself, construed to be and enforced with the full force and effect as this ordinance. The SIP may adopt by reference all or portions of Chapter 31. No person shall display any sign within a Planned Unit Development District in violation of the SIP or this section.
- (5) Planned Community Mobile Home Park District. The same regulations shall apply as those regulating signs in the PUD district in sec. 31.13(4), above.
- (6) No Advertising Sign District. The No Advertising Sign District is the area bounded by Lake Mendota on the North, Lake Monona on the South, Livingston Street on the East and Park Street from Lake Mendota to Dayton Street to Bedford Street to Lake Monona on the West. This district is of special importance historically and includes past, present and future redevelopment projects representing significant public and private investments. Under sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.
- (7) Reserved for Future Use. (R. by this ordinance, ORD-06-XXXXX, Adopted X-XX-XX.)

- (8) Annexed Lands. Lands annexed to the City after November 30, 1987 shall be considered a district of special control. Under sec. 31.11(2)(i), there shall be no advertising signs permitted in Districts of Special Control.
- (9) C4 Central Commercial District. In the C4 Central Commercial District, all street graphics shall conform to any requirements for street graphics found in the “Urban Design Guidelines for Downtown Madison” published by the Urban Design Commission and referenced in Sec. 28.09(5), in addition to the provisions of this ordinance.
- (10) Violation of Sign Regulations in a District of Special Control. In addition to the prohibitions found elsewhere in this Ordinance, no person shall display, permit, maintain a sign in a District of Special Control in violation of this Section.

31.14 REGULATION OF SIGNS IN AGRICULTURAL, CONSERVANCY, AND RESIDENTIAL DISTRICTS.

- (1) Signs in the Conservancy and Agriculture Districts, Applicability. All signs to be displayed in the Conservancy and Agricultural districts shall follow the provisions for signs in the R1 District under 31.14(2)(a) and (b), below; except that signs displayed on the zoning lot of any commercial use allowed as a conditional use in the Conservancy or Agriculture districts shall be governed by the provisions of this Ordinance that apply to the C1 district.
- (2) Signs in All Residential and OR Districts. – Applicability. This subsection (2) describes the specific-purpose signs that may be displayed in all Residential and OR Districts. This subsection (2) is also applicable to Conservancy and Agricultural districts, under sub. (1) above. The types of signs in subsection (2)(b) below may be displayed in Residential, Conservancy and Agricultural districts, according to the specific requirements below. Subsection (a) provides the general restrictions, subsection (b) describes the different types of signs and varying restrictions depending on the zoning district. Sec. 31.15(4), “Table 4,” also applies to all signs under this section:
 - (a) General Requirements for all signs in the Conservancy, Agricultural, Residential Districts (listed under 31.14(1) and (2) above):
 - 1. All signs are to be displayed as wall or ground signs only, and limited to one per street frontage, unless otherwise expressly stated herein or in sec. 31.15(4), “Table 4.”
 - 2. All signs shall require a permit unless exempt from permit in sec. 31.044.
 - 3. All signs shall be nonilluminated unless expressly stated otherwise.
 - 4. No sign shall violate the provision for vision clearance under Sec. 28.10(12).
 - 5. When displayed in a residential , OR, conservancy or agricultural district, the signs described herein are subject to the provisions of this subsection and Table 4, and Sections 31.06-31.12 do not apply unless expressly stated herein.
 - (b) R1 District. In the R1 district, the following signs may be displayed as described below and in Table 4.
 - 1. Identification Signs.
 - a. Single Family or 2-unit Residential Buildings. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed two (2) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only, and are exempt from permit under sec. 31.044.
 - b. Multiple family dwellings, apartment hotels, fraternity and sorority houses and lodging houses. A maximum of one (1) identification sign per dwelling unit, or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed three (3) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. If any occupant of the building has a legal home occupation or handicapped home occupation, one (1) additional sign of two (2)

square feet in net area may be displayed for each such occupation in addition to the identification sign allowed under this paragraph. Signs under this paragraph shall be wall signs only, and are exempt from permit under sec. 31.044.

- c. Nonresidential Buildings. For nonresidential buildings, a maximum of one (1) identification sign or two (2) per unit on a corner or through lot, one per street frontage, may be displayed. The identification sign shall not exceed six (6) square feet in net area, and shall be limited to the name of the building occupant or management, address of the building, and any legal home occupation or handicapped home occupation. Signs under this paragraph shall be wall signs only.
 - d. Height. No identification sign shall be higher than one story or twelve (12) feet above curb level, whichever is lower.
2. Real Estate Signs. Real Estate signs in the Residential district shall be allowed under sec. 31.044, except that on a lot abutting a waterway, up to two (2) real estate signs, one facing the street and one facing the waterway, shall be allowed, and the height shall be restricted to no higher than one story or twelve (12) feet, whichever is lower. Signs under this paragraph are exempt from permit under sec. 31.044.
 3. Noncommercial Signs. Noncommercial signs in the Residential District shall be as allowed under 31.044 and 31.04(1)(c), or elsewhere in this Ordinance. Additionally, on a lot abutting a waterway, up to two (2) signs once facing the street and one facing the waterway shall be allowed, and the height shall be restricted to no higher than one story or twelve (12) feet, whichever is lower. Signs under this paragraph are exempt from permit under sec. 31.044.
 4. Parking Lot Directional and Parking Lot Regulation Signs. The following may be displayed and are exempt from permit under sec. 31.044:
 - a. Area and Number. Parking Lot Directional Signs, designating parking area entrances or exits are limited to one (1) sign for such exit or entrance, and to a maximum net area of three (3) square feet each. One (1) Parking Lot Regulation sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum area of nine (9) square feet, shall be permitted. Two (2) Parking Lot Regulation signs, one (1) facing each street, shall be permitted on a corner zoning lot or a through lot. No sign shall project beyond the property line into the public way.
 - b. Height. No sign shall project higher than ten (10) feet above curb level.
 - c. Setback. Signs under this paragraph shall be setback at least three (3) feet.
 5. Church, Hospital, School and PRD Identification Street Signs.
 - a. Area and Number. One (1) wall and one (1) ground signs per street frontage may be displayed; identifying the entity, with a maximum of two ground (2) signs and two (2) wall signs per zoning lot. Additional wall or ground signs for wayfinding purposes may be permitted when approved by the Urban Design Commission when the zoning lot is occupied by two (2) or more of the uses described above and the size of the lot, number of vehicular and pedestrian entrances, and layout of the buildings require additional signs for wayfinding purposes in order to promote traffic and pedestrian safety. Signs under this paragraph, whether displayed on a wall or the ground, shall not exceed twelve (12) square feet in net area nor be closer than ten (10) feet to any lot line, except such signs may be increased in net area by one (1) square foot for each additional foot that the sign set back more than twelve (12) feet from the street lot line. No sign under this section shall exceed thirty-two (32) square feet in net area.

- b. Height. No identification street graphic shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.
- 6. Project Signs. (Non-illuminated).
 - a. A sign describing a construction or improvement project, including the names of the contractors, architects, engineers, owners or occupants, provided that such sign may be in place only during the period that said project is under construction and while valid building permits are in force and further provided that only one such sign may be erected per street frontage, and no such sign shall exceed thirty-two (32) square feet in area.
 - b. Height and Setback. The maximum height for a project sign under this section shall be eight (8) feet. The minimum setback for a project sign displayed as a ground sign shall be ten (10) feet.
- 7. Condominium Identification Street Graphics.
 - a. A condominium may display condominium identification graphic(s) if the total acreage of the property of the condominium, as determined by the legal description within the condominium instruments, is one and one-half (1 ½ acres) or more and the condominium includes eight (8) or more units. For purposes of sec. 31.14(2)(b)6., the terms “condominium,” “condominium instruments,” “property,” and “units” shall have the meanings found in Ch. 703 of the Wisconsin Statutes.
 - b. Number, Area, and Setback. One (1) wall and one (1) ground identification graphic per street frontage may be displayed; with a maximum of two ground (2) graphics and two (2) wall graphics per condominium. Condominium identification street graphics shall not exceed twelve (12) square feet in area, except that the Urban Design Commission may approve a graphic of more than twelve (12) but not more than thirty-two (32) square feet under sec. 31.04(2)(b)2.b. herein. No condominium identification street graphic shall be closer than ten (10) feet to any lot line.
 - c. Height. No condominium identification street graphic shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.
- (c) R1-R, R2, R2S, R2T, R3, R4, R4A, and R4L Districts. The provisions governing signs in the R1 district under sec. 31.14(2)(a) and (b) shall apply.
- (d) R5, R6, R6H. The provisions governing signs in the R1 district under sec. 31.14(2)(a) and (b) shall apply, except for the following:
 - 1. For multiple-family dwellings, apartment hotels, fraternity and sorority houses, and lodging houses, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof, may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted.
 - 2. For nonresidential buildings, a single identification sign, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the principal occupant may be displayed, provided that on a corner zoning lot, two (2) such signs, one facing each street, shall be permitted. If displayed as a ground sign, the maximum height shall be four (4) feet. See Table 4 for height requirements for wall signs under this paragraph.
 - 3. For a dwelling located on a lot that is to the rear of another lot and access to the street is only the width of a driveway, one (1) directional sign not exceeding three (3) square feet may be placed in the front yard of the property fronting on the street, and shall be exempt from permit, provided:
 - a. Permission is obtained from the owner of the property on which the sign is to be located;

- b. Only the name, address, and name of management thereof are indicated;
 - c. A sign permit is obtained prior to the erection of the sign; and
 - d. The sign does not exceed three (3) feet in height and is a minimum of six (6) feet from the front lot line.
- (e) OR and RS. In the OR and RS districts, the sign requirements of the R6 district in sec. 31.14(2)(d) shall apply , except that identification signs for any type of use shall be subject only to the provisions for nonresidential buildings set forth in sec. 31.14(2)(d)2., and further that for any commercial use allowed as a permitted or conditional use in the OR district, the regulations governing signs in the C1 District shall apply.
- (f) Newly created Zoning Districts. If a new Residential, Agricultural or Conservancy district, or other Special District is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions for the R1 district under Section 31.14(2)(b) herein shall apply.

31.15 TABLES OF PERMITTED SIGNS, BY ZONING DISTRICTS

(1) **Table 1. GROUND, PROJECTING, WALL, ROOF, AND ABOVE-ROOF SIGNS IN COMMERCIAL, OFFICE AND MANUFACTURING ZONING DISTRICTS**

Table 1 describes the zoning districts in which the above types of signs may be displayed, and the maximum net area of the signs, as determined by the speed limit and lanes of traffic of the adjacent highway. Each type of sign is further regulated by specific sections within this Chapter.

Newly created zoning districts: If a new Commercial, Manufacturing or Office district is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions of this Table shall apply as follows:

- A new Commercial district: follow the sign regulations in this Chapter for the C2 district.
- A new Manufacturing district: follow the sign regulations in this Chapter for the M1 district
- A new Office district: follow the sign regulations in this Chapter for the O1 district

- See Table 1 on Next Page -

Ground Signs (31.08)												Projecting 31.09	Wall ³ & Roof 31.07	Above Roof 31.07(3)
<u>Type of sign:</u>			<u>All other Ground Signs:</u>						<u>All ground signs</u>					
<u>Zoning District:</u>			<u>Pole Signs – 1 pole, 1/3 or less as wide as sign:</u>			<u>C1 & C4, O-1</u>			<u>C2, C3, C3L, O-2, O-3, O-4, M1, M2</u>			<u>RPSM Only*</u>		
No. of Traffic Lanes	Speed Limit (mph) ¹	Max. Height	Max. Net Area (sq. ft.) ^{2, 5}	Max. Height	Max. Net Area (sq. ft.) ^{2, 5}	Max. Ht.	Max. Net Area (sq. ft.) ^{2, 5}	Max. Ht.	Max. Net Area (sq. ft.) ^{2, 5}	Max. Ht.	Max Net Area (sq. ft.) ⁵	Max. Net Area (sq. ft.)	Max. Net Area (% of signable area) ⁴	
														C1 & C4, O-1
2-3 Lanes	0-34 mph	12'	32/64	16'	32/64	8'	32/64	10'	32/64	6'	32/64	20	40%	
	35-44 mph	12'	32/64	16'	32/64	8'	32/64	10'	32/64	6'	32/64	20	40%	
	45+ mph	14'	32/64	16'	32/64	9'	32/64	10'	32/64	6'	32/64	20	40%	
4-5 Lanes	0-34 mph	12'	32/64	16'	32/64	8'	32/64	10'	32/64	6'	32/64	32	40%	
	35-44 mph	14'	32/64	16'	32/64	9'	32/64	10'	32/64	6'	32/64	32	40%	
	45+ mph	16'	32/64	20'	32/64	10'	32/64	12'	32/64	6'	32/64	32	40%	
6+ Lanes	0-34 mph	14'	32/64	16'	32/64	9'	3264	10'	48/96	6'	32/64	32	40%	
	35-44 mph	16'	32/64	18'	32/64	10'	32/64	11'	72/144	6'	32/64	32	40%	
	45+ mph	18'	32/64	22'	144/288	11'	32/64	13'	144/288	6'	32/64	32	40%	

Table 1 – footnotes:

- ¹ For ground signs on zoning lots with more than one street frontage, use the miles per hour on the street with the faster speed limit to determine the maximum net area allowed.
- ² Maximum Net Area of Ground Signs. The first number represents the maximum net area allowed for a single face of a ground sign. The second number represents the maximum combined net area on all faces of all ground signs displayed on a zoning lot. A maximum of two (2) ground signs may be displayed on a single zoning lot. See sec. 31.08(2)(c) of this ordinance.
- ³ Wall signs displayed outside the signable area under sec. 31.07(5) have different maximum net areas. Additional wall signs displayed on large buildings under sec. 31.07(6) have different signable area and maximum net areas. See sec. 31.07.
- ⁴ The maximum net area for Wall, Roof and Above-roof signs is either 40% of the signable area or two (2) square feet of signage for each lineal foot of building frontage. If the net area is measured by lineal feet of building frontage, the total net area of the sign displayed shall not exceed 100% of the signable area available under sec. 31.07(2).
- ⁵ Signs adjacent to a Public Park - See sec. 28.04(21)(b) and 28.04(2)(b)2. Under that section, if a proposed sign is displayed at any of the locations adjacent to a park described in sec. 28.04(21)(b), the maximum net area is 32 square feet. If the proposed sign is larger than 32 square feet, it is considered “new development adjacent to public parks” and must seek Conditional Use approval to exceed 32 square feet (unless it falls under sec. 28.04(21)(b)2., which states that “Signs in excess of thirty-two (32) square feet may be permitted within two hundred feet of the park where they will not interfere with the view of or from the park.”)

