

## **AGENDA**

CITY OF STURGEON BAY  
COMMUNITY PROTECTION & SERVICES COMMITTEE  
Thursday, May 6, 2021  
**4:30 p.m.**  
Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from March 29, 2021
4. Public Comment on Agenda Items
5. Consideration of: Hazard Mitigation Plan
6. Discussion of: Review of Ordinances for Possible Revision
  - a. Chapter 24 – Communication Towers
  - b. Chapter 27 – Signs
  - c. Chapter 10.09 – Unreasonably and Excessive Noise
  - d. Chapter 7.12 – Bicycles, Play Vehicles and In-line Skates
  - e. Fence Ordinance
  - f. Wireless Facilities in the Right-of-Way Ordinance
7. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:  
Date: 04/30/21  
Time: 2:00 p.m.  
By: SSO

Committee: Community Protection & Services  
Dan Williams, Chr.  
Kirsten Reeths  
Seth Wiederanders

**COMMUNITY PROTECTION & SERVICES COMMITTEE**  
**March 29, 2021**

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Members Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Departments were Chief Dietman, Mr. Sullivan-Robinson and Ald. Gustafson.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders to adopt the following amended agenda:*

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from March 1, 2021
4. Public Comment on Agenda Items
5. ~~Consideration of: Tourist Rooming House Ordinance~~
6. Consideration of: Mobile Food Vendors
7. Discussion of: Review of Ordinances for Possible Revision
8. Adjourn

*All Ayes. Carried.*

**Approval of Meeting Minutes**

*Moved by Ald. Wiederanders, seconded by Ald. Reeths to approve the March 1, 2021 minutes. All Ayes. Carried.*

**Public Comment**

None

**Mobile Food Vendors**

Two new drafts of the mobile food vendor ordinance were discussed.

First draft would be creating a separate Mobile Food Vendor section (9.025) that refers back to the transient merchant/direct seller section for the application process. Additions to the draft include liability insurance for business use, adding a 5 ft set-back from property lines, public structures and other mobile food vendors; additional language to the required inspection stating upon approval of the application, and lastly clarified items on the site plan.

Second draft essentially utilizes the language in the Direct Seller section (9.02) and combines the Mobile Food Vendor language into this existing section.

There is no preference with City staff as to which draft is chosen; both read well and accomplish the same thing.

*Moved by Ald. Reeths, seconded by Ald. Wiederanders recommend the Common Council approve the draft ordinance changes as presented in Section 9.02 of the City of Sturgeon Bay Municipal Code to include Mobile Food Vendor regulations. All ayes. Carried.*

### **Review of Ordinances**

Ald. Williams would like to begin review of each ordinance to bring them up to date. Starting with next meeting, he asked committee members to look at Chapter 1 of the City's Municipal Code. A message will be put out to staff department heads to review the Municipal Code and bring forth any concerns or changes needed to this committee.

*Moved by Ald. Wiederanders, seconded by Ald. Reeths, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 4:47 p.m.*

Respectfully submitted,

Sarah Spude-Olson  
Police Department Office Manager

DRAFT





# MEMO

To: Community Protection & Service Committee  
From: Marty Olejniczak, Community Development Director  
Date: April 26, 2021  
Subject: MOA – Hazard Mitigation Plan

Communities are required to have an adopted Hazard Mitigation Plan in order to remain eligible for federal financial assistance in the event of a disaster or calamitous event. The City of Sturgeon Bay participated in Door County's Hazard Mitigation Planning effort in 2016 and is covered under the Door County plan, which was also adopted by the Common Council.

Door County received a grant to aid in the 5-year update to the Hazard Mitigation Plan. Once again, the City is eligible to be a part of their plan rather than doing a separate plan. A draft Memorandum of Agreement regarding the City's participation is attached. This MOA is essentially the same as the one signed for the previous hazard mitigation planning effort. It ensures that municipal officials will engage in the planning tasks and assist in the preparation of the updated plan.

The Community Protection & Services Committee is requested to review the MOA and recommend its approval to the Common Council. There is no fiscal impact other than staff time to attend meetings; gather and review pertinent info; and participate in the drafting of the Plan. The completed plan, once adopted, keeps the City eligible for federal relief, if needed.

MO/cn

attachment



# **MEMORANDUM OF AGREEMENT FOR A DOOR COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

## **I. Purpose of this Agreement**

A Memorandum of Agreement (MOA) is hereby executed between the “Jurisdictions”, as listed below, for an update to the Door County Multi-Jurisdictional Hazard Mitigation Plan (“Plan”).

- Door County
- City of Sturgeon Bay
- Village of Egg Harbor
- Village of Ephraim
- Village of Forestville
- Village of Sister Bay

The purpose of this MOA is to establish commitment from and outline a cooperative working relationship between all Jurisdictions listed above in the development and implementation of the Plan. In addition, the intent of this MOA is to ensure that the Plan is developed in accordance with Title 44 of the Federal Code of Regulations (CFR) Part 201.6; that the planning process is conducted in an open manner involving community stakeholders; that it is consistent with each Jurisdiction’s policies, programs and authorities; and that it is an accurate reflection of the community’s values.

This MOA sets out the responsibilities and work to be performed by the Jurisdictions. The Plan created as a result of this MOA will be presented for adoption to the governing body (Board of Supervisors, City Council, or Village Board) of each Jurisdiction.

