

**TOWN OF MERCER
COUNTY OF IRON
MERCER WISCONSIN 54547**

**SIGN ORDINANCE 1999-2
*Amendment 2010-01, Amendment 2015 -02,
Amendment 2015 -03, Amendment 2015-04, Amendment 2018-05***

PURPOSE AND AUTHORITY: The purposes of this Sign Ordinance are to protect the natural scenic beauty and aesthetic quality of the Town of Mercer; promote traffic safety; and provide important information to the traveling public per Pursuant to Wisconsin Statute 60.23(29)

1. DEFINITIONS:

Abandoned Sign: A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located. Whether a sign has been abandoned or not shall be determined by the intent of the owner of the sign and shall be governed by applicable State Case Law and Statutory Law on abandoned structures.

Business Directory Sign: Signs that list the services, hours of operation, or menus offered within a business premise.

Copy: The characters, letters or illustrations displayed in or on a sign face.

Directory Sign: Traditional “arrow” way-finding signs that display the name and/or addresses of residents and establishments.

Digital Sign: A sign that uses or incorporates individual light bulbs to produce a message, design, or numerals.

Display Time: The amount of time a message and/or graphic is displayed on an electronic message sign.

Earth-tone Colors: Any color that is a shade of the land, including: brown, tan, terra cotta, gray, black, maroon, blues and greens. Earth-tone colors do not include white, florescent color shades, reflective metallic colors, primary red or yellow, blaze orange.

Electronic Message Board or Center: A sign that displays words that can be changed by remote or automatic means.

Franchise Sign: Signs that adhere to the standardized design, color, height, shape, and size of franchise entities.

Free Standing Sign: General term for any on-site sign which is supported from the ground and not attached to a building or anchored to the ground with natural materials or attached to a pole(s). Wheeled or portable signs are considered free-standing signs.

Illuminated Sign: A sign illuminated in any manner, whether internally or externally, by an artificial light source.

Luminance: The light that is emitted or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m², and in English Units as foot lamberts. Sometimes also expressed as “nits,” a colloquial reference to SI units. Can be measured by means of a luminance meter.

Nit: A photometric unit of measurement referring to luminance. One nit is equal to one cd/m².

Non-conforming Sign: A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted ordinances having jurisdiction relative to the sign.

Non-conforming Use: A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

Occupational Sign: Signs that denote only the name and profession of an occupant in a dwelling, commercial or industrial building.

Off-Premise Sign: Advertising signs located outside the contiguous parcel of land that is owned by the business it advertises.

On-Premise Sign: Advertising signs located on the principal site where business activity specified in the sign is normally conducted.

Political Sign: Any sign concerned with, engaged in, or advertising a political party, candidate, government agency, or political cause.

Portable Sign: A sign not permanently affixed, or designated to be permanently affixed, to a building structure or the ground.

Static: Not moving, unchanging in condition, fixed, stationary

Wall Sign: Signs attached flat against the exterior wall(s) of a building and do not extend more than 6 inches outside the building's surface, or signs directly on the surface of the wall.

2. GENERAL REGULATIONS

2.1 Upon adoption of this ordinance, all new signs or replacement of existing signs must be in compliance with the provisions of this ordinance.

2.2 All signs shall be maintained in a state of good repair and safety by the owner or responsible party.

2.3 Earth-tone background colors are strongly recommended. Fluorescent colors, blaze orange, glitter, sparkles, reflective materials for background, lettering, or trim are prohibited. No flashing, multi-colored, intermittent, or moving lights, moving parts, or sound producing devices shall be with or on any sign.

2.4 Externally lit signs are permissible only where the source of light shields motorist from direct view of the light.

2.5 Vehicles or other movable structures will not be allowed as permanent or temporary signage along town roads, county highways within the town, or in front of any building, and may be subject to removal or dismantling at owner's expense.

2.6 All types of ice fishing shelters used on any lake in the Town of Mercer are prohibited from displaying any advertising.

3. OFF-PREMISE SIGNS

3.1 Signs shall not be closer than 5 feet to a property line or 33 feet from the center line of a road and shall not extend more than 20 feet high above the ground.

3.2 Signs shall not exceed 32 square feet in size, including trim and borders, exclusive of standards. Multiple smaller signs may be incorporated within a single sign face, but will be subject to the 32 square foot maximum requirement.

3.3 No more than one off-premise sign per business shall be permitted facing any one direction along any one street, road or highway.