RPSM District - Table 1 footnotes:

- * Ground signs in RPSM District: All ground signs shall be incorporated in the landscape plan, and shall include the provision of plant materials at the base of such signs.
- ** Wall signs in RPSM District: The net area for wall signs in the RPSM district shall be a maximum of 100 square feet per sign, or 100% of the signable area, whichever is smaller.

(2) **Table 2. COMMERCIAL, OFFICE AND MANUFACTURING ZONING DISTRICTS MISCELLANEOUS SIGNS**

“Yes” = Permitted in the districts indicated. Sign Permit required under sec. 31.04(3).
 C.U. = Conditional Use Approval and Permit required
 UDC = Urban Design Commission review/approval required

Newly created zoning districts: If a new Commercial, Manufacturing or Office district is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions of this Table shall apply as follows:

- A new Commercial district: follow the sign regulations in this Chapter for the C2 district.
- A new Manufacturing district: follow the sign regulations in this Chapter for the M1 district
- A new Office district: follow the sign regulations in this Chapter for the O1 district

Type of Sign	Sign Permitted in these Zoning Districts				
	C4	C1, O-1	C2, C3 & C3L O-2, O-3, O-4	M1, M2 & SM	RPSM
Awning (31.06), Canopy (31.071)	UDC*	Yes	Yes	Yes	Yes
Time & Temperature (31.046(1).)	UDC*	Yes	Yes	Yes	Yes
Sidewalk Showcase	UDC*	Yes	Yes	Yes	No
Pennants, Decorative & Promotional Banners & Flags on Private Property (31.075)	UDC*	Yes**	Yes**	Yes*	No*
Neighborhood & Subdivision Identification***	N/A	Yes ***	Yes ***	Yes ***	Yes ***
Public Service (see also 28.09(2)(d)12.)	C.U.	C.U.	C.U.	C.U.	C.U.
Building Entrance Identification (31.03(2).	UDC*	Yes - 12 square feet max	Yes - 12 square feet maximum	Yes - 12 square feet max	Yes - 12 square feet max
Business Opening Signs (31.065)	UDC*	Yes	Yes	Yes	No

Table 2 footnotes:

* Subject to Urban Design Commission approval when displayed in the C4 District, per sec. 31.13(9). Also may be approved under the Powers of the Secretary to the Urban Design Commission, per sec. 33.02(4)(g)2.

** Subject to Approval of Director of Department of Planning & Development.

*** Subject to approval of Director of Department of Planning and Development or her/his designee after notification to Neighborhood Association and Alderperson.

(3) (Table 3 repealed by (this) ordinance, ORD. 06-XXXXX, Adopted xx/xx/xx.)

(4) Table 4.

**SIGNS PERMITTED IN
RESIDENTIAL, AGRICULTURAL, CONSERVANCY DISTRICTS
(Sec. 31.14)**

All signs on this Table may be displayed as wall or ground signs only and limited to one (1) sign per street frontage, unless otherwise indicated in the Table or sec. 31.14.

For Agricultural and Conservancy Zoning Districts – See 31.14(1). Signs shall be classified and may be displayed in accordance with the requirements for the R1 District under sec. 31.14(2); however, for any commercial use allowed as a conditional use in the Conservancy, Agricultural, OR or RS Districts, the regulations governing signs in the C1 District shall apply.

For Residential and OR Zoning Districts - – See 31.14(2). Also, for any commercial use allowed as a permitted or conditional use in the OR district, the regulations governing signs in the C1 District shall apply.

Newly created zoning districts. If a new Residential, Agricultural or conservancy district is created in Chapter 28 but not included in this Chapter and signage for that district is not addressed in Chapter 28, then the restrictions for the R1 district under Section 31.14(2)(b) herein shall apply.

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Identification signs in the R1, R2, R3, R4, R4A, R4L:								
Single family or 2-unit Residential Uses	2'	---	12' or 1 story (lower)	---	Yes	No	No	1 per unit, 2 on a corner or through lot.
Identification*** for multifamily, apartment hotels, frat/sorority, lodging houses	3'	---	12' or 1 story (lower)	---	Yes	No	No	1 per building, 2 on corner or through lot.
Identification*** for Nonresidential Buildings	6'	---	12' or 1 story (lower)	---	Yes	No	No	1 per bldg, 2 on corner or thru lot.
Identification*** for multifamily, apt. hotels, frat/sorority and lodging houses in R5, R6, R6H, RS and OR	12'	---	12'	---	Yes	No	No	1 per building, 2 on a corner lot
Identification*** for Nonresidential Buildings in R5, R6, R6H (See Sec. 31.14(2)(e) for RS and OR)	12'	---	15'	---	Yes	Yes*	No	1 per building, 2 on a corner lot
Church, Hospital, School and PRD "Identification" 31.14(2)(b)4 ₂	12' to 32'	1'	12'	10'	Yes	Yes	Yes	1 wall, 1 ground per st. frontage, max. of 2 per zoning lot **

Type of Sign	Net Area Sq. Ft.	Height		Min. Setback	Wall	Ground	Illuminated	Number
		Min.	Max.					
Church, Hospital, School and PRD "Identification" 31.14(2)(b)4.	12' to 32'	1'	12'	10'	Yes	Yes	Yes	1 wall, 1 ground per st. frontage, max. of 2 per zoning lot **
Project – 31.14(2)(b)5. exempt from permit under 31.04(8)	32'	1'	8'	10'	Yes	Yes	No	1 per street frontage
Existing Nonconforming Commercial Uses	32'	1'	15'	---	Yes	Yes Existing Only	Yes	1
Building Entrance Identification	12'	---	---	---	Yes	No	Yes	1 per entrance
Off-premise residential directional sign – 31.14(2)(d)3.	3	---	3	6	n/a	Yes	No	1
Parking Lot Directional (Entrance and Exit) 31.14(2)(b)3.	3'	---	10'	3'	yes	yes	no	1 per entrance or exit
Parking Lot Regulation 31.14(2)(b)3.	9'	---	10'	3'	yes	yes	no	1, or 2 per corner or thru lot
Condominium Identification 31.14(2)(b)7.	12' or 13' to 32' with UDC Approval	1'	12'	10'	Yes	Yes	Yes	1 Wall, 1 Ground Max. of 2 per condominium
Neighborhood & Subdivision Identification ****	****	****	****	****	****	****	****	****

* Maximum Height 4 feet, sign and landscape approval of Director of Department of Planning and Development required.

** Additional wall or ground identification street graphics for wayfinding purposes may be approved by the Urban Design Commission. See ss. 31.14(2)(b)4.a. and 31.04(2)(b)2.b.viii.

*** Identification Signs, for properties designated Landmarks, shall be permitted as approved by the Plan Commission and the Landmarks Commission when those commissions approve the use. Signs for existing uses may be approved by the Landmarks Commission and the Director of Planning and Development.

**** Neighborhood and Subdivision Identification Signs - Subject to approval of Director of Planning and Development or her/his designee after notification to Neighborhood Association and Alderperson.

31.16 - 31.18 RESERVED FOR FUTURE USE.

31.19 PENALTIES.

Any person, who violates any provisions of this ordinance, permits, allows or continues a violation, or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than thirty dollars (\$30) and not more than five hundred dollars (\$500), plus applicable costs, for each violation. Each day or portion thereof that a violation continues shall be considered a separate violation.

31.20 SEVERABILITY.

In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof."

2. Subsection (2) entitled "Definitions" of Section 28.03 entitled "Rules and Definitions" of the Madison General Ordinances is amended by amending or deleting therein the following:

~~Sign. A sign is an emblem, name, identification, description or illustration which is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Neither official court or public notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group, shall be considered a sign under this ordinance. Any device, structure, fixture, or placard, including its supporting base, frame, electrical and all other accessory components; using text, graphics, symbols and/or other written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services; located outside of a building or within three (3) feet of the interior of a window and which is visible from the exterior.~~

~~Nameplate. A nameplate is a sign indicating the name and address of a building, or the name of the occupant thereof, and the practice of a permitted occupation therein.~~

3. Paragraph 10 of Subdivision (b) of Subsection (26) entitled "Home Occupations" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"10. That there is no evidence, other than the ~~nameplate~~ identification sign referred to in 11 below that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and"

4. Paragraph 11 of Subdivision (b) of Subsection (26) entitled "Home Occupations" of Section 28.04 entitled "General Provisions" of the Madison General Ordinances is amended to read as follows:

"11. That there is used no sign which is attached to the building, other than a ~~nameplate~~ 2' identification sign permitted under ss. 31.14 and 31.15(4); which sign shall not be illuminated and shall not be more than two (2) square feet in area."

5. Paragraph 6. of Subdivision (h) of Subsection (2) of Section 28.10 of the Madison General Ordinances is hereby repealed and reserved for future use.

6. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating, amending or repealing therein the following:

<u>"Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
Street graphic <u>Sign</u> erected/repaired/altere/ relocated/maintained/or change of copy without permit.	31.04(3)(d) <u>31.041(1)(b)</u>	\$100 \$200, 2nd in 12 mos. \$500, 3rd & subsequent in 12 mos.
Street graphic <u>Sign</u> erected/displayed in public right-of-way.	31.04(6)(e) <u>31.045(3)(c)</u>	\$100 \$200, 2nd & subsequent in 12 mos.

Portable street graphic prohibited sign violations - private property.	31.04(6)(k) 31.046(2)(a)	\$100 \$200, 2nd & subsequent in 12 mos.
<u>Portable signs violations -- public property.</u>	<u>31.046(2)(b)</u>	<u>\$100 \$200, 2nd & subsequent in 12 mos.</u>
<u>Portable signs prohibited.</u>	<u>31.046(2)(c)</u>	<u>\$100 \$200, 2nd & subsequent in 12 mos.</u>
<u>Election campaign posters sign violations.</u>	<u>31.04(8)(j) 31.044(1)(e)</u>	<u>\$50</u>
Unlawful pennants, flags and decorative and promotional banners.	31.075	\$100 \$200, 2nd & subsequent in 12 mos.

7. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Director of the Inspection Unit of the Department of Planning and Development or designee.	Section 9.13, License for Selling on Public Streets, Section 12.128(14), Off-Driveway Parking; Section 36.30, Cable TV Connections; Chapter 22, Consumer Protection and Weights and Measures; Chapters 18, 19, 27, 28, 29, 30, 31, <u>33</u> , and 37.

EDITOR'S NOTE:

1. Chapter 31 of the Madison General Ordinances currently reads as follows:

"31.01 SHORT TITLE. This ordinance shall be known and may be cited as the Street Graphics Control Ordinance.

31.02 PURPOSE AND SCOPE.

- (1) The purpose of this ordinance is to create the legal framework for a comprehensive but balanced system of street graphics, and thereby to facilitate an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this ordinance to authorize the use of street graphics which are:
 - (a) Compatible with their surroundings, including existing and planned principal uses and development;
 - (b) Appropriate to the type of activity to which they pertain;
 - (c) Expressive of the identity of individual proprietors or the community as a whole;
 - (d) Legible in the circumstances in which they are seen;
 - (e) Designed and positioned so as not to present any hazard to traffic safety; and
 - (f) Not dominant but accessory to principal uses of land and improvements.