## **II. Background of Planning Process**

Door County has received a grant from the Federal Emergency Management Agency to update its Plan in accordance with 44 FEMA requirements at 44.C.F.R. § 201.6. Hazard mitigation plans form the foundation for a community’s long-term strategy to reduce losses from disaster and to break the cycle of damage, reconstruction, and repeated damage. The benefits to a Jurisdiction from participating in this process may include the following:

- identifying cost effective actions for risk reduction;
- directing resources towards the greatest risks and vulnerabilities;
- building of partnerships by involving people, organizations, and businesses;
- increasing education and awareness of hazards and risk;
- aligning risk reduction with other community objectives; and
- providing eligibility to receive federal hazard mitigation grant funding.

## **III. County and Jurisdictional Responsibilities**

Door County will act as the Lead Agency. The participating Jurisdictions authorize Door County to manage and facilitate the planning process in accordance with this MOA. The participating Jurisdictions understand that representatives of the Jurisdiction must engage in the planning process more fully described in the Local Mitigation Planning Handbook (FEMA, 2012) and the local “Hazard Mitigation Plan Development Timeline and Tasks.”

#### **IV. Planning Participants**

The participants listed below are authorized on behalf of the jurisdictions to participate in the update of the Door County Hazard Mitigation Plan.

- Door County
  - Emergency Management – Director
  - Land Use Services Department – Director and Planner
- City of Sturgeon Bay – Mayor, Administrator, Director of Community Development
- Village of Egg Harbor – President, Administrator
- Village of Ephraim – President, Administrator
- Village of Forestville – President, Administrator
- Village of Sister Bay – President, Administrator

#### **V. MOA Implementation**

This MOA will be in effect from the date of signature by all parties, will remain in effect through the duration of the planning process, and will terminate after adoption of the final FEMA-approved mitigation plan by all participating jurisdictions. It may be terminated prior to that time by any Participating Jurisdiction giving 30 days' written notice. This MOA is to be implemented through the attached Hazard Mitigation Plan Development Timeline and Tasks, subject to approval by the Jurisdictions and subject to amendments/updates as the planning process progresses.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Municipality: \_\_\_\_\_

## Hazard Mitigation Plan Development Timeline and Tasks

April 26, 2021

- A representative of each municipality shall participate in the two virtual meetings and one virtual open-house meeting described below.
- Meeting #1 (tentatively, late May): Risk assessment and explanation of jurisdictional tasks.
  - Review/approve/revise the state's hazard risk assessment (selected hazards and their rankings)
  - Identify any additional local hazards and assign rankings.
  - Explain/discuss jurisdictional tasks to be done before Meeting #2 and set due dates (see outline below).
  - Set next meeting date.
- Jurisdictional Tasks (to be completed by due dates set by attendees at Meeting #1).
  - Jurisdictional assets. Review/revise jurisdictional asset inventory handed out at Meeting #1.
  - Jurisdictional capabilities. Review/revise jurisdictional capabilities handed out at Meeting #1.
    - Review jurisdictional capabilities (existing authorities, policies, programs, and resources available to accomplish mitigation) from 2016 plan, update responses, and answer FEMA questions, as appropriate.
    - Describe jurisdictional floodplain management program and how the Jurisdiction will continue to comply with the National Flood Insurance Program (NFIP) requirements or describe why the Jurisdiction is not participating in the NFIP.
  - Jurisdictional maps. Review jurisdictional flood zone area maps handed out at Meeting #1, assign value to roads below the base flood elevation, and identify and assign value to any critical infrastructure located within flood zones.
  - Jurisdictional risk.
    - Assess jurisdictional risk and where it varies from the risks facing the entire planning area. Identify if/how risk has changed since the 2016 plan was adopted.
    - Identify changes in development since 2016 plan.
  - Jurisdictional mitigation strategies. Review the 2016 Plan's jurisdictional strategies handed out at Meeting #1. Revise the 2016 Plan's strategies and identify any additional strategies. Include information that fulfills the following federal/state requirements:
    - Identify clear, concrete, and enforceable action items that will lessen the effects of a hazard.
    - Identify grant programs, state funds, staff member time, etc. that may be of use to each action.
    - Assign a cost-benefit (high, medium, or low) for all mitigation action items.
    - Assign an expected timeframe for all mitigation strategies.



- Meeting #2 (tentatively, late July): Finalize work products.
  - Approve minutes from Meeting #1.
  - Review/approve work products from Meeting #1.
  - Review draft mitigation strategies and address any outstanding issues regarding federal/state Plan requirements.
- Open House Meeting (tentatively, September)
- Submit the draft Plan to jurisdictional committees/boards for review/comments. (October/November)
- Submit the draft Plan to jurisdictional governing body for consideration/adoption. (after FEMA/WEM conditionally approves the Plan, first-half of 2022)

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**From:** Olejniczak, Marty

Here are ordinances that need updating or creating at some point, along with background. They are not in any particular order.

1. Chapter 24 – Communication Towers. This ordinance was adopted during the 2000's. It was designed to encourage co-location and give the city some authority over where and how to site towers. The code was used to approve just a few towers – the one by the Justice Center; the one by GLAS coffee (which was a replacement tower) and the one by Family Video, which was approved after rejecting their earlier proposed site behind Lavine's Liquor Store. But the state legislature, in its infinite wisdom, adopted new state law that preempted local control of the towers. This new legislation more or less completely gutted our code. So, we stopped enforcing it with the intention of eventually repealing or perhaps replacing it with a new code meeting the state statute. Interestingly, there have been only a few new towers erected since the new state law was adopted. These have been on public land or in the right-of-way so the City was still able to influence the location/design.
2. Chapter 27 – Signs. This code has been piecemeal amended over time. This code has sometimes been recommended for changes by the Plan Commission and sometimes by the C,P,&S Committee. There was a Supreme Court decision several years ago that greatly impacted how communities regulate signs. Chris and I have been meaning to draft changes to get our code back in good legal standing. We also have some other changes in mind too. So, we have decided to give the sign code higher priority in order to finally get it off our "to do list".
3. Chapter 10.09 – Unreasonably and excessive noise. The police department and community development have been loosely collaborating on new ordinance for noise. This stems from problems with downtown drinking establishments, especially those with outdoor areas.
4. Fence ordinance. Many communities have rules in place for erecting fences. Sturgeon Bay does not. I have mixed feelings about whether such an ordinance is needed or is a good idea, but from time to time there is interest in creating one. The C, P, & S committee could consider this issue.
5. Wireless facilities in the right-of-way ordinance. The Wisconsin legislature in 2019 adopted the Small Wireless Statute that limits the scope of municipal regulation of such facilities in the street R/W. In response, a model ordinance was created (I think by the League of Municipalities or maybe WPPI). The City should consider adopting the ordinance or something similar. This could be a Utility Commission project or perhaps something jointly created by CPS and Utilities. With the new 5G technology, this one is more urgent.