4. ON-PREMISE SIGNS

4.1 No more than one free-standing sign permitted for each highway on which business property faces.

4.2 May be double-faced, which shall be considered one sign.

4.3 Not to exceed 32 square feet per sign face or a maximum height of 20 feet.

4.4 Portable, free standing, changeable copy signs and signs on wheels are discouraged, but are considered free standing signs subject to all the conditions and restrictions of this ordinance.

4.5 Wall signs shall not exceed an aggregate of 128 square feet.

4.6 One free-standing or integrated Electronic Message Board may be permitted per private business on commercially zoned property. It must comply with ALL Town of Mercer requirements for state, county, and local government Electronic Message Centers, EXCEPT THE MESSAGE FOR A PRIVATE BUSINESS MUST REMAIN STATIC AND MAY NOT CHANGE MORE THAN ONE (1) TIME DURING A 24-HOUR PERIOD.

5. OTHER SIGN TYPES

5.1 Franchise signs are permitted as long as the requirements of this sign ordinance are met.

5.2 Caricature statues shall only be permitted on advertised business premise, providing no dimension exceeds 7 feet with a maximum of 63 cubic feet. They shall be earth-tone in color and may to incorporate flashing lights, beacons, reflective materials, glitter or sparkles.

EXCEPTION: The official Mercer Loon statue is permanently exempt from this requirement.

5.3 Signs larger than 32 square feet are considered billboards and are subject to the Billboard Ordinance.

5.4 Signs of state, county or local government (Unincorporated Town of Mercer & School District of Mercer) are exempt from the provisions of this ordinance.

5.5 Exempt state, county, or local government Electronic Message Center Requirements:

A. Illumination/Brightness

1. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
2. At all other times, luminance shall be no greater than two hundred fifty (250 nits)
3. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

B. Message Duration:

1. Movements of each message beyond changing thereof is limited to no less than 10 seconds.
2. The Electronic Message Center will remain static after 10:00pm until sunrise.

C. Message Display and Transition:

1. Text on an Electronic Message Center must be displayed against a black background and the text letters should not interfere with safe driving nor distract drivers.
2. No message center sign may contain text which flashes, pulsates, moves, travels or scrolls.
3. Each complete message must fit on one screen.
4. The content of a message center sign must transition by changing completely and instantly.

D. Message Default: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur prior to being turned off.

5.6 Seasonal or holiday decorations are exempt from this ordinance.

6. TRADITIONAL WAY-FINDING SIGNS

- 6.1 Shall be an arrow type sign whose dimensions and design are consistent with state standards as approved by the Wisconsin Department of Transportation.
- 6.2 Shall be colored white with black letters only.
- 6.3 Shall not include advertising, reflectors, or illumination of any kind.
- 6.4 Shall be attached to a common posting standard if such standard is provided when multiple business or residential property names are being displayed in one location.

7. TEMPORARY SIGNS

- 7.1 Job Construction Site Signs: Denoting owners, occupants, architect, engineer, or contractors of improvements under construction must be located on the job site and may not exceed 32 square feet in size. They must be removed upon completion of the construction.
- 7.2 Real Estate Signs: Are not to exceed 8 square feet in area which advertises the sale, rental or lease of the premises upon which the said signs are temporarily located.
- 7.3 Special Events Signs and Banners: Those that advertise a one-time per year event, campaign, or activity that will occur within 30 days of the sign being erected must be removed within one week of completion of the activity promoted.
- 7.4 Political Signs: Signs conveying a political message for public election or a referendum sign shall not exceed 32 square feet and will be removed within 10 days following the election or referendum.
- 7.5 Protective flagging for septic systems and other areas that require marking for reasons of health, safety or general welfare is exempt.
- 7.6 Posting of circulars, political advertisements, special event notices, and placards must have the consent of the property owner. The posting of such on trees, traffic sign posts and utility poles is prohibited.
- 7.7 Flags: Maximum flag pole height shall be 20 feet. Total flag size shall be no greater than 3 x 5 feet. No more than two flags may be displayed from any one flagpole at one time. Maximum of one flagpole allowed per business.

Exemption: Flagpoles bearing the Wisconsin State of American flag are exempt from the 20 foot height. There is no limit on size of any State or American flag.

8. PROHIBITED SIGNS AND RESTRICTIONS

- 8.1 Road signs that are placed upon, project from, or are erected above the eaves of the roof or incorporated into the roof itself. Mansard roofs are excluded.
- 8.2 No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign, nor contain wording or pictures used in official directional signage.
- 8.3 No sign shall contain a light directed toward a neighboring residence or toward the water.
- 8.4 No sign shall contain, include or be composed of any conspicuous animated part or obscene copy.
- 8.5 Posting of bills, posters, placards, and circulars within the public right of way or on public property.
- 8.6 All signs or parts thereof which include but are not limited to the following: revolve, flash, blink, or incorporate moving or rotating lights, other illuminated devices, **audio elements** or produce any type of motion the exception of devices that inform the public of time and temperature.