(Am. by Ord. 9005, 11-14-86)
- (2) The sections contained in this code shall be binding alike upon every owner of a building, every lessee, and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any street graphic in the City of Madison.
- (3) This code shall apply to all street graphics.

31.03 RULES AND DEFINITIONS.

- (1) Rules. In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

- (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number shall include the plural number, and the plural the singular.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "may" is permissive.
 - (e) (R. by Ord. 7085, 9-6-80)
- (2) Definitions. For the purpose of this code, certain terms are hereby defined as follows:
- Above Roof Graphic. A street graphic which is displayed above the roof line.
 - Accessory Graphic. A graphic on a large building subordinate in area to the principal graphic, located elsewhere than the primary signable area, listing other businesses or generic services or departments in the building, such as pharmacy, optical, auto repair, garden center and excluding product brand names. (Cr. by Ord. 11,928, 8-30-97)
 - Advertising Street Graphic. A street graphic containing a commercial or noncommercial message which directs attention to a business, commodity, service, political candidate or cause, public service, social cause, charity, community affair or entertainment, not related to the premises at which the street graphic is located, or which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the street graphic is located. Advertising appearing on public transportation vehicles shall not be regulated by this ordinance. (Am. by Ord. 9005, 11-14-86)
 - Alteration. Any major alteration to a street graphic, but shall not include routine maintenance, painting or change of copy of an existing street graphic.
 - Approved Combustible Material. An approved combustible material shall include:
 - 1. Wood or materials not more combustible than wood.
 - 2. Combustible plastics, which, when tested in accordance with ASTM Standard Method for Flammability of Plastics over 0.050 inch in thickness (D 635-44) burn no faster than 2.5 inch per minute in .060 inch in thickness.
 - Architectural Detail. Any projection, relief, change of material, window or door opening which is on the facade of a building. Where an overall consistent pattern of projections or reliefs exists on a signable area, they shall not be considered architectural details.
 - Attached Canopy. A canopy that is attached to and supported by a building, which may also be supported by additional vertical ground supports or other structures, but does not project over the public right-of-way.
 - Awning. An awning is a rooflike cover, temporary in nature, which projects from the wall of a building.
 - Awning, Internally Illuminated. An awning consisting of a rigid frame covered with vinyl, plastic, or other translucent material which is internally illuminated.
 - Banner. A suspended graphic made of a flexible material such as canvas, sailcloth, plastic or waterproof paper.
 - Building Entrance Identification Graphic. A wall graphic used to identify building entrances such as, "Emergency Room Entrance", "Lubrication", "Wash Rack". Such graphics would customarily be found on large buildings.
 - Building Line. A line established by ordinance beyond which no building may extend. A building line may be referred to as "required setback".
 - Business Banner. A banner which is used in place of a business street graphic and which contains a commercial or noncommercial message, and which is subject to the size and placement requirements for ground, projecting, wall, roof and above-roof graphics.
 - Business Opening Graphic. A graphic designed to assist customers in locating a new business or building which may be displayed for a period not to exceed thirty (30) days following the opening of a new business or building.
 - Business Street Graphic. A graphic used for identification purposes, which directs attention to a business or profession conducted upon the premises at which the street graphic is located, which may also refer to goods or services produced, offered for sale or obtained at such premises, and which may also include political, social, public service or other noncommercial messages.
 - Canopy. A permanent roof structure attached to and supported by the building and projecting over public property but does not include a projecting roof.
 - Changeable Copy. Any street graphic which is characterized by changeable copy, letters, or symbols, regardless of method of attachment

Commercial Message. A message which directs attention to a business, commodity, service or entertainment enterprise which is intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is taxable under the Internal Revenue Code.

Comprehensive Design Review. A review process whereby the City Urban Design Commission may recognize exceptional effort to integrate street graphics with building architecture by granting special allowances in height, area or setback of street graphics.

Conditional Use Graphic. A graphic which because of its unique or varying characteristics cannot be properly classified as a permitted graphic in a particular district and must be approved by the Plan Commission subject to the provisions of Section 28.12(10).

Condominium Identification Street Graphic. An identification street graphic for a condominium established under Chapter 703 of the Wisconsin Statutes, that displays the name, address(es) and number(s) of the buildings(s) located within a single condominium.

Curb Level. The curb level for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Decorative Banner. A banner containing no message or logo which is displayed for the purpose of adding color and interest to the streetscape.

Design Extension. Any addition to a street graphic which is added to or protrudes from the top, sides, or lower edge of the main or principal portion of the street graphic.

Detached Building. A building surrounded by open space on the same lot or built to the lot line.

Detached Canopy. A canopy that is a permanent, free-standing roofed-over structure, with four open sides, accessory to but not attached to a principal building.

Directional Street Graphic. A graphic designed to guide or direct pedestrian or vehicular traffic on the premises on which the graphic is located.

Electric Street Graphic. Any graphic containing electric wiring, material, or devices.

Facade. Any separate face of a building, including parapet walls, and roof surfaces or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the direction within forty-five (45) degrees of one another, they are to be considered as part of a single facade.

Flag. A device generally made of flexible material, such as cloth, paper, or plastic, and displayed on strings. It may or may not include copy. This definition does not include the flag of any country, state, city, county, corporation or institution.

Flashing Street Graphic. A graphic any part of which is varied in brightness, color or message at intervals more frequently than once every two minutes.

Graphic. A device comprised of any words, symbols, numerals, shapes or forms and any combination thereof, designed to convey identity, meaning or express feeling.

Gross Area (for street graphics other than those made up of separate individually mounted letters or symbols). The entire area within a single continuous perimeter enclosing the extreme limits of such graphic and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such graphic and not forming an integral part of the display.

Gross Area (for street graphics made up of individually mounted letters or symbols). The sum of the areas encompassed by the smallest possible squares or rectangles enclosing the extreme limits of each letter or symbol which is a part of that graphic.

Ground Street Graphic. A graphic attached to the ground independent of any building.

Identification Street Graphic. A graphic which contains no advertising but is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution or the occupation of the person.

Illuminated Street Graphic. A graphic designed to give forth any artificial or reflected light, either directly from a source of light incorporated in or connected with such graphic, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on the graphic and in the immediate proximity thereof.

Incombustible Material. Any material which will not ignite at, or below, a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of five (5) minutes and which will not continue to glow at that temperature. Tests shall be made as specified in UBC Standard No. 4-1-61.

Inflatable Street Graphic. A freestanding or moored graphic which may be filled with air or gas causing it to expand or swell out like a balloon or other figure and if inflated with a gas lighter than air may rise and float above the ground.

Large Buildings. Those buildings exceeding one hundred twenty-five (125) feet in length or having eight (8) stories or more in height.

Logo. For the purpose of this ordinance, the term "logo" shall mean a symbol or trademark commonly used to identify a business or organization but which in itself contains no more than two words or numerals.

Marquee. (See Canopy or Marquee)

Menu Board. A changeable copy graphic, enclosed in a lockable or latching protective case or covering, which is mounted firmly to a wall, and is placed at a height not to exceed eight (8) feet nor below three and one-half (3 1/2) feet, does not exceed ten (10) square feet in area and projects no more than four (4) inches from the surface of the wall.

Merchandise Graphic. A graphic made of flexible nonmetallic material attached to, and advertising, merchandise displayed outside of an enclosed building.

Motion Street Graphic. Any graphic possessing visible moving parts or parts that appear to move.

Mural. A picture illustration or abstract expression containing no commercial message applied directly to and made integral with a wall or window surface.

Neighborhood Identification Street Graphic. Any graphic containing the name of the neighborhood in which it is located.

Nonconforming Street Graphic. Any street graphic which does not comply with all the regulations of this ordinance.

Nonconforming Use. Any use of land or buildings which does not comply with all the regulations of Chapter 28 (Zoning Code) or of any amendment hereto governing use for the zoning district in which such use is located.

Noncommercial Message. A message, the sole purpose of which is to direct attention to a political, social, community or public service issue and is not intended to produce a monetary profit or earnings which may lawfully inure to the benefit of any private shareholder or individual and the income of which is exempt from taxation under the Internal Revenue Code. (Cr. by Ord. 9005, 11-14-86)

Number. For the purposes of this ordinance, the term number shall mean a number or combination of numerals used to identify or designate one particular item such as a quantity, price, telephone number or address of a property.

Occupant. The holder of an occupancy permit.

Off-Premise Directional Graphic. A ground graphic, including a theater program directory graphic, designed to guide or direct the public to a business, service or entertainment activity.

Parking Lot Directional Graphic. (See Directional Street Graphic)

Parking Lot Regulation Graphic. A graphic designating the conditions of use or identity of such parking area.

Pennant. A tapered or dove-tailed banner or flag.

Person. May include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Political Street Graphic. Any street graphic which states the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating social or political views or policies.

Portable Street Graphic. A graphic which is not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles which are used principally as a graphic, posters, "sandwich boards" or other freestanding signboards, regardless of whether such graphics are attached to the ground or to a building or structure.

Principal Building. A non-accessory building in which is conducted the principal use of the lot on which it is located.

Project Graphic. A street graphic describing a construction or improvement project including the names of contractors, architects, engineers, owners or occupants. Project graphics provide a temporary substitute for permanent street graphics which may be obscured

during construction and inform the general public and public officials who is responsible for construction activities.

Projecting Street Graphic. A graphic which is attached to the wall of a building and projects more than fifteen (15) inches beyond such wall.

Promotional Banner. A banner or series of banners containing a noncommercial message displayed to call attention to cultural events, charity campaigns or neighborhood sponsored activities.

Public Service Street Graphic. Any street graphic primarily to promote noncommercial items of general interest to the community. (Am. by Ord. 9005, 11-14-86)

Real Estate Street Graphic. A street graphic pertaining to the sale, lease, or rental of the property upon which it is located.

Roof Line. The uppermost line of the roof of a building including original parapets, but not including facades which are extended for the purpose of creating or expanding a signable area.

Roof Street Graphic. A graphic erected on the roof of a building no portion of which is above the roof line.

Rotating Street Graphic. (See Motion Street Graphic)

Scoreboard. A scoreboard is a graphic designed to provide information to spectators at athletic events which may or may not contain advertising messages or public service announcements. Scoreboards may include flashing street graphics as approved herein.

Sign. Street graphic.

Signable Area. One designated area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which street graphics are to be displayed.

Street Graphic. Any graphic, including its supporting structure, frame, electrical and all other accessory components, which is located outside of an enclosed building or any graphic displayed on or within three (3) feet of the interior of a window which is visible from the exterior.

Subdivision Identification Graphic. Any graphic containing the name of the subdivision in which it is located.

Swinging Street Graphic. (See Motion Street Graphic)

Symbol. Something that stands for or suggests something else by reason of relationship, association, convention or resemblance placed or erected for public view as a street graphic or as a part of a street graphic.

Temporary Street Graphic. A graphic permitted for a limited period of time to identify a business when normal traffic flow is diverted so as to decrease the effectiveness of existing permanent street graphics.

Theater Program Directory Graphic. A ground graphic that contains the name of the theater complex and a listing of the program being presented.

Time and/or Temperature Graphic. A flashing graphic giving the time and/or temperature.

Wall Street Graphic. A graphic which is attached to a wall of a building and projects not more than fifteen (15) inches from such wall.

Window Street Graphic. Any street graphic which is displayed, painted on, applied to, or affixed to the exterior or interior of a window; or displayed within three (3) feet of the interior of a window; and which is visible from the exterior. For purposes of this ordinance, "window" shall include any glass or transparent panels on exterior doors. Merchandise available for purchase within the premises and displayed within three (3) feet of the interior of a window shall not be considered a window graphic under this definition.

31.04 ADMINISTRATION AND GENERAL PROVISIONS.

(1) Interpretation.

- (a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and general welfare.
- (b) Where the conditions imposed by any provision of this ordinance upon the erection or maintenance of street graphics containing commercial messages are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any

kind, the regulations which are more restrictive or which impose the higher standards or requirements shall govern.

- (c) Any street graphic authorized in this chapter is allowed to contain any noncommercial message in addition to or in lieu of any other message. (Cr. by Ord. 10117, 9-27-90)

(2) Organization.

- (a) The administration of this ordinance is hereby vested in five (5) offices of the City of Madison:

- 1. The Office of the Director of the Inspection Unit;
- 2. The Urban Design Commission;
- 3. The Building Board of Examiners and Appeals;
- 4. The City Plan Commission.
- 5. The Director of Planning and Development.