In addition, there are changes to the zoning code (Chapter 20) and Subdivision Code (chapter 21) that we want to tackle, due in part to the recommendations of the new Comprehensive Plan. But those chapters are generally overseen by the Plan Commission rather the CPS. There also are likely some minor changes within other codes that could be considered.

**Chapter 24 - COMMUNICATION TOWERS****24.01 - Title.**

This chapter shall be known as the "Door County Communication Tower Ordinance", hereinafter referred to as "this chapter."

(Ord. No. 1098-0603, § 1, 6-17-03)

**24.02 - Authority.**

This chapter is adopted pursuant to the authority granted by the United States Congress, Federal Telecommunications Act of 1996.

(Ord. No. 1098-0603, § 1, 6-17-03)

**24.03 - Applicability.**

- (1) This chapter shall apply to all property within the corporate limits of the City of Sturgeon Bay.
- (2) The following are exempt from this Ordinance:
  - (a) Towers and masts for television antennas and other receive-only antennas provided that the primary use of the property is not a communication tower facility and that the antenna use is accessory to the primary use of the property.
  - (b) Towers and masts for amateur radio antennas that are owned and/or operated by a federally licensed amateur radio operator.
  - (c) Mobile communication towers and masts providing public information coverage of news events of a temporary or emergency nature.

(Ord. No. 1098-0603, § 1, 6-17-03)

**24.04 - Purpose.**

The purposes of this chapter are:

- (1) To provide a uniform and comprehensive set of standards for the development and installation of communication towers and related facilities.
- (2) To protect and promote public health, safety, and community welfare of Sturgeon Bay, while at the same time not unduly restrict the development of needed communications towers.
- (3) To minimize adverse visual effects of communication towers by minimizing their number.
- (4) To encourage joint use of new, existing, and alternate support structures.

(Ord. No. 1098-0603, § 1, 6-17-03)



#### 24.05 - Compliance.

No communications tower shall be installed or maintained except in full compliance with this chapter.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.06 - Abrogation.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing ordinance.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.07 - Severability.

If a court of competent jurisdiction adjudges any section, paragraph, clause, provision, or portion of this chapter unconstitutional or invalid, the remainder of this chapter shall not be affected thereby.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.08 - Warning and disclaimer of liability.

This chapter shall not create a duty or liability on the part of or a cause of action against the City of Sturgeon Bay, its officers or employees thereof, for any damages that may result from administration of or reliance on this chapter.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.09 - Definitions.

In this chapter, the following words and phrases shall have the meaning described to them in this chapter:

*Alternative support structure:* Clock towers, steeples, silos, light poles, water towers, electric transmission towers, wind turbine towers, buildings, or similar structures that may support antennas.

*Antenna:* Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to a structure. Antennas shall include devices having active or passive elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

*Building:* Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Camouflaged tower:* Any communication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.

*Communication tower:* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers.

*Communication tower support facility:* Equipment buildings, utilities, and equipment enclosures.

*Guy tower:* A communication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

*Height (of the communication tower):* The distance measured from the original grade at the base of the tower to the highest point of the tower, including appurtenances, such as attached antennas, protection devices (e.g. lightning rods), and lights.

*Lattice tower:* A communication tower that consists of vertical and horizontal supports and crossed metal braces.

*Monopole:* A communication tower of a single pole design.

*Navigable water:* Lake Michigan, Green Bay, all natural inland lakes, all streams, ponds, sloughs, flowages and other waters within Door County which are navigable under the laws of the State of Wisconsin.

*Ordinary high water mark:* The landwardmost line along the bank of the shore of navigable water up to which the presence and action of surface water is so continuous as to leave a distinct mark on the bank. Such distinct mark may be the result of erosion, cobble deposition, water staining, destruction of terrestrial vegetation, total or virtual absence of terrestrial vegetation, and/or other easily recognized characteristics.

*Provider:* Any company that builds and operates communication facilities and services, whether or not licensed by the Federal Communications Commission.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.10 - Areas where communication towers are allowed and prohibited.

- (1) *Areas where communication towers are allowed.* Communication towers may be allowed only in those zoning districts where such use is listed as a conditional use under the Sturgeon Bay Zoning Code (chapter 20 of the Municipal Code).
- (2) *Areas where communication towers are prohibited.* No communication towers, except those exempted under section 24.03(2), shall be permitted in the following areas:
  - (a) Zoning districts where such use is not listed as a conditional use under the Sturgeon Bay Zoning Code (chapter 20 of the Municipal Code).
  - (b) Historic sites and districts designated under chapter 28 of the Municipal Code.