9. NONCONFORMING SIGNS

- 9.1 Nonconforming permanent signs **installed before December 17, 2015** may continue to exist after passage of this ordinance. Nonconforming signs installed after December 17, **2015** will be removed and changed in accordance with the provisions of this ordinance **and the following Amendment: (As adopted under Amendment 2015-04, this 17th day of December 2015.)**

- 9.2 Nonconforming temporary signs must be removed within two (2) months of the passage of this Ordinance.
- 9.3 Ownership. The status of a nonconforming sign is not affected by changes in ownership.
- 9.4 Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
- 9.5 Loss of nonconforming sign status
- a. Discontinuance. See definition of Abandoned Sign.
 - b. Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
 - c. Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.
- (Amendment 2015-04: 9, NONCONFORMING SIGNS adopted 12/17/15)

10. APPLICATION AND REVIEW PROCESS

- 10.1 *All new or replacement resident business signs greater than 12 square feet shall require a Sign Permit.*
- 10.2 *All non-resident business signs shall require a Sign Permit.*
- 10.3 *Design review approval is required prior to the issuance of a Sign Permit.*
- 10.4 *Applicant may obtain a copy of the Sign Permit Application from the Town Clerk. Applicant submits a completed application of the required information to the Town Clerk, who will forward the document to the Secretary of the Plan Commission.*
- 10.5 *Within a maximum of 30 days from the time the application is received, a duly posted meeting of the Mercer Plan Commission shall be arranged to review documents for the preliminary approval, and a recommendation will be forwarded to the Mercer Town Board. Submitted plans may be 1) approved as submitted, 2) approved with conditions or modifications, or 3) denied approval.*
- 10.6 *A summary of the project plans, along with the recommendation of the Plan Commission, is prepared or presentation to the Mercer Town Board for final approval at its next regular meeting.*
- 10.7 *No permit shall be required for repairs or replacement of existing signs unless the repair or replacement exceeds 50% of the size of the original sign.*
(Amendment adopted 1/7/2010, replaces Section 9 Permits and Fees)

11. ENFORCEMENT

- 11.1 The Mercer Town Board may order repair of signs which are determined to be in disrepair or unsafe,
with corrections to be made within 90 days from receipt of notice. If the repairs are not completed
within ninety days, notification of intent to remove the sign shall be given within ten days of the action
to be taken. In all cases where a sign is eminently or obviously unsafe, the Town Board is authorized
herewith to remove such sign as a public nuisance without any demand for removal or repair of the
same upon the owner or any person maintaining such a sign at sign or property owner's expense.
- 11.2 Signs advertising a commercial establishment which is no longer in business shall be removed by the

property owner within ninety days of the closing of the business. After 90 days, signs shall be removed

by the town at sign owner's or property owner's expense.

11.3 Owners of signs that are abandoned or deteriorated beyond repair shall be given notice to remove

following same procedure as in Section 10.1.

11.4 Any provision of this ordinance which creates and undue hardship may be appealed to the Mercer Town Board.

12. REFERENCES TO OTHER ORDINANCES

This Ordinance supersedes and repeals and replaces all previous Sign Ordinances heretofore enacted by the Town of Mercer.

13. PENALTIES

~~Any person violating any provisions~~ of this ordinance, upon conviction, shall incur a forfeiture of not less than \$10.00 nor more than \$250.00, plus court costs involved in prosecution and/or removal of the sign at the sign owner's expense.

14. EFFECTIVE DATE

This ordinance shall take effect and be in force from the date of passage and publication as provided by law.

15. SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Mercer would have passed the other provisions of this ordinance irrespective of whether or not one of more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereof.

Moved by Supervisor Lee Gleasman, seconded by Supervisor Jim Lambert. Motion carried.

Ordinance declared adopted this 3rd day Of June 1999.

Amendment 2015- 02adopted this 6th day of August 2015.

Amendment 2015-03 adopted this 19th day of November 2015.

Amendment 2015-04 adopted this 17th day of December 2015.

Amendment 2018-05 adopted this 5th day of April 2018.

BY: JOHN SENDRA, Chairman
Town of Mercer Board of Supervisors

ATTEST: CHRISTAN BRANDT
Clerk, Town of Mercer

BY: JEFF STENBERG, Supervisor

BY: MICHAEL LAMBERT, Supervisor

BY: CHUCK SCHROEPFER, Supervisor

BY: TOM THOMPSON, Supervisor