- (b) Authority and duties for these offices are as follows:

- 1. Director of the Inspection Unit.
 - a. Approve and issue street graphic permits.
 - b. Inspect construction and erection.
 - c. Enforce the regulations of this ordinance.
- 2. The Urban Design Commission.
 - a. Hear appeals on the decision of the Director of the Inspection Unit relating to street graphics other than of structural or mechanical concern.
 - b. After a public hearing as provided in Section 33.02(4)(e)3., may:
 - i. Approve a sign up to twenty-five percent (25%) larger or higher than the maximum square footage or height otherwise allowed or reduce the yard or setback required if a variance:
 - A. Is necessary for a sign located on the site of an establishment to be identifiable and legible from the nearest roadway at prevailing speeds; and
 - B. Will result in a sign more in scale with the building and site and in a superior overall design.
 - ii. Permit signs which will front on roads which according to the official map or capital improvement program indicate a change of size of that road or a change of zoning in the future as if the change were currently in effect;
 - iii. Permit the use of an above-roof graphic on a given zoning lot in a commercial district provided that the graphics on adjacent properties reduce the effectiveness of other types of conforming street graphics or where topographic relationships between structures and right-of-ways would deem their use appropriate;
 - iv. Permit the use of an above-roof graphic when the architecture of the building does not provide a reasonable signable area;
 - v. Permit the use of wall graphics on building facades not adjacent to off-street parking areas where, due to a variation of building setbacks, a signable area exists, provided the area of the graphic shall not exceed the area of the wall graphic permitted on the front of the building;
 - vi. Approve a comprehensive design plan for either an existing or new building should the integration of street graphics into an overall building design be prohibited solely by the restrictions of this ordinance, with the objective of the comprehensive design review being the recognition of exceptional effort to create visual harmony between street graphics, the building and the building site; and.
 - vii. Permit an above-canopy graphic that crosses architectural detail to be erected closer than five (5) feet to the nearest face of a building under Sec. 31.071(2)(c), if the proposed graphic

would not substantially detract from the contribution of the architectural detail to the overall building design.

- viii. Approve additional street graphics for wayfinding purposes on certain zoning lots as authorized under Sec. 31.14(2)(b)4.a.
- ix. Approve a condominium identification street graphic of up to thirty-two (32) square feet, as authorized under sec. 31.14(2)(b)6.

An appeal of the decision of the Urban Design Commission to approve or reject the issuance of the permit may be taken to the Plan Commission by the applicant or by the Alderperson of the District in which the use is located. Any appeal shall stay issuance of permits hereunder until the appeal has been acted upon by the Plan Commission.

- 3. Building Board of Examiners and Appeals.
 - a. Hear appeals relating to matters of structural or mechanical concern.
 - b. Hear complaints against street graphic erectors filed by the Director of the Inspection Unit.
- 4. City Plan Commission. Act upon conditional use applications and appeals.
- 5. The Director of Planning and Development. Act upon off-premise directional graphics and scoreboards at athletic fields.

(3) Application for Permit, Plans and Specifications.

- (a) Street graphics may be erected, moved, enlarged, or reconstructed within the City of Madison as prescribed and permitted in the Madison General Ordinances when a permit therefor shall have been issued by the Director of the Inspection Unit, unless a permit is not required under Section 31.04(8) of this ordinance.
- (b) Applications for permits shall be filed with the Director of the Inspection Unit on application forms which will be provided by the Director of the Inspection Unit. The application form shall be accompanied by a photograph of the property, a plot plan, construction and installation plans including specifications and engineering data. When all of the provisions of this ordinance or other ordinances relating to such street graphic shall have been complied with and when the applicant has paid the required fee for every such application, the permit may be granted. The Director of the Inspection Unit may prescribe suitable regulations consistent with the provisions of this ordinance concerning the form and contents of all applications for permits herein required.
- (c) The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the street graphic is to be erected.
- (d) It shall be unlawful for any person to erect, repair, alter, relocate, maintain, or change copy, except for signs designed for changeable copy, within the City of Madison any street graphic as defined in this ordinance without first obtaining a permit from the Director of the Inspection Unit and making payment of any fees required by this ordinance, unless a permit is not required under Section 31.04(8) of this ordinance or unless otherwise exempt from obtaining a permit or paying a fee under the provisions of this ordinance. All electric graphics shall, in addition, be subject to the provisions of the Electrical Code (Chapter 19), and the permit fee required thereunder.
- (e) It shall be the duty of the Director of the Inspection Unit, upon the filing of an application for permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the street graphic and if it shall appear that the proposed graphic is in compliance with all the requirements of this code and all other laws and ordinances of the City of Madison, he shall then issue the permit. If work authorized under a permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- (f) All rights and privileges acquired under the provisions of this ordinance or any amendment thereto, are mere permits, revocable at any time by the Director of the Inspection Unit, and all such applications shall contain this provision.
- (g) Identification of a Street Graphic. When the permit for any type of street graphic is issued, a metal tag shall accompany such permit. This tag shall be affixed to the street graphic at the time of erection, in a place visible for inspection, as proof of issuance of the permit.

- (4) Fees.
- (a) Permit fee for any street graphic shall be one dollar and seventy-five cents (\$1.75) per square foot of the gross area, and two dollars and fifty cents (\$2.50) per square foot of the gross area for all advertising graphics, but in no case less than twenty-five dollars (\$25) payable to the City Treasurer provided, however, the permit fee for changing the face or copy of a street graphic other than a graphic designed for changeable copy shall be one dollar and fifty cents (\$1.50) per square foot of the gross area but in no case less than ten dollars (\$10.)
 - (b) Fee for failure to obtain a permit before starting work shall be doubled except in cases of emergency.
 - (c) The application fee for hearing of appeals, requests for variance and review of comprehensive design plans by the Urban Design Commission shall be two hundred dollars (\$200) payable to the City Treasurer.

(5) Licenses.

(a) General Provisions.

1. Any person desiring to engage in the business of erecting, removing, servicing or maintaining street graphics as required by this code, shall be required to be licensed.
2. Licensee required to pass an examination administered under the direction of the Director of the Inspection Unit.
3. An application shall be filed with the Inspection Unit of the Department of Planning and Development ten (10) days prior to the date on which an examination is to be held. An examination fee of ten dollars (\$10) shall accompany the application for examination.
4. Examinations for graphic erector's license shall be given by the Inspection Unit of the Department of Planning and Development by appointment with the Zoning Administrator.
5. Upon passing the examination, payment to the City Treasurer of one hundred twenty-five dollars (\$125), and recording required bonds or insurance, an annual license will be issued for erecting, removing, servicing or maintaining all street graphics listed in this code. Renewal for each succeeding year shall be one hundred twenty-five dollars (\$125).
6. It shall be unlawful for any person with a graphic erector's license to allow the use of her/his license, directly or indirectly, for the purpose of obtaining local permits for others, except that a person with a graphic erector's license may lawfully obtain permits for corporations or firms who are actively engaged in the outdoor graphic contracting business with a recognized business location, provided that such person be permanently employed by such firm or corporation.
7. It is further provided that in the event that any person holding a graphic erector's license shall sever her/his connection with an outdoor graphic contracting and erection firm, association or corporation which has been in continuous operation within the City of Madison for a period of one (1) year or more and there shall be no other person in such firm, association or corporation, or employed by it, who is licensed under the provisions of this chapter, the Director of the Inspection Unit may issue permits to that firm, association or corporation until the next regular examination period. At that time, some other member or employee of the firm, association or corporation must apply for a license to conduct the business of outdoor graphic erection and contracting according to the provisions of this code. In the event that such applicant fails to obtain such license, then said firm, association, or corporation shall employ a licensed outdoor graphic erector to conduct the business of outdoor graphics erection and contracting within thirty (30) days after said applicant for license has been notified of her/his failure to meet the license requirements. If any work done by such firm, association or corporation pursuant to permits issued by the Director of the

Inspection Unit shall fail to meet all requirements of the Madison General Ordinances and regulations of the State of Wisconsin or any of its departments, the Director of the Inspection Unit shall not issue further permits until such firm, association or corporation shall have obtained a license to conduct the business of outdoor graphics erection and contracting in accordance with the provisions of this code.

8. Every license shall expire on the thirtieth (30th) day of June following the date of its issue, and may be renewed upon payment to the City Treasurer of the renewal fee not later than the first day of July of the year in which the license expires. Should any person fail to renew her/his license by July 1st of the year in which the said license expires, s/he will be required to make application for and take the examination for a new license in the same manner as a new applicant before s/he will be issued a new license. Temporary licenses shall not be issued.
9. Any license may be revoked by the Building Board of Examiners and Appeals should the licensee violate any ordinance or law relating to outdoor graphics. No license shall be revoked except by a majority vote of the Building Board of Examiners and Appeals at a regular meeting, and no license shall be revoked unless the licensee has been notified in writing of the charges against her/him at least ten (10) days before such meeting. The licensee shall have the right to appear before the Board to answer the charges and present testimony in her/his defense. Any person whose license shall have been revoked shall not again be licensed within a period of one (1) year from date of such action.

(b) Inactive License.

1. After one (1) year, the licensee may establish an inactive status if s/he is not actively engaged in the graphics contracting business, or where more than one person holds an active license for the firm.
2. The inactive licensee shall pay a renewal fee of ten dollars (\$10) per year to maintain his inactive status.
3. Inactive licensee not required to post required bond or liability insurance.

(c) Class C Electrical License.

1. Class C licensee may engage in the bending and all work pertaining to neon tubing. S/he may hang neon inside window, decorative, or directional street graphics; install outside and inside outline neon. S/he shall not connect the transformers to the 115 volt circuits.
2. Any person making application or Class C License must show proof that s/he has had at least three (3) years experience in the neon graphic business.
3. The fee for a new applicant for Class C License shall be ten dollars (\$10).
Renewal fee for each succeeding year shall be ten dollars (\$10).

- (d) Bonds and Liability Insurance. Every person licensed to erect street graphics shall file with the Director of the Inspection Unit a performance bond in the sum of ten thousand dollars (\$10,000) with sureties satisfactory to the City Attorney conditioned that such person shall faithfully comply with all the provisions and requirements of this chapter with respect to the construction, alteration or location and safety of said street graphics and conditioned further to indemnify, save and hold harmless said City of Madison and its officials from any and all claims, damages, losses, liabilities, actions, suits or judgments which may be presented, brought, secured or sustained against the City of Madison or any of its officials on account of the construction, maintenance, alterations or removal of any said street graphics or by reason of any accidents caused by or resulting therefrom. In addition, every person licensed to erect street graphics shall carry commercial general liability insurance in the amount of at least five hundred thousand dollars (\$500,000) in the aggregate. As evidence of that coverage the licensee shall provide a Certificate of Insurance, on a form provided by the City. (

(6) Unsafe and Unlawful Street Graphics and Structures.

- (a) If the Inspection Unit of the Department of Planning and Development shall find that any street graphic regulated herein is unsafe or insecure, or is being maintained in violation of the provisions of this code, it shall give written notice to the permittee thereof and the owner of the street graphic or of the property on which it is located. If the permittee,

owner, or user fails to remove or alter the structure so as to comply with the standards herein set forth within five (5) days after such notice or within two (2) hours for portable or inflatable street graphics, such street graphic may be removed or altered to comply by the Director of the Inspection Unit at the expense of the permittee or owner of the property upon which it is located. Alternatively, a citation may be issued or the violation may be referred to the City Attorney for prosecution of a forfeiture and/or injunctive action. Repeat violations may be prosecuted by issuance of a citation or referred for prosecution immediately without the above-mentioned notice. The Director of the Inspection Unit shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Director of the Inspection Unit may cause any street graphic which is an immediate peril to person or property to be removed summarily and without notice.

- (b) Bracing of Street Graphics. No street graphic or structure or any part of such structure as defined in the preceding sections, or any anchor, brace, guidewire or guide rod shall be attached, fastened or anchored to any fire escape, fire ladder or stand pipe, and no such structure or any part of such structure or anchor brace, guidewire or guide rod shall be erected, put up or maintained so as to cover or obstruct any roof, required doorway, required window or other opening of any building so as to prevent or hinder ingress or egress through such required door, doorway, window, exit or other opening, or so as to prevent or hinder the raising or placing of ladders against such building by the Fire Department of the City of Madison as necessity therefore may require.
- (c) Street Graphics Not to Constitute a Traffic Hazard. No street graphic as regulated by this ordinance shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision as further delineated in other sections of this ordinance; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse traffic.
- (d) Flashing, Motion Street Graphics and Displays. Flashing, motion street graphics and displays either motor driven or wind propelled are prohibited except as provided for in Section 31.15(2) and Section 31.15(3). Also prohibited are flashing internally illuminated window graphics located within three (3) feet of any window.
- (e) Public Right-of-Ways. No street graphic, advertisement, cabinet or obstruction, or any other object shall be placed upon, over, or in any public highway right-of-way, including the sidewalk, street, alley or public ground, or upon posts, trees or other supports in any public street or public ground, except that this section shall not be construed to prohibit the erection or placing of official traffic control devices, signs, signals or markers or other signs authorized by law or this ordinance, or of any other object specifically authorized by law of the State of Wisconsin or by these ordinances. This section shall not prohibit carrying of portable hand-held signs on the sidewalk or other pedestrian ways, when done so in compliance with Sec. 31.04(6)(k)5.
- (f) Suspended Street Graphics. No street graphic or other structure as defined in this section shall be fixed to or suspended from any other street graphic so that the distance from the lower side of the street graphic or projection will be less than eight (8) feet from the top of the sidewalk.
- (g) Pennants and Flags. Pennants and flags are not permitted except as provided for in Section 31.15(2) and Section 31.075 of this ordinance. Refer to definition of flag in Section 31.03(2) for exceptions.
- (h) Street Graphics Affixed Flat Against Building Walls. No street graphic affixed flat against a building wall shall extend beyond any edge of such wall, and no street graphic shall be painted or posted directly upon any wall except as provided for in Section 31.15(2) and Section 33.01(5)(d) or (e) of these ordinances.
- (i) Maintenance and Removal of Street Graphics.
 1. All street graphics and structures shall be properly maintained and kept in an overall clean, neat state of appearance. It shall be the responsibility of the permit holder or property owner to maintain graphics and structures.