(Ord. No. 1098-0603, § 1, 6-17-03)



## 24.11 - Communication tower permit procedure.

- (1) *Conditional use permit requirement.* No communication tower shall be constructed or installed unless a conditional use permit has been approved as required under this chapter and the Sturgeon Bay Zoning Code.
- (2) *Communication tower permit application.* In addition to the conditional use permit application form the application shall consist of a letter addressed to the community development director requesting a communication tower permit under this chapter and attachments to the letter as necessary to provide the following:
  - (a) The name, address, telephone number, and original signature of the property owner.
  - (b) A site plan, drawn at a scale that produces a clearly legible drawing, showing the parcel boundaries, communication tower location, the NAD 83 latitude and longitude coordinates for the proposed tower, communication tower support facilities location, access, landscaping, scale, north arrow, and written legal description of the parcel.
  - (c) In the case of a leased site, a lease agreement. Additionally, the lease agreement shall show that the tower owner may enter into agreement with competing providers for antenna space on the tower.
  - (d) Evidence of Federal Communication Commission approval of the proposed communication tower.
  - (e) An alternatives analysis that identifies all feasible alternative locations and alternative support structures that could provide the proposed communication service. The purpose of the alternatives analysis is to seek alternative solutions in order to minimize the number of communication towers by using existing communication towers and alternative support structures, if feasible, to provide the needed services to Sturgeon Bay. The analysis shall address the potential for collocation of antennas. It shall explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. It shall also explain the rationale for not utilizing collocation opportunities.
  - (f) A report prepared by an engineer licensed by the State of Wisconsin certifying to the adequacy of the structural strength of the tower and its ability to accommodate additional antennas.
  - (g) An affidavit that commits the applicant to making available space on the proposed tower for at least three providers, even for those providers providing competing services.
  - (h) A copy of a determination of no hazard to air navigation from the Federal Aviation Administration.
- (3) *Communication tower permit application fee.* A nonrefundable fee as established by the common council shall accompany an application for a communication tower permit.
- (4) *Technical review.* After determining that all application materials have been satisfactorily



submitted, the community development department shall employ an independent technical expert to review the submitted materials. The applicant shall pay all the costs of such review. Payment to the City of Sturgeon Bay shall be due upon receipt of the invoice.

(5) *Conditional use approval.* The city plan commission shall not grant approval of a communication tower permit unless it determines:

- (a) That a need for a communication tower has been demonstrated. Supporting evidence of need for a new communication tower shall consist of any of the following conditions:
  - 1. No existing suitable communication towers or alternative support structures are located within the geographic area required to meet the applicant's engineering requirements.
  - 2. The applicant's proposed system will cause electromagnetic interference with the system on an existing communication tower or alternative support structure, or an existing system will cause electromagnetic interference with the proposed system.
  - 3. The fees, cost, or contractual provisions required by the applicant to share an existing communication tower or alternative support structure or to adapt an existing tower or alternative support structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry within the northeastern Wisconsin area or if they do not exceed the cost of new communication tower development.
  - 4. The applicant demonstrates that there are other limiting factors that render existing communication towers or alternative support structures unsuitable.
- (b) That the requirements of section 24.12 are met.
- (c) That the criteria for conditional uses under subsection 20.25(4) of the Municipal Code have been met.

(6) *Submittals required following conditional use approval.* The applicant shall submit the following before a communication tower permit will be issued:

- (a) A statement of nonobjection from the Wisconsin State Bureau of Aeronautics.
- (b) Proof of a performance bond as security for removal, as specified in subsection 24.15(2).

(Ord. No. 1098-0603, § 1, 6-17-03; Ord. No. 1230-1208, § 1, 12-2-08)

#### 24.12 - Communication tower and support facility requirements.

(1) *Tower requirements.*

- (a) Communication towers shall be constructed out of nonflammable material and shall be nonreflective gray in color, unless other colors are required by the Federal Aviation Administration, Wisconsin Bureau of Aeronautics, or other applicable regulatory authority.
- (b) Communication towers shall not interfere with or obstruct existing or proposed public safety, fire protection, or supervisory controlled automated data acquisition (SCADA) communication

systems. The applicant at no cost to Sturgeon Bay or the affected agency shall correct any actual interference and/or obstruction.

- (c) Communication towers shall comply with the Door County Cherryland Airport Height Limitation Ordinance.
- (d) Any proposed communication tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(2) *Lighting.*

- (a) Communication towers shall not be artificially lighted unless required by the Federal Aviation Administration, Wisconsin Bureau of Aeronautics, or other applicable regulatory authority. If artificial lighting is required, such lighting shall not include white flashing lights during nighttime.
- (b) Lighting, if any, of communication tower support facilities shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward.

(3) *Communication tower support facilities.*

- (a) Communication tower support facilities shall be constructed out of nonreflective materials (visible exterior surfaces only).
- (b) Communication tower support facilities shall not exceed 15 feet in height, measured from the original grade at the base of the facility to the top of the structure.

(4) *Site development, driveways and access.*

- (a) The minimum land area devoted to placement of communication tower and communication tower support facilities shall be either of the following:
  - 1. If a leased site, the minimum land area shall be that necessary to accommodate the setbacks specified in section 24.12(7).
  - 2. If an owned site, the minimum land area shall be as specified in 1. above, or the minimum lot area requirement for the applicable zoning district as specified in the Sturgeon Bay Zoning Code (chapter 20), whichever is greater.
- (b) All sites must be served by a maximum 15-foot wide access driveway with a turnaround of the minimum size necessary to provide maneuverability for service and emergency vehicles.
- (c) All communication tower sites shall use existing access points and roads whenever possible.

(5) *Security.* All communication towers and communication tower support facilities shall be reasonably protected against unauthorized access.