2. Street graphics which no longer serve the purpose for which they are intended, or are not maintained, or which have been abandoned shall be removed by the latest permit holder, the property owner, or by the City at the expense of the property owner.
 3. Street graphics which have been damaged or defaced shall be cleaned, repaired or removed by the most recent permit holder or property owner, or by the City of Madison. If the City of Madison repairs or removes the structure, the expense of doing so will be charged to the current permit holder or property owner.
- (j) Use of Motion Picture Machines, Projected Images, or Stereopticons in Conjunction With Graphics. No person shall use, operate or employ any motion picture machine, projected images or stereopticons in conjunction with any street graphics or structure, building, wall or any other structure.
- (k) Portable Street Graphics. Portable street graphics, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, less compatible with surrounding uses and graphics, of lesser quality and more difficult to uniformly regulate than permanent street graphics, which are the preferred alternative. The exceptions shall be limited to the following:
1. Portable graphics used in a parade for which a permit has been issued under Section 12.87(11).
 2. Portable graphics exempted under Subdivisions (8)(a), (b) and (f) and merchandise graphics under Section 31.15(3) herein.
 3. Portable graphics on any public street and adjacent private property provided a street use permit has been issued under Sec. 10.056 and during noncommercial, nonprofit special events held at public parks, churches, and other large public or private open spaces where such events may be permitted, subject to the following conditions:
 - a. Displays may not exceed fifteen (15) feet in height and may not be displayed from rooftops unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks.
 - b. Displays must be set back sixty (60) feet from the traveled portion of any public street or highway and one hundred (100) feet from any intersection, unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks.
 - c. Displays may not occupy parking spaces for the handicapped, drive aisles, or required parking spaces for multi-tenant properties, may not violate other applicable regulations including but not limited to the provisions of this subsection, and must be safely displayed and secured to prevent wind-blown hazards and vandalism.
 4. Portable graphic used on private property only as a business opening graphic, subject to the applicable requirements and conditions of paragraph 3. above, except that a fee of twenty-five dollars (\$25) per week or one hundred dollars (\$100) for thirty (30) days shall be paid prior to display at the Office of the Director of the Inspection Unit.
 5. Hand-carried portable signs on private property with the owner's permission or hand-carried signs on the public sidewalk or other pedestrian way, if the person carrying the sign or the sign itself is not in violation of other ordinances or laws applicable to the location and conduct, including but not limited to obstructing traffic, obstructing the sidewalk, trespassing, or conducting or participating in an event for which a parade permit, street use permit or park use special event permit would be required by city ordinance, but without such a required permit. Portable hand-carried signs shall be prohibited on certain bridges and overpasses as stated in Sec. 31.04(6)(m) and this exception shall not apply. Nothing in this exception shall be construed to limit the application of Secs. 31.04(6)(c) or (e) of this ordinance, Wis. Stats. Chapter 86 and any regulations

created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts signs in highways or other right-of-ways, except as expressly stated herein.

- (l) Inflatable Street Graphics. Inflatable street graphics, other than the exceptions enumerated herein, shall be prohibited because they are generally more distracting and hazardous to pedestrian and traffic safety, less in scale and less compatible with surrounding uses and graphics, of lesser quality and more difficult to uniformly regulate than permanent street graphics which are the preferred alternative. The exceptions shall be limited to the following:
1. Balloons and inflatable figures and displays used in a parade for which a permit has been issued under Section 12.87(11).
 2. Registered hot air balloons in use and momentarily moored but not being used primarily as a street graphic.
 3. Novelty-type balloons less than two (2) feet in diameter and less than three (3) feet in any dimension tethered or moored no more than ten (10) feet above the ground and inflatable devices exempted under (8)(f) herein.
 4. Inflatable graphics, including registered hot air balloons moored and being used primarily as a street graphic, on any public street and adjacent private property provided a street use permit has been issued under Sec. 10.056 and during noncommercial, nonprofit special events held at public parks, churches, and other large public or private open spaces where such events may be permitted, subject to the following conditions:
 - a. General public liability and property damage insurance is provided for the inflatable device with the City of Madison being named as an additional insured. Liability coverage shall include minimum limits of three hundred thousand dollars (\$300,000) per occurrence and property damage limits of fifty thousand dollars (\$50,000) per occurrence;
 - b. Displays may not exceed thirty-five (35) feet in height and may not be displayed from rooftops or moored or tethered with the device floating more than one foot off the ground unless approved by the Common Council under Sec. 10.056 or the Board of Park Commissioners for displays in public parks;
 - c. Displays must be set back sixty (60) feet from the traveled portion of any public street or highway and one hundred (100) feet from any intersection unless approved by the Common Council under Sec. 10.056 or the Board of Parks Commissioners for displays in public parks;
 - d. Displays may not occupy parking spaces for the handicapped, drive aisles, or required parking spaces for multi-tenant properties and must be safely displayed in accordance with the manufacturer's instructions and applicable Federal Aviation Administration (FAA) regulations.
 5. Inflatable graphics used on private property only as a business opening graphic, subject to the applicable requirements and conditions of paragraph 4. above, except that a fee of twenty-five dollars (\$25) per week or one hundred dollars (\$100) for thirty (30) days shall be paid prior to display at the Office of the Director of the Inspection Unit.
- (m) Street Graphics on Bridges and Overpasses. No person shall display, place, erect, post, maintain, install, affix, or carry any street graphic, including a hand-carried sign, on any portion of a vehicular or pedestrian bridge or overpass that passes over a freeway or expressway as defined in Wis. Stats. sec. 346.57, or a controlled access highway as defined in Wis. Stats. sec. 990.01, when such highway has a speed limit of more than 40 miles per hour, whether the highway is under the jurisdiction of the federal, state or local government, provided that such sign or graphic is visible from such freeway, expressway or controlled access highway.

This paragraph shall not apply to "official traffic control devices" as defined in Wis. Stats. sec. 340.01(38), 2003-04 and as may be amended, which are authorized by law and erected by the authority having jurisdiction over the highway or right of way.

Nothing in this subsection shall be construed to limit or restrict the application of Secs. 31.04(6)(c) and (e) of this ordinance, Wis. Stats. Chapter 86 and any regulations created by the Department of Transportation, or any other federal, state or local law that prohibits or restricts the placement of signs in highways or other right-of-ways.

- (7) Construction Requirements.
- (a) Street Graphic Structure. Street graphic structure shall be of incombustible materials with the exception that nonelectric business and identification graphics not exceeding thirty-two (32) square feet in area nor six (6) feet in height aboveground and located in a landscaped area may have a preservative treated wood graphic structure.
 - (b) Structural Trim. Structural trim of street graphics may be of approved combustible material.
 - (c) Street Graphic Facings. Street graphic facings shall be of incombustible materials or approved combustible materials.
 - (d) Letters, Decorations and Embellishments.
 - 1. Letters, decorations and embellishments of graphics shall be of incombustible materials or other approved combustible materials.
 - 2. Letters, decorations and embellishments, in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any street graphic shall be safely and securely built or attached to the street graphic structure.
 - (e) Electric Street Graphics.
 - 1. The application for a permit for erection of a street graphic in which electrical wiring and connections are to be used, shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same shall be made, wired and constructed in accordance with the ordinances of the City of Madison relating to electrical wiring and construction, and he shall approve said application if the said plans and specifications comply with said code. This action of the Electrical Inspector shall be taken prior to submission of the application to the Director of the Inspection Unit for final approval of the erection permit. (Am. by Ord. 8081, 7-29-83)
 - 2. All electrical graphics other than those bearing the label of approval of a recognized testing laboratory shall be inspected in the shop of the corporation, firm or person fabricating or erecting the electric graphic, or may be inspected on the premises where the said electrical graphic is to be erected.
 - 3. All electrical graphics shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the graphic.
 - 4. Covers of service openings shall be securely fastened by chain or hinges.
 - (f) Wind Pressure. All street graphics shall be designed, constructed and anchored to withstand a horizontal wind pressure of not less than thirty (30) pounds per square foot of exposed area.
 - (g) Dead Load. All sign structures shall be constructed and fastened to adequately support the dead load of any graphic.
 - (h) Footings. All footings for supports of ground graphics shall be not less than three (3) feet six (6) inches below the existing ground level.
 - (i) Attachment. Projecting graphics which are permitted may not be attached to any part of an unbraced wall above a point of bearing of the roof rafters.
 - (j) Roof or Above-Roof Graphics. Graphics constructed on the roof of a building shall be thoroughly secured and anchored.
- (8) Exemptions. Notwithstanding the purpose and scope of this ordinance stated above, the Common Council recognizes the need for certain specialized street graphics to serve governmental, noncommercial, freedom of speech and expression, and limited commercial purposes without substantial controls. Identification, real estate, governmental and temporary graphics may increase traffic safety, while noncommercial decorations and graphics serve necessary freedom of expression purposes. Although commercial in nature, temporary graphics replace permanent graphics which cannot be seen due to public works activities; real estate graphics are necessary due to the unique locational permanence of properties, in contrast to goods and services sold thereon; and Warner Park athletic field graphics are consistent with the

stated purpose and scope without need for further regulation. No permit will be required for the following street graphics provided, however, said street graphics shall be subject to provisions of the General Ordinances of the City of Madison.

- (a) Real estate graphics or graphics expressing any noncommercial message in residential districts not exceeding twelve (12) square feet in area which advertise the sale, rental or lease of the premises upon which said graphics are located only, or which contain any noncommercial message.
- (b) Real estate graphics or graphics expressing any noncommercial message in special, commercial and manufacturing districts not exceeding thirty-two (32) square feet in area which advertise the sale, rental or lease of the premises upon which said graphics are located only, or which contain any noncommercial message.
- (c) Identification street graphics denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling, and not to exceed two (2) square feet in area.
- (d) Memorial graphics or tablets, names of buildings and date of erection when cut into any masonry surface.
- (e) Traffic or other municipal graphics, legal notices, railroad crossing graphics, warning, and such temporary emergency or noncommercial graphics as may be approved by the Common Council or state law.
- (f) Holiday or other temporary noncommercial decorations and ornamental lighting on private property, including inflatable devices temporarily displayed in a required rear yard of a residentially zoned property which do not contain any commercial message or logo or depict any commercial symbol or character and which do not exceed fifteen (15) feet in height.
- (g) Temporary graphics denoting owner, occupant, architect, engineer or contractors located on street occupancy barricades only. Refer to Section 29.10(7) of the Building Code.
- (h) Temporary leaflet-type commercial and noncommercial messages placed on kiosks or information boards which are erected on private property in the public right-of-way pursuant to the encroachment proceedings in Section 10.31 of the Madison General Ordinances. Kiosks and information boards help to minimize and eliminate clutter and provide convenient alternatives to attachment of leaflets to trees or public structures in the right-of-way.
- (i) Street graphics erected for governmental purposes by the City of Madison on City-owned lands, park property or City-owned and occupied buildings twenty-four (24) square feet or under in area and constructed at a minimum height of two (2) feet and maximum height of ten (10) feet above the curb when erected by the Parks, Traffic Engineering Divisions, or the Community and Economic Development Unit of the Department of Planning and Development.
- (j) Election Campaign Graphics. Street graphics containing a "political message" during an "election campaign period", pursuant to Section 12.04, Wis. Stats., provided that such graphics shall not exceed twelve (12) square feet in area, shall not have any electrical, mechanical or audio auxiliary component, and shall not be attached to or placed on utility poles, trees, traffic devices, or within the public way and, if affixed to a permanent structure, shall not extend beyond the perimeter of the structure or obstruct any window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.
- (k) Window street graphics as allowed under Section 31.10 of these ordinances.
- (l) Street graphics oriented primarily to spectators, erected inside of or attached to, interior walls, fences or scoreboards at the Warner Park athletic field, provided permission is granted by the City Parks Commission.
- (m) Other graphics specifically authorized by laws of the State of Wisconsin, including but not limited to, access and parking for the handicapped graphics, gasoline price graphics and warning graphics placed upon utility poles and structures.
- (n) Graphics displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height. (
- (o) Project graphics not regulated elsewhere in this ordinance.

- (p) Temporary graphics denoting the times and locations of public hearings before the Plan Commission and Common Council on applications for map amendments or conditional uses.

(9) Superseding Regulations.

- (a) Graphics Located Near Interstate Highways. All graphics hereafter erected within six hundred sixty (660) feet from the edge of the interstate highway easement or property measured horizontally along a line normal or perpendicular to the center of the interstate highway shall be subject to the provisions of Section 84.30, Wis. Stats. and Section Hy. 19.00 through 19.05, Wis. Adm. Code.
- (b) The following sections supersede any conflicting provisions in this chapter:
 1. Section 28.04(21)(b).
 2. Sections 28.08(7)(c) 7 and 8.
 3. Section 28.09(3)(d)15.c.
 4. Section 28.09(3)(d)16.e.
 5. Section 28.09(3)(d)17.c.
 6. Section 28.10(4)(d)19.c.

31.05 NONCONFORMING STREET GRAPHICS.

- (1) Any existing street graphic except an advertising street graphic, which was conforming at the time of erection and becomes nonconforming on or before the effective date of this ordinance, may be continued provided that no increase in size, illumination, or flashing of such street graphic shall be made and further provided that in the event of a change of use all street graphics shall conform to the provisions of the zoning district in which said graphics are located except as provided for in Section 31.05(3) and where two or more uses have sign frames on a single ground sign structure, faces only in such frames may be changed to serve new uses.
- (2) Nonconforming Advertising Street Graphics.
 - (a) Any existing advertising street graphic, and its supporting structure if other than a wall graphic, which is located on any zoning lot with frontage on State Street, on the Inner or Outer Ring or on streets connecting the Inner Ring and Outer Ring shall be removed by the owner thereof at no cost to the City no later than December 31, 1983. For purposes of this subsection, the term "Inner Ring" shall mean the connecting pattern of streets abutting the Capitol Square, to wit: Main Street, Pinckney Street, Mifflin Street and Carroll Street. The term "Outer Ring" shall mean the connecting pattern of streets one block off the Capitol Square, to wit: Doty Street, Webster Street, Dayton Street and Fairchild Street. All other existing advertising graphics within the No Advertising Graphic District, except for the Howard Johnson directional bulletin located at 525 University Avenue which may only continue as a directional graphic, the two roof graphics located at 753 East Washington Avenue and the three ground graphics located at 640 Williamson Street, shall be removed by the owner at no cost to the City at the rate of no less than one graphic per year beginning in calendar year 1983. However, all such graphics shall be removed no later than December 31, 1989.
 - (b) Any other advertising street graphic existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in Subdivision (a) above, may be continued provided that it may not be relocated, replaced, expanded, enlarged, repositioned or raised in height. Such existing advertising street graphics may not be restored or reconstructed if damaged or destroyed by fire or other casualty or act of God to the extent that the total cost of restoration to the condition in which it was before the occurrence shall exceed 50% of its assessed value or the cost to replace with a new structure of equal quality, whichever amount is lower. The determination of eligibility for restoration or reconstruction hereunder shall be made by the Urban Design Commission and any restoration or reconstruction without the approval of the Urban Design Commission is prohibited. Violation of this subdivision shall result in the said graphic being subject to immediate removal by the owner thereof at no cost to the City. Ordinary repairs or normal maintenance shall be considered required by law hereunder.
- (3) Existing nonconforming commercial uses in residential zoned districts may be permitted to erect street graphics which do not conform to the district in which such use is located provided such street graphics are approved as a conditional use by the Plan Commission according to the standards of Section 28.12(10)(g) of the Madison General Ordinances.

31.06 AWNING GRAPHICS.

- (1) Graphics may be displayed on the lowest twelve inches (12") of the principal face or side panels of awnings provided they do not exceed six inches (6") in height.
- (2) An awning may be designated a signable area as an alternative to one on the building facade provided that the awning does not exceed it in area. The area of graphics displayed shall be no more than forty percent (40%) of the area of the principal face of the awning or two (2) square feet of graphics for each lineal foot of building frontage, but not to exceed one hundred percent (100%) of the signable area.
- (3) Any internally illuminated awning to be erected on property which is zoned residential, or which is within one hundred (100) feet and directly across the street visible from property which is zoned residential or which is adjacent to, or across the street from, a designated landmark or a public park, will require City Plan Commission approval under the procedure and provisions of Section 28.12(10) of the Madison General Ordinances after the review and recommendation of the Urban Design Commission.
- (4) The illumination level of an internally illuminated awning shall not exceed seventy-five (75) footlamberts.

31.07 WALL AND ROOF GRAPHICS.

- (1) Subject to the requirements of the Tables of Permitted Graphics, Section 31.15, any occupant may display wall or roof graphics. Wall graphics may be attached flat to or pinned away from the wall.
- (2) Wall and Roof Graphics. All wall and roof graphics shall be displayed within the selected signable area. The signable area may be determined by choosing one area of the building facade as defined under "signable area" in Section 31.03(2). The signable area for a wall graphic may be divided for building occupants. When the building facade is divided by architectural details designating separate occupancies, each occupant will be allowed a signable area. The total signable area shall not exceed that permitted in Sec. 31.07(3) of this ordinance. Directional street graphics, menu boards and not more than one (1) logo may be placed outside the designated signable area in a location otherwise conforming with the requirements of this chapter. Directional street graphics, menu boards or logos exceeding the confines of a six (6) square feet rectangle shall be approved by the Urban Design Commission.
For buildings exceeding 125 feet in length or eight (8) stories or more in height, see Subsection (7) for additional signable areas. The size of the signable area is determined by calculating the number of square feet which are enclosed by an imaginary rectangle or square drawn around the selected area. This area is subject to the following restrictions:
 - (a) Where a building consists of two (2) or more stories, wall graphics containing the name and/or logo of places of entertainment and/or assembly seating two hundred (200) or more persons may extend to the juncture of the roof with the building wall or to the top of any parapet, but wall graphics for all other activities may not extend above the sill of the second story windows; if the occupant is located above the first floor, the graphics may not extend above the sill of the third story window.
 - (b) Signable area for roof graphics may not extend above the height limit permitted for a ground graphic at that location.
 - (c) The signable area may be above the roof in manufacturing districts. The signable area above the roof line in the M1 and M2 districts is calculated on the wall facade and can be transferred above the roof line if no wall graphic is to be displayed."
 - (d) (R. by Ord. 11, 860, 5-19-97)
- (3) The permitted gross area of wall, roof and above-roof graphics is to be no more than forty percent (40%) of the signable area or two (2) square feet of graphics for each lineal foot of building frontage but not to exceed one hundred percent (100%) of the signable area.
- (4) Wall, roof, and above-roof graphics are also subject to the additional following height limitations:
 - (a) If graphics are placed between windows, the height of the graphic may not exceed two-thirds (2/3) the height of the space between windows.
 - (b) An above-roof graphic may extend to a maximum height of ten(10) feet above the roof line.
- (5) (R. by Ord. 11, 860, 5-19-97)

- (6) Off-Street Parking. Wall graphics may be displayed on the side or rear of a building adjacent to an off-street parking area if the off-street parking area is thirty-three (33) feet or more in width. Such graphics shall be subject to the same limitations as graphics on the street side of the building but shall not exceed the area of the maximum size wall graphic permitted on that property. However, the side or rear of the building adjacent to the off-street parking area shall not be included when calculating the signable area allowable to wall graphics on the street side.
- (7) Large Buildings.
 - (a) On each facade of the building, where the total wall signage on the facade does not exceed that permitted in Sec. 31.07(3) of this ordinance and a principal graphic is displayed, up to four (4) accessory graphics, the square footage of each which shall not exceed 50% in area and 50% in the height of the principal graphic, may be permitted.
 - (b) For buildings eight (8) stories or more in height, an additional signable area for each facade may be selected provided that the additional signable area shall not exceed five percent (5%) of the area of the facade.
- (8) Business banners may be used as wall graphics under the provisions of Subsections (2) through (4) hereof and are subject to the same construction requirements under Section 31.04(7).
- (9) (R. by Ord. 10,809, Adopted 1-4-94)

31.071 CANOPY GRAPHICS

A street graphic may be displayed on a canopy, subject to the provisions of this subsection.

- (1) Canopy fascia graphics. A graphic may be displayed on the fascia of a canopy. Such graphic shall be considered a wall graphic, with the fascia of the attached canopy acting as the signable area. The signable area for a canopy fascia graphic shall not project beyond the limits of the canopy in any direction, and shall be no wider than the width of the canopy.
- (2) Above-canopy graphics. In lieu of a canopy fascia graphic or wall graphic, a maximum of one (1) graphic may be erected on the top of an attached canopy, except where the canopy is facing two street frontages or facing an off-street parking area which is thirty-three (33) or more feet in width, a maximum of two (2) graphics may be erected on the top of said canopy. Any above-canopy graphic shall be subject to the following additional restrictions:
 - (a) The graphic shall be the business name or business logo only.
 - (b) The graphic shall have a vertical dimension no higher than the roofline of the corresponding building facade and no higher than two (2) feet above the canopy, except as allowed in Sub. (2)(c)2., herein.
 - (c) The graphic shall be constructed only of free-standing letters, numbers, other characters, or free-standing business logos, subject to the following:
 - 1. The supporting sign construction for a logo must conform to the shape of the logo.
 - 2. A logo shall be limited to four (4) square feet in area to be measured by drawing the smallest possible square or rectangle enclosing the extreme limits of the logo. The logo shall not extend above the roofline of the corresponding building facade. However, a logo may exceed the two (2) foot height limit.
 - (d) The horizontal dimension of the graphic shall be no wider than the width of the attached canopy on which it is displayed, or the width of the corresponding facade, whichever is narrower.
 - (e) An above-canopy graphic may be placed at any distance from the face of the building, except a graphic which crosses architectural detail may not be displayed closer than five (5) feet from the nearest face of the building, unless prior approval of the Urban Design Commission has been obtained under Section 31.04(2)(b)2.b.vii.
- (3) Miscellaneous canopy graphics. A graphic may be displayed on a detached canopy or an attached canopy with no signable fascia area as described in Subsec. (1), if approved by the Urban Design Commission as part of a Comprehensive Design Review under Sec. 31.04(2)(b)2.b.vi. The maximum size of any canopy graphic approved under this subsection shall be not more than ten percent (10%) of the total area of an imaginary vertical plane measured from the upper edge of the canopy to the lowest point of the canopy on which face the graphic will be attached, excluding any supporting structures. The horizontal dimension of the graphic shall be no wider than the width of the canopy on which it is displayed. In no case shall a canopy graphic be approved unless it is in compliance with Sec. 31.04(6)(f). In addition to meeting the objectives of a Comprehensive Design Review, any graphic

approved under this subsection shall integrate harmoniously into the design of the canopy structure, building, and overall signage treatment; and may be approved in lieu of other permitted graphics as provided in this Chapter.

31.075 PENNANTS, FLAGS AND DECORATIVE AND PROMOTIONAL BANNER(S).

- (1) It shall be unlawful for the owner or occupant of any property to permit the placement or display of any pennants, flags or decorative and promotional banners upon private property except in compliance with the following:
 - (a) A permit fee of twenty-five dollars (\$25) for each promotional banner.
 - (b) A minimum clearance of eight feet (8') shall be required over walkways and twelve feet (12') over parking areas.
 - (c) Review and approval by the Director of Planning and Development or her/his designee.
 - (d) No pennant, flag or banner shall be so installed to intrude into any public right-of-way.
- (2) It shall be unlawful for any person to install, place or display any pennant, flag or decorative and promotional banner in the public right-of-way except in compliance with the following:
 - (a) A permit fee of fifty dollars (\$50) for each promotional banner.
 - (b) A minimum vertical clearance of seventeen feet (17') shall be maintained from the roadway to the bottom of the banner when mounted on poles, except on State Street where the clearance shall be a minimum of sixteen feet (16'). When mounted to a structure, the minimum vertical clearance shall be no lower than the bottom of the structure.
 - (c) The maximum tensile strength of any rope, cord or other attachment device to be used for attaching banners to City property shall be four hundred (400) pounds.
 - (d) Attachment of any banner to a City pole shall be by existing eye bolts or other method approved by the City Department of Transportation.
 - (e) A certificate of insurance evidencing the existence of commercial general liability insurance shall be filed with the City Department of Transportation before banner installation with minimum limits of \$500,000 per occurrence with the City named as an additional insured.
- (3) Any pennant, flag or decorative and promotional banner installed placed or displayed in the public right-of-way in violation of this ordinance shall be removed at the owner's expense which shall be in addition to and in excess of any forfeiture or storage fees for violating this ordinance.
- (4) Any person who violates any provision of this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to a forfeiture of not less than thirty dollars (\$30) nor more than two hundred dollars (\$200) and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

31.08 GROUND GRAPHICS.

For each zoning lot, no more than two (2) ground graphics may be displayed of the area and height indicated in the Tables of Permitted Graphics, Section 31.15, provided:

- (1) The zoning lot is accessible by automobile and/or has off-street parking on the premises; or
- (2) The edge of the building or structure in which the activity is conducted is set back at least thirty-five (35) feet from the edge of the adjacent street or highway right-of-way.
- (3) The height of a ground graphic shall be measured from the top of the graphic to the grade at the base of the supporting structure.
- (4) The total area of the ground graphic does not exceed that permitted for one ground graphic in the Tables of Permitted Graphics, Section 31.15(1).
- (5) An occupant may have both ground and projecting graphics provided only one of these graphics exceeds twelve (12) square feet in gross area provided that in no case shall more than two (2) ground graphics be permitted on any zoning lot.