(6) *Screening and landscaping.*

- (a) The site shall be landscaped and maintained with a buffer of plant materials that effectively



screen the view of all communication tower support facilities at ground level to a height of six feet. The minimum buffer shall consist of a landscaped strip at least four feet wide outside of the communication tower support facilities.

- (b) Where the visual impact of the communication tower support facilities would be minimal because of existing vegetation, the landscaping requirement specified in subsection (a) may be reduced or waived by the Plan Commission. If a waiver is granted, the existing vegetation shall be preserved with at least the amount of vegetation specified in subsection (a).
- (c) The owner(s) of the communication tower shall be responsible for maintenance and replacement of all required landscaping.

(7) *Setbacks.*

- (a) No communication tower shall be located within a distance at least equal to the height of the communication tower plus 100 feet from a residence not on the property on which the tower is located without written permission of the owner of the residence at the time of application for a permit.
  - (b) Communication towers and communication tower support facilities shall be located a distance at least equal to 100 percent of the height of the communication tower from:
    - 1. All property lines and all boundaries of leased sites.
    - 2. The ordinary high water mark or 75 feet, whichever is greater.
    - 3. The edge of all public right-of-ways.
  - (c) Guy wire anchor setback. The minimum setback from all property lines and all boundaries of leased sites for guy wire anchors shall be the side yard requirement for accessory structures in the applicable zoning district as specified in the Sturgeon Bay Zoning Code (chapter 20).
- (8) *Signs.* A sign giving warning of the danger from electrical equipment and unauthorized climbing of the tower and identifying the owner of the tower and telephone number for contact in case of emergency shall be installed adjacent to communication towers and communication tower support facilities. The sign shall be no larger than six square feet. No commercial advertising signs shall be located on communication towers or communication tower support facilities.

(Ord. No. 1098-0603, § 1, 6-17-03)

24.13 - Permits transferable.

All communication tower permits issued under this chapter shall be transferable to subsequent owners of applicable property or communication towers. All subsequent holders of such permits shall be subject to all applicable requirements of this chapter and any permit conditions that may exist.

(Ord. No. 1098-0603, § 1, 6-17-03)

24.14 - Annual information report.



- (1) *Purpose.* The purpose of the annual information report is to provide Sturgeon Bay with accurate and current information regarding communication towers so as to assist in monitoring compliance with the requirements of this chapter.
- (2) *Annual information report.* All communication tower owners shall submit to the community development department on or before January 31 of each year an annual information report. The annual information report shall include the tower owner's name, address, telephone number, contact persons, and proof of bond as security for removal. The annual information report shall include a tabular and map inventory of all of the owner's communication towers that are located within the City of Sturgeon Bay. The inventory shall specify the location, height, type, use, and design of each communication tower, and the ability of the tower to accommodate additional antennas. Failure to timely submit a complete report may result in suspension of the communication tower permit and/or a monetary penalty.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.15 - Ceased operation.

- (1) *Restoration requirement.* Any communication tower that is not actively energized and operating for its intended purpose for one year, excluding time spent on repairs or improvements, shall be considered as having ceased operation. Within six months of the tower owner being notified that a communication tower is considered to have ceased operation, the communication tower shall be removed from the property and the property cleaned up as herein required:
  - (a) All communication towers and aboveground improvements shall be removed from the property.
  - (b) All items in outdoor storage shall be removed from the property.
  - (c) All building foundations, tower pads, guy wire anchor pads, and buried electrical improvements shall be removed to a depth of four feet below the ground surface. All excavated areas shall be filled in with unconsolidated soil material, of which the top four or more inches shall be topsoil. The excavated area shall be made level with the ground surface surrounding the excavated area.
  - (d) Any hazardous material, either in containers or spilled upon or in the ground, shall be removed and disposed of in a manner prescribed by applicable state and federal law.
- (2) *Security for removal.* The communication tower owner shall provide to the City of Sturgeon Bay a continuously valid performance bond for each tower in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the communication tower will be removed when no longer in operation. The City of Sturgeon Bay will be named as obligee in the bond and must approve the bonding company.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.16 - Administration.

The community development director, or designee, shall be empowered to administer this chapter.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.17 - Appeals.

Any person aggrieved by a decision of the community development director or city plan commission in the administration of this chapter may appeal the decision to zoning board of appeals. In deciding such appeals, the board of appeals shall follow the rules and procedures stated in section 20.35 of the Municipal Code.

(Ord. No. 1098-0603, § 1, 6-17-03)

#### 24.18 - Enforcement.

- (1) *Violations.* It shall be unlawful to construct, install, maintain, reconstruct, substantially repair, improve, extend, enlarge, relocate, or convert any communication tower or communication tower support facility in violation of the provisions of this chapter. It shall also be unlawful to fail to obtain a communication tower permit.
- (2) *Prosecution.* Compliance with this chapter may be enforced by an injunction order or judgement issued by a court of competent jurisdiction upon civil suit by the city, or any lawful enforcement method deemed appropriate and necessary.
- (3) *Penalties.* Any person, firm, association, corporation, or representative agent who fails to comply with the provisions of this chapter shall be subject to a penalty as provided in section 20.04 of the Sturgeon Bay Municipal Code.

(Ord. No. 1098-0603, § 1, 6-17-03)

**Chapter 27 - SIGNS****27.01 - Title.**

This chapter shall be known as, referred to or cited as the "Sign Code" of the city.

(Code 1992, § 27.01)

**27.02 - Purpose and scope.**

(1) The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare and preserve and enhance aesthetic values by regulating and controlling the design, area, number, construction, illumination, installation, location and maintenance of all signs referred to hereunder.

(2) This chapter shall cover all signs in use, planned or hereafter installed within the corporate limits of the city.

(Code 1992, § 27.02)

**27.03 - Definitions.**

*Banner.* A nonilluminated elongated fabric sign usually used for temporary display and special announcement of a coming event.

*Board of appeals.* The body established under section 20.35 of this Municipal Code and authorized by § 62.23, Wis. Stats.

*Building facia.* That portion of a building which is parallel or nearly parallel to the abutting street.

*Cooperative ground sign.* A cooperative ground sign is defined as a sign limited to the listing and identification of two or more businesses or uses, creating an area in which the public can obtain varied products and services. Distinguishing characteristics may also include separate parcels or facilities, but not necessarily a common owner.

*Flags.* Devices generally made of flexible materials, such as cloth, paper or plastic, and displayed on strings, rope or cords. Such devices may or may not include words, letters or numbers. This definition does not include the flag of any governmental entity.

*Light beam.* Nonreflected light rays originating directly from a light source.

*Message area.* A rectangle created by the exterior dimensions of the nonchangeable lettering on a sign using the greatest width and height dimension of the lettering, also the exterior dimensions of the changeable area on a reader board.

*Pennants.* Devices generally made of flexible materials, such as cloth, paper or plastic, which are less than 100 square inches each and displayed on strings, rope or cords. Such devices may not include words, letters or numbers.

*Reader board.* A sign, either mounted to a support structure or on a portable stand, which is designed as or intended to be used as a changeable copy sign. Any sign which can be classified as a commercial electronic variable message sign is not a reader board for the purposes of this section.

*Sign.* Any device or medium, including its structural and component parts, which is used or intended to be used to attract attention for identification, announcement or advertising purposes, and is visible from any public place or road or from the water.



*Sign, abandoned.* A sign which no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

*Sign, area of.* The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. Any irregular shaped sign area shall be computed using the actual sign face surface. If the sign consists of more than one section or panel, the area of all sections shall be totaled, except that, when two sides of a double faced sign are placed back to back, or at an angle of 90 degrees or less measured from back to back, and display identical messages or other representation, the gross area shall include only one of the sides.

*Sign, business identification.* Any sign which promotes the name and type of business only on the premises where it is located.

*Sign, canopy.* Any sign attached to or constructed in, on or under a canopy. For the purposes of this chapter, canopy signs shall be controlled by the rules governing projecting signs.

*Sign contractor, electric.* A person, partnership or corporation which in the normal course of business frequently installs and maintains electric signs.

*Sign, directional.* A sign which provides instruction or direction and is located entirely on the property to which it pertains and does not exceed four square feet in area and does not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.

*Sign, electric.* Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

*Sign, electronic variable message (EVMS).* A sign which may be electric or mechanically controlled and capable of showing a series of different messages in sequence.

*Sign, flashing.* Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use. Automatic changing signs such as public service, time, temperature and date signs or electronically controlled message centers are classed as commercial electronic variable message signs, not flashing signs.

*Sign, ground.* A sign erected on a free standing frame, mast or pole, or more than one such mast or pole, and not attached to any building.

*Sign, height of.* The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

*Sign, illuminated—direct.* Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

*Sign, illuminated—indirect.* A sign artificially illuminated, other than a directly illuminated sign.

*Sign, marquee.* A permanent roof-like shelter extending from part or all of the building facia to which a sign is constructed in or on, and where the sign is an integral part of the structure.

*Sign, movable.* Any sign not permanently attached to the ground or a building.

*Sign, off-premises.* A sign which advertises goods, products or facilities or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.

*Sign, on-premises.* Any sign identifying or advertising a business, person, activity, goods, products or services located on premises where the sign is installed and maintained.

*Sign, projecting.* A sign, other than a wall sign, normally double faced, which is attached to and projects more than six inches from a building fascia.

*Sign, roof.* A sign erected upon, against or above a roof or above a parapet wall.

*Sign, sandwich.* A hinged or unhinged A-frame movable sign which is generally temporary in nature and placed near the roadway.

*Sign structure.* Any structure or material which supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

*Sign, swinging.* A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

*Sign, temporary.* Any sign that is not permanently attached to a building or the ground and which is displayed for a limited period of time.

*Sign, wall.* A sign attached to, painted on or erected against the wall of a building with the face in a parallel plane to the plane of the building wall and that does not extend more than 12 inches from the building structure or fascia.

*Sign, window.* A sign installed inside a window for purposes of viewing from outside the premises.

*Use.* The purpose or activity for which the land or structures thereon is designed, arranged, or intended, or for which it is occupied or maintained.

(Code 1992, § 27.03; Ord. No. 1063-0501, § 1, 5-15-01; Ord. No. 1242-0809, § 1, 8-18-09)

#### 27.04 - Permits generally; appeals and variances; indemnification; remedies.

- (1) *Permits required.* Except as otherwise provided in this chapter, no person shall erect, construct, enlarge or structurally modify or change the copy of any sign in the city or cause the same to be done without first obtaining a sign permit for each such sign from the sign inspector as required by this chapter. Permits shall not be required for the repainting, cleaning and other normal maintenance or repair of the sign or sign structure or for any copy changes on reader boards or CEVMS. All electric signs shall, in addition, require an electrical permit.
- (2) *Application for permit.* Application for a permit shall be filed with the sign inspector upon forms provided by the sign inspector and shall contain or have attached thereto the following information:
  - (a) The name, address and telephone number of the sign owner, the property owner where the sign is or will be located and the sign contractor of the proposed sign.
  - (b) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size and dimensions, and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with the location, size and types of existing signs on the premises where the proposed sign is to be located.
  - (c) If required by the sign inspector, calculations showing that the structure and design meets the requirements of this chapter for wind pressure load.
  - (d) Such other information as the sign inspector may require to show full compliance with this and all other applicable laws of the city, and, in connection with applications for banners, pennants and all other temporary signs, a written statement listing the specific dates that the sign will be displayed, such time not to



exceed 30 days in any calendar year.