31.09 PROJECTING GRAPHICS.

- (1) In commercial or manufacturing districts, occupants may display one projecting graphic on each street frontage subject to the provisions of Section 31.08(5). The permitted area of projecting graphics is shown in the Tables of Permitted Graphics, Section 31.15.
- (2) The following additional regulations also apply to projecting graphics:

- (a) Projecting graphics must clear the sidewalk by at least eight (8) feet, and may project no more than fifteen (15) inches into the public right-of-way. Marquee graphics are excluded from this constraint.
 - (b) Where setbacks permit, projecting graphics may not extend more than six (6) feet from the building face.
 - (c) Projecting graphics may extend to the juncture of the roof with the building wall or to the top of any parapet. If the building consists of two (2) or more stories, projecting graphics for places of entertainment and places of assembly seating two hundred (200) or more persons may extend to the juncture of the roof with the building wall or to the top of any parapet, but projecting graphics for all other occupants may not extend above the sill of the second story window unless the occupant is located above the first floor in which case the projecting graphic may not extend above the sill of the third story window.
- (3) In lieu of a projecting graphic permitted in Subsections (1) and (2) hereof, occupants may elect to use a wall graphic located on the side of the building displaying the name of the establishment only, subject to the area and other limitations contained in Subsection (1) hereof and Section 31.07.
 - (4) Business banners may be used as projecting graphics under the provisions of this section and are subject to the same construction requirements under Section 31.04(7). Business banners may project beyond fifteen (15) inches into the public right-of-way when they are attached to or suspended from a canopy or awning. Pennants, flags and decorative and promotional banners are subject to the requirements of Section 31.07(9).

31.10 WINDOW GRAPHICS.

Window street graphics as defined in Section 31.03(2), may be displayed without a permit, subject to the following restrictions:

- (1) Window graphics consisting solely of individual alphabetic letters, numerals, or other symbolic characters without any background may be displayed but shall not cover more than thirty (30) percent of the total window area.
- (2) Window graphics that combine the individual characters allowed in Subsection (1) with other opaque objects, logos, or images or any type of background may be displayed but shall not exceed twenty (20) percent of the total window area.
- (3) The "total window area" shall be one continuous panel of glass or other transparent material, or a set of two or more panels divided by mullions of six (6) inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six (6) inches shall be considered individual windows.
- (4) The size of the graphic shall be determined by measuring a box around each group of characters, objects, images, logos and any background.
- (5) For purposes of this section, any banner attached to the outside of a window shall not be considered a window street graphic.
- (6) Window street graphics that are internally illuminated and flashing are prohibited.

31.11 ADVERTISING STREET GRAPHICS AND OFF-PREMISE DIRECTIONAL GRAPHICS.

- (1) Existing advertising street graphics are nonconforming and permitted to remain only in the C2, C3, and C3L Commercial Districts and the M1 and M2 Manufacturing Zoning Districts as regulated in this section and in Section 31.15(3), subject to the nonconforming advertising street graphics provisions of Section 31.05(2). Notwithstanding any other provision of these ordinances, new, relocated and replacement advertising street graphics are prohibited. Off-premise directional graphics are permitted only in the C1, C2, C3, and C3L Commercial Districts, and the M1 and M2 Manufacturing Districts as regulated in this section.
- (2) General Regulations.
 - (a) In addition to the regulations in this subsection, advertising street graphics shall conform to all other provisions of this chapter except size, height, setback and signable area regulations which apply only to other street graphics.
 - (b) Advertising street graphics, and their supporting structures if other than a wall graphic, shall be spaced at intervals of not less than three hundred (300) feet when viewed from one directional flow of street traffic.
 - (c) Reserved For Future Use.

- (d) An advertising street graphic which is a wall graphic shall not exceed three hundred (300) square feet in area and shall not project beyond the limits of the facade on which it is located.
- (e) No advertising street graphic which is a ground graphic shall exceed three hundred (300) square feet in area, except that any advertising street graphic which is located on a zoning lot with frontage on a street on which the speed limit exceeds forty-four (44) miles per hour, provided that such advertising street graphic conforms to all other provisions of this chapter, may be as large as seven hundred and fifty (750) square feet in area.
- (f) No advertising street graphic shall exceed thirty (30) feet in height except that a design extension may exceed the permitted height limit by no more than eight (8) feet provided that the sum total of the area of all such extensions does not exceed seventy-eight (78) square feet in area. The total sum of the area of all design extensions in excess of thirty (30) feet in height shall be determined by calculating the area of the smallest square or rectangle, the sides of which are perpendicular to the ground, that encompasses all such design extensions. In no case shall any design extension which protrudes from the top edge of an outdoor advertising graphic exceed eight (8) feet in height even where the height of the main or principle portion of the outdoor advertising graphic is less than thirty (30) feet. In the event this provision relating to extensions is amended or repealed, any extensions permitted hereunder shall be promptly lowered in height or removed, accordingly, by the owner at no cost to the City. (Am. by Ord. 11,234, 4-13-95)
- (g) The following setbacks for advertising street graphics are required:
 - 1. An advertising street graphic situated parallel to the right-of-way line must be set back a distance equal to its height.
 - 2. An advertising street graphic perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.
- (h) Roof or above-roof advertising street graphics shall not be permitted.
- (i) No advertising street graphics are permitted in districts of special control.
- (j) No advertising street graphics are permitted on lots on which dwelling units are located, except caretakers' or guards' dwelling units shall be permitted on the same lot with advertising street graphics.
- (k) No advertising street graphics shall be permitted on the front facade of any building.
- (l) No advertising street graphic shall be located in any required front yard or in the last ten (10) feet of any required rear yard.
- (m) No advertising street graphic shall be located on any zoning lot which is occupied by a nonconforming use.
- (n) No off-premise directional graphic shall exceed sixteen (16) feet in height nor thirty-two (32) square feet in area.
- (o) Not more than one (1) off-premise directional graphic shall be located on any zoning lot.
- (p) The following setbacks for off-premise directional graphics are required:
 - 1. An off-premise directional graphic situated parallel to the street right-of-way must be set back a distance equal to its height.
 - 2. An off-premise directional graphic perpendicular, or nearly so, to the street right-of-way must be set back three (3) feet from the property line.
- (q) Off-Premise directional graphics meeting the purpose of the ordinance as described in Sec. 31.02(1) may be approved by the Director of Planning and Development, and, in case of rejection, may be appealed to the Plan Commission.
- (r) Any design extension which causes an advertising street graphic or off-premise directional graphic to exceed its total permitted square footage of area is strictly prohibited.

31.12 CHANGEABLE COPY STREET GRAPHICS. Changeable copy street graphics are permitted provided that:

- (1) The changeable copy is integral to a business identification graphic.
- (2) The combined area of the changeable copy and business identification graphic does not exceed that which is permitted in Section 31.15 of this ordinance.
- (3) That the characters forming the changeable copy message shall be of one color.

31.13 DISTRICTS OF SPECIAL CONTROL.

- (1) Historic Districts. Section 33.01 of the Madison General Ordinances permits the City to designate Historic Districts. The plan for an Historic District may include specific street graphic regulations which shall supersede the provisions of this ordinance.
- (2) Urban Design Districts. Section 33.02 of the Madison General Ordinances permits the City to designate Urban Design Districts. The Urban Design Plan for any such district may include specific graphic regulations which shall supersede the provisions of this ordinance.
- (3) Planned Community Development District (PCD). In the Planned Community Development district, street graphics shall be classified and permitted in accordance with the requirements under the C1 district, unless different requirements are recommended by the Urban Design Commission and are made a part of an approved recorded Specific Implementation Plan. If such different requirements are approved they shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (4) Planned Unit Development District (PUD). In the Planned Unit Development district, there shall be no predetermined specific regulations for street graphics, but such requirements as are made a part of an approved recorded precise development plan agreed upon by the owner and the City shall be, along with the recorded plan itself, construed to be and enforced as a part of this ordinance.
- (5) Planned Community Mobile Home Park District. The same regulations shall apply as those regulating street graphics in the PUD district.
- (6) No Advertising Graphic District. The No Advertising Graphic District is the area bounded by Lake Mendota on the North, Lake Monona on the South, Livingston Street on the East and Park Street from Lake Mendota to Dayton Street to Bedford Street to Lake Monona on the West. This district is of special importance historically and includes past, present and future redevelopment projects representing significant public and private investments.
- (7) Research Park-Specialized Manufacturing District-RPSM. In the Research Park-Specialized Manufacturing District, street graphics shall be permitted in accordance with Section 28.10(2)(h)6. of the Madison General Ordinances and as approved by the City Plan Commission subject to the conditional use provisions of Section 28.12(10) of the Madison General Ordinances.
- (8) Annexed Lands. Lands annexed to the City after the effective date of this subsection shall be a district of special control as defined above.
- (9) C4 Central Commercial District. In the C4 Central Commercial District, all street graphics shall conform to any requirements for street graphics found in the "Urban Design Guidelines for Downtown Madison" published by the Urban Design Commission and referenced in Sec. 28.09(5), in addition to the provisions of this ordinance.

31.14 AGRICULTURAL, CONSERVANCY, AND RESIDENTIAL DISTRICTS.

- (1) Conservancy and Agriculture Districts. Street graphics shall be classified and permitted in accordance with the requirements under the R1 district, provided, however, for any commercial use allowed as a conditional use in the Conservancy or Agriculture district, the regulations governing street graphics in the C1 district shall apply.
- (2) Residential Districts.
 - (a) Street graphics which are subject to the following regulations are not required to conform to the regulations set forth in Sections 31.07, 31.08, 31.09 and 31.10.
 - (b) In the R1 district, the following nonilluminated street graphics are permitted under the conditions specified provided that no street graphic shall violate the provision for vision clearance set forth in Section 28.04(12)(e) of the Madison General Ordinances.
 1. Nameplates and Identification Street Graphics.
 - a. Residential Buildings. There shall be not more than one nameplate, not exceeding two (2) square feet in area, and indicating only the name and address of the occupant or a permitted occupation for each dwelling unit, provided that on a corner zoning lot or a through lot, two such nameplates for each dwelling unit, one facing each street, shall be permitted. For multiple-family dwellings, apartment hotels, fraternity and sorority houses and lodging houses, a single identification street graphic, not exceeding three (3) square feet in area and indicating only the name and address of the building and the name of the

management thereof, may be displayed, provided that on a corner zoning lot or a through lot, two such street graphics, one facing each street, shall be permitted.