- (3) *Permit fees.* Application for a permit shall be filed with the sign inspector together with a permit fee for each sign in accordance with the fee schedule provided in chapter 15 of this Municipal Code.
- (4) *Permit issuance and denial.* The sign inspector shall issue a permit for the erection, structural alteration, enlargement, relocation or change of copy of a sign within the city when the permit application is properly made, all appropriate fees have been paid and the sign complies with the appropriate laws and regulations of the city. If the sign permit is denied by the sign inspector, he/she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial. In the event that a permit is issued, but the sign authorized by the permit is not attached or erected within 120 days after the issuance of the permit, the permit shall expire and be null and void.
- (5) *Sign permit appeals and variances.*
  - (a) An applicant that has been denied a sign permit or whose project does not conform to the standards as stated in this chapter may take the application to the board of appeals. The board of appeals shall have the following power:
    1. To hear and decide appeals where it is alleged that the sign inspector has made an erroneous finding or order.
    2. To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under this chapter and that the variance still will be in fundamental harmony with surrounding uses.
  - (b) In deciding such appeals, the board of appeals shall follow the rules and procedures stated in section 20.35 of this Municipal Code.
  - (c) An application for an appeal or variance shall be filed with the secretary of the board of appeals or the sign inspector, together with the appropriate fee, not less than ten days before a scheduled meeting of the board of appeals. The application shall include all requirements outlined in subsection (2) of this section, plus a statement of any extenuating circumstances, if appropriate.
- (6) *Indemnification for sign installation and maintenance.* All persons engaged in the business of installing or maintaining signs which involves, in whole or in part, the erection, alteration, relocation, or maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property shall agree to hold harmless and indemnify the city and its officers, agents, and employees from any and all claims of negligence resulting from the erection, alteration, relocation, or maintenance of this sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.
- (7) *Remedies.* Violation or failure to comply with the provisions of this chapter shall be prohibited.
  - (a) Any sign erected, altered, moved or structurally modified without a permit, or altered with a permit but in violation of the provisions of this chapter, shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the sign inspector. If the violation is failure to obtain a permit, a permit shall be required and the permit fee shall be doubled. If the owner does not remove or bring into compliance, the city may cause removal to be executed. All costs of such removal shall be collected as a special assessment on the next succeeding tax roll.
  - (b) Any person who shall violate any provision of this chapter or any order, rule or regulation issued pursuant to this chapter shall be subject to a penalty as provided in section 25.04 of this Municipal Code.
  - (c) This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this chapter.



(Code 1992, § 27.04; Ord. No. 962-1195, § 1, 11-21-95)

#### 27.05 - Legal nonconforming signs.

- (1) *Notification of nonconformance.* After enactment of this chapter, the sign inspector shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming, the sign inspector shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:
  - (a) The sign's nonconformity.
  - (b) Whether the sign is eligible for characterization as a legal nonconforming sign or is unlawful.
- (2) *Signs eligible for characterization as legal nonconforming signs.* Any sign located within the city limits as of the date of adoption of this chapter, or located in an area annexed to the city hereafter, which does not conform with the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is permitted, provided it also meets the following requirements:
  - (a) The sign was covered by a sign permit or variance on the date of adoption of this chapter if one was required under applicable law.
  - (b) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this chapter.
- (3) *Loss of legal nonconforming status.* A sign loses its nonconforming status if one or more of the following occurs:
  - (a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
  - (b) The sign is relocated.
  - (c) The sign fails to conform to the chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (d) The principal content or message of the sign, such as the name of the business or product, is changed or altered.
  - (e) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor or shall be removed.
- (4) *Legal nonconforming sign maintenance and repair.* Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs.

(Code 1992, § 27.05)

#### 27.06 - Maintenance; removal of signs.

- (1) *Maintenance and repair.*
  - (a) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning and other acts required for the maintenance of the sign.
  - (b) The sign inspector shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the sign inspector shall require its removal in accordance with this section.

- (2) *Abandoned signs.* All signs or sign messages shall be removed by the owner or lessee of the premises upon which a premises sign is located when the business it advertises is no longer conducted, or for an off-premises sign when re compensation is no longer provided. If the owner or lessee fails to remove the sign, the sign inspector shall give the 60 days' written notice to remove the sign. Upon failure to comply with this notice, the city may cause removal to be executed. All costs of such removal shall be collected as a special assessment on the next succeeding tax roll.
- (3) *Deteriorated or dilapidated signs.* The sign inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.05, Wis. Stats.

(Code 1992, § 27.06)

#### 27.07 - Administration.

The city council shall appoint a sign inspector to enforce the provisions of this chapter. He/she shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this chapter, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the city and make such reports as the city council and plan commission may require.

(Code 1992, § 27.07)

#### 27.08 - Prohibited signs.

The following signs shall be prohibited within the city:

- (1) Abandoned signs.
- (2) Swinging, rotating and revolving signs, either motor driven or wind propelled.
- (3) Roof signs. No sign shall be mounted upon any roof of any building or structure except a sign painted on the roof of a building or structure which is designed to provide information to air traffic.
- (4) Indirectly illuminated signs whose light source is positioned so that the light beam is directed onto surrounding premises or roadways.
- (5) Unclassified signs. The following signs are prohibited. Signs which:
  - (a) Bear or contain statements, words or pictures of obscene, pornographic, or immoral character or contain advertising matter which is untruthful.
  - (b) Purport to be or are an imitation of, or resemble, an official traffic sign or signal, or which bear the words "stop," "go slow," "caution," "warning" or similar words that are displayed in the colors normally associated with them as official signs.
- (6) Flashing signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights.
- (7) Private signs located within the limits of any public right-of-way, except as provided in section 27.11(4) of this chapter. (Exceptions to this provision may be permitted only on approval of the city council after specific recommendation by the plan commission.)
- (8) Interior lit signs within the district boundaries of the waterfront redevelopment area(s) and historic preservation district(s).