- b. Nonresidential Buildings. For nonresidential buildings, a single identification street graphic, not exceeding six (6) square feet in area and indicating only the name and address of the building and the principal occupant may be displayed, provided that on a corner zoning lot or a through lot, two (2) such street graphics, one facing each street, shall be permitted. All street graphics shall be affixed flat against building walls.
 - c. Height. No street graphic shall project higher than one story or twelve (12) feet above curb level, whichever is lower.
2. Real Estate and Noncommercial Street Graphics.
 - a. Area and Number. There shall be not more than one such street graphic for each zoning lot, except that on a corner zoning lot, or a through lot or a lot abutting a waterway, two (2) street graphics, one facing each street or waterway, shall be permitted. No exempt street graphic shall exceed twelve (12) square feet in area in Residential districts or thirty-two (32) square feet in other districts. Such street graphic may be affixed flat against building walls or may be attached to the ground. No street graphic attached to the ground shall be closer than ten (10) feet to any lot line.
 - b. Height. No street graphic shall project higher than one story or twelve (12) feet above curb level, whichever is lower.
3. Street Graphics Accessory to Parking Areas.
 - a. Area and Number. Street graphics designating parking area entrances or exits are limited to one (1) street graphic for such exit or entrance, and to a maximum area of two (2) square feet each. One (1) street graphic per parking area, designating the conditions of use or identity of such parking area and limited to a maximum area of nine (9) square feet, shall be permitted. On a corner zoning lot or a through lot, two (2) such street graphics, one facing each street, shall be permitted. No street graphic shall project beyond the property line into the public way.
 - b. Height. No street graphic shall project higher than ten (10) feet above curb level.
4. Church Bulletins, Hospital, School and PRD Identification Street Graphics.
 - a. Area and Number. One (1) wall and one (1) ground identification street graphic per street frontage may be displayed street graphic per street frontage may be displayed with a maximum of two (2) ground graphics and two (2) wall graphics per zoning lot. Additional wall or ground graphics for wayfinding purposes may be permitted when approved by the Urban Design Commission when the zoning lot is occupied by two (2) or more of the uses described above and the size of the lot, number of vehicular and pedestrian entrances, and layout of the buildings require additional street graphics for wayfinding purposes in order to promote traffic and pedestrian safety. Street graphics under this paragraph shall not exceed twelve (12) square feet in area nor be closer than ten (10) feet to any lot line except such street graphic may be increased in area by one (1) square foot for each additional foot that the street graphic is set back more than twelve (12) feet from the street lot line. No street graphic under this paragraph shall exceed thirty-two (32) square feet in area.
 - b. Height. No street graphic shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.
5. Project Graphics. The Zoning Administrator may issue a permit for the following nonilluminated project street graphics:
 - a. A street graphic describing a construction or improvement project including the names of the contractors, architects, engineers, owners or

occupants, provided that such street graphic may be in place only during the period that said project is under construction and while valid building permits are in force and further provided that only one such street graphic may be erected per street frontage, and no such graphic shall exceed thirty-two (32) square feet in area.

- b. A street graphic located on a City-owned property and describing the intended development and any related information for such property, provided no such street graphic shall exceed thirty-two (32) square feet in area per street frontage.

6. Condominium Identification Street Graphics.

- a. A condominium may display condominium identification graphic(s) if the total acreage of the property of the condominium, as determined by the legal description within the condominium instruments, is one and one-half (1 ½ acres) or more and the condominium includes eight (8) or more units. For purposes of sec. 31.14(2)(b)6., the terms “condominium,” “condominium instruments,” “property,” and “units” shall have the meanings found in Ch. 703 of the Wisconsin Statutes.
- b. Number, Area, and Setback. One (1) wall and one (1) ground identification graphic per street frontage may be displayed; with a maximum of two ground (2) graphics and two (2) wall graphics per condominium. Condominium identification street graphics shall not exceed twelve (12) square feet in area, except that the Urban Design Commission may approve a graphic of more than twelve (12) but not more than thirty-two (32) square feet under sec. 31.04(2)(b)2.b. herein. No condominium identification street graphic shall be closer than ten (10) feet to any lot line.
- c. Height. No condominium identification street graphic shall project higher than one story, or twelve (12) feet above the curb level, whichever is lower.

(Cr. by Ord. 13,338, 6-7-03)

- (c) In the R2, R2S, R2T, R3, R4, R4A, and R4L districts, regulations governing street graphics in the R1 district shall apply. (Am. by Ord 13,144, 9-24-02)

- (d) In the R5, R6, and R6H districts, the regulations governing street graphics in the R1 district shall apply, except for the following:

- 1. For multiple-family dwellings, apartment hotels, fraternity and sorority houses, and lodging houses, a single identification street graphic, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof, may be displayed, provided that on a corner zoning lot, two (2) such street graphics, one facing each street, shall be permitted.
- 2. For nonresidential buildings, a single identification street graphic, not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the principal occupant may be displayed, provided that on a corner zoning lot, two (2) such street graphics, one facing each street, shall be permitted.
- 3. For a dwelling located on a lot that is to the rear of another lot and access to the street is only the width of a driveway, one (1) directional graphic not exceeding three (3) square feet may be placed in the front yard of the property fronting on the street provided:
 - a. Permission is obtained from the owner of the property on which the graphic is to be located;
 - b. Only the name, address, and name of management thereof is indicated;
 - c. A street graphic permit is obtained prior to the erection of the graphic; and
 - d. The street graphic does not exceed three (3) feet in height and is a minimum of six (6) feet from the front lot line.

- (e) In the OR and RS districts, the street graphic requirements of the R6 district shall apply provided the area and content of nameplates and identification street graphics shall only be limited to those requirements for nonresidential buildings.

31.15 TABLES OF PERMITTED GRAPHICS.

(1) Table 1.

**COMMERCIAL AND MANUFACTURING ZONING DISTRICTS
SIZE LIMITS FOR BUSINESS GRAPHICS, BY SPEED LIMIT, LANES OF TRAFFIC

Graphic Types

	Ground				Projecting	Wall & Roof	Above Roof
How Seen	Zones C1 & C4, O-1		Zones C2, C3, C3L O-L, O-2, O-3, M1, M2		All Zones	All Zones	M1 & M2 Only
Lanes Speed	Max Ht.	Max. Gross Area (sq. ft.)	Max. Ht.	Max. Gross Area (sq. ft.)	Max. Gross Area (sq. ft.)	Portion of Signable Area for Use	Portion of Signable Area for Use
0-34	12'	32	16'	32	20	40%	40%
2-3 35-44	12'	32	16'	50	20	40%	40%
45+	14'	32	16'	72	20	40%	40%
0-34	12'	32	16'	40	32	40%	40%
4-5 35-44	14'	32	16'	64	32	40%	40%
45+	16'	32	20'	80	32	40%	40%
0-34	14'	32	16'	48	32	40%	40%
6+ 35-44	16'	32	18'	72	32	40%	40%
45+	18'	32	22'	144	32	40%	40%

NOTE: Building Entrance Identification Graphics shall not exceed twelve (12) square feet in gross area and are permitted in all Commercial and Manufacturing Districts.

**RPSM-Research Park-Specialized Manufacturing District street graphics are regulated by Section 31.13(7).

(2) Table 2.

**COMMERCIAL AND MANUFACTURING ZONING DISTRICTS
SPECIAL PURPOSE GRAPHICS
(Permit Required)**

Yes - Permitted
C.U. - Conditional Use Permit

Purpose, Kind & Type of Graphic	Zoning Districts		
	C1, C4, O-1	C2, C3 & C3L O-2, O-3, O-4	M1 & M2
Awning, Canopy	Yes	Yes	Yes
Business Banners	Yes	Yes	Yes
Theater Marquee	Yes	Yes	Yes
Time & Temperature	C.U.	C.U.	C.U.
Sidewalk Showcase	C.U.	Yes	Yes
Pennants, Decorative & Promotional Banners & Flags on Private Property**	Yes	Yes	Yes
Mural	C.U.	C.U.	C.U.
Neighborhood & Subdivision Identification****	Yes	Yes	Yes
Public Service	C.U.	C.U.	C.U.
Project Graphic over 144 sq. ft.***	Yes	Yes	Yes
Church & Hospital	Yes	Yes	Yes
Building Entrance Identification	Yes	Yes	Yes
Business Opening Graphics	Yes	Yes	Yes
Temporary Street Graphics	Yes	Yes	Yes

**Subject to Approval of Director of Department of Planning & Development.

***When approved by Urban Design Commission.

****Subject to approval of Director of Department of Planning and Development or her/his designee after notification to Neighborhood Association and Alderperson.

(3) Table 3.

ALL ZONING DISTRICTS
EXEMPT GRAPHICS
(No Permit Required)

While no permit is required for wall and ground graphics of the kind listed below,
adherence to the following regulations is required.

Kind of Graphic	Gross Area (sq. ft.)	Height Maximum	Setback (Ground Graphic)	Illumination	Number per Street Front
Parking Lot Regulation	9	10'	10'	Yes*	2
Parking Lot Directional	3	10'	---	Yes*	2
Real Estate or Noncommercial	12	15'	10'	No	1
Real Estate or Noncommercial	6 or less**	15'	---	No	1
Election Campaign Graphics	12	15'	10'	No	1 per candidate or cause
Window Graphics	20% or 30% See 31.10	---	---	Yes	---
Municipally Owned Signs	32	10'	10'	Yes	---
Municipally Owned Public Safety Signs	***	***	***	Yes	***
Scoreboards**** Advertising Graphics & Promotional Banners at Athletic Fields & Elementary, Middle and High Schools	As approved by Parks Comm. or Dir. of Planning and Develop.	As approved by Parks Comm. or Dir. of Planning and Develop.	As approved by Parks Commission or Director of Planning and Development	Yes	As approved by Parks Commission or Director of Planning and Development
Merchandise Graphics in Commercial and Manufacturing District	9*****	8'	---	No	2
Promotional Banners*****	As approved by Director of Transp.	As approved by Dir. of Transp.	As approved by Dir. of Transp.	---	As approved by Dir. of Transp.

Table 3 - Continued

*In all Residential Districts, illumination of these two graphics is not permitted.

**32 in Special, Commercial or Manufacturing Districts.

***As approved by City Board, Commission or Common Council.

****Scoreboards at athletic fields which include flashing street graphics shall be screened from views from abutting streets as approved by the Director of Planning and Development and the Traffic Engineer.

*****9 square feet or within the outside boundaries of the merchandise to which the graphic is attached, whichever is less.

*****Promotional banners in public right-of-way when approved by the Director of Transportation.

(4) Table 4.

PERMITTED GRAPHICS
RESIDENTIAL DISTRICTS

For Agricultural and Conservancy Districts, Noncommercial - graphics shall be classified and permitted in accordance with the requirements under the R1 District; provided, however, for any commercial use allowed as a conditional use in the Conservancy or Agricultural District, the regulations governing graphics in the C1 District shall apply.

For R1, R2, R3, R4, R4L, R5, R6, R6H, RS, and OR Zoning Districts - all street graphics permitted are either wall or ground graphics only and limited to one graphic per street frontage, unless otherwise indicated in the chart below.

Type of Street Graphic	Area Sq. Ft.	Height		Minimum Setback	Wall	Ground	Illuminated	Number per Street Frontage
		Min.	Max.					
Identification-R1,R2,R3,R4, R4A,R4L	1	---	12'	---	Yes	No	No	1
Identification-R5,R6,R6H, RS and OR	6	---	12'	---	Yes	No	No	1
Building Entrance Identification	12	---	---	---	Yes	No	Yes	1 per entrance
Identification-Nonresidential Building	12	---	15'	---	Yes	Yes*	No	1
Church, Hospital, School and PRD Identification	12 to 32	1'	12'	10'	Yes	Yes	Yes	1 Wall, 1 Ground Max. of 2 per zoning lot**
Project	32	1'	8'	10'	Yes	Yes	No	1
Existing Nonconforming Commercial Uses	32	1'	15'	---	Yes	Yes Existing Only	Yes	1
Business Opening	---	---	30'	---	Yes	Yes	Yes	1
Condominium Identification	12 or 13 to 32 with UDC Approval	1'	12'	10'	Yes	Yes	Yes	1 Wall, 1 Ground Max. of 2 per condominium

Table 4 - Continued

*Maximum Height 4 feet, graphic and landscape approval of Director of Department of Planning and Development required.

**Additional wall or ground identification street graphics for wayfinding purposes may be approved by the Urban Design Commission. See Secs. 31.14(2)(b)4.a. and 31.04(2)(b)2.b.viii.

EXEMPT GRAPHICS (NO PERMIT) - Refer to Sec. 31.15(3) - Table 3.

SPECIAL SITUATIONS

Neighborhood and Subdivision Identification Graphics - Subject to approval of Director of Planning and Development or her/his designee after notification to Neighborhood Association and Alderperson.

Murals on Private Property - Conditional Use Approval Required

Pennants, Flags, Decorative and Promotional Banners on Private Property - Director of Department of Planning and Development Approval Required.

Advertising Street Graphics - Not Permitted

Identification Street Graphics, for properties designated Landmarks, shall be permitted as approved by the Plan Commission and the Landmarks Commission when approving the use. Graphics for existing uses may be approved by the Landmarks Commission and the Director of Planning and Development.

31.16 - 31.18 RESERVED FOR FUTURE USE.

31.19 PENALTIES AND VIOLATIONS.

Any person violating any provisions of this chapter shall be subject to a forfeiture of not less than thirty dollars (\$30) and not more than five hundred dollars (\$500) and every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted.

31.20 SEVERABILITY.

In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof."

2. Section 28.10(2)(h)6. of the Madison General Ordinances currently reads as follows:

"6. Street Graphics. All street graphics shall comply with the regulations of Chapter 31, Madison General Ordinances, provided, however, the following limitations shall apply:

- a. No advertising street graphic, above roof graphic, roof street graphic and projecting street graphic shall be allowed in the RPSM District.
- b. No wall street graphic shall cover more than 10 percent of the building face, and in no case shall such sign exceed a gross area of 100 square feet.
- c. No ground sign shall exceed a maximum height of six (6) feet and a maximum gross area of thirty-two (32) square feet. All ground signs shall be incorporated in the landscape plan, including the provision of plant materials at the base of such signs."