(Code 1992, § 27.08; Ord. No. 992-0897, § 1, 8-19-97)



## 27.09 - Signs not requiring permit.

The following signs do not require a sign permit, but must meet the general design requirements of section 27.11:

- (1) Temporary construction signs: A single temporary construction sign not exceeding 32 square feet in area, which shall be confined to the site of construction, and shall be removed 30 days after completion of construction or prior to occupancy, whichever is sooner. If a ground sign, it shall be set back 15 feet from any public right-of-way.
- (2) Directional and instructional signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed four square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.
- (3) Nonilluminated emblems or insignia of any nation or political subdivision or nonprofit organization.
- (4) Government signs for control of traffic and other regulatory purposes, danger signs and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.
- (5) House number and name plates not exceeding two square feet in area for each residential, commercial or industrial occupancy.
- (6) Interior signs: Signs located within the interior of any building which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this chapter.
- (7) Memorial signs or tablets, names of buildings and date of erection, which are cut into a masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.
- (8) No trespassing and no dumping signs not to exceed 1½ square feet in area per sign.
- (9) Public notices: Official notices posted by public officers or employers in the performance of their duties.
- (10) Public signs: Signs required as specifically authorized for a public purpose by any law, statute, ordinance or resolution.
- (11) Political message signs that communicate a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but which do not include a message intended solely for a commercial purpose, are subject to the following restrictions:
  - (a) A political message sign on behalf of a candidate for public office is permitted during the period beginning on the first day for circulation of nomination papers by candidates or the first day on which candidates would circulate nomination papers were such papers to be required and shall be removed within five days following the general election.
  - (b) A political message sign concerning a referendum is permitted during the period beginning on the day on which the question to be voted upon is submitted to the electorate and shall be removed within five days following the day on which the referendum is held.
  - (c) Any individual may place a political message sign upon residential property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the maintenance or care by the individual owning or occupying such residential property during the period of time described above, subject to the following limitations:
    1. Any sign placed at an intersection shall be subject to the requirements of section 11.02(4)(v) of this



Municipal Code.

2. No political message sign shall be placed in the public right-of-way or on any other city owned property. The public right-of-way includes the property between the traveled portion and the actual right-of-way, commonly known as the tree lawn.
  3. No over-the-street banners shall be allowed.
  4. No electrical, mechanical or audio auxiliary sign shall be allowed.
- (d) A political message sign may be placed on nonresidential property by the owner, occupier or agent thereof or with the permission of the owner or occupier during the period of time described above, subject to the following limitations:
1. The sign is subject to the requirements of sections 27.11(1), (2), (3), (4) and (6) and 27.13(4)(c)5 of this chapter.
  2. The sign shall not exceed 32 square feet in size.
  3. The sign shall not exceed a height of 12 feet, whether a ground sign, a wall sign or a projecting sign.
  4. No over-the-street banners shall be allowed.
  5. No electrical, mechanical or audio auxiliary sign shall be allowed.
  6. When a portion of a property is used residentially, that portion of the property so used shall be subject to the requirements of subsection (c).
  7. No political message sign shall be placed in the public right-of-way or on any other city owned property. The public right-of-way includes the property between the traveled portion and the actual right-of-way, commonly referred to as the tree lawn.
- (12) Temporary real estate signs: Real estate sales signs and pennants are allowed provided that such signs and pennants are located off the public right-of-way on the property to which the sign or pennant applies, are set back at least ten feet from interior side and rear property lines or are completely attached to the structure, are not directly illuminated, and are removed within seven days after the sale, rental or lease has been accomplished, and are subject to the following regulations:
- (a) In R-1, R-2, R-3, and R-M districts, up to three such signs shall be allowed per lot or parcel and each such sign shall not exceed six square feet in area.
  - (b) In all other districts, one such sign shall be allowed per frontage road on any lot or parcel and each such sign shall not exceed 24 square feet in area.
  - (c) Pennants may be used in association with temporary real estate signs for specific events and for a limited period of time, not to exceed 72 hours at one time.
- (13) Window signs: The inside surface of any ground floor window may be used for attachment of permanent or temporary signs. Upper story windows may be used for window signs if that portion of the building is frequented by the public for a nonresidential use. Such signs shall not cover more than 50 percent of the area of the window to which they are attached and shall not be placed in a manner which limits clear vision for pedestrian safety. Any window signs located within the waterfront redevelopment district or a historic preservation district, and that are displayed or intended to be displayed for longer than 30 days, are subject to the design guidelines and approvals applicable to those districts.
- (14) Noncommercial free speech, symbols or insignia, religious symbols, and commemorative plaques of recognized historic agencies: Identification emblems of religious orders or historic agencies or statements of free speech which do not advertise a business, entertainment or sale of service are allowed. This may include

wall, projecting, roof, ground and temporary signs or a flag. One such sign may be permitted per property and it shall not exceed 25 square feet in area nor shall it interfere with vehicular or pedestrian circulation.

- (15) Business flags: A single flag, not to exceed 12 square feet, may be displayed for the purpose of promoting a business or other nonresidential use, such as flags with a business emblem, identifying a product sold, or stating a business is open. Any additional flags require a sign permit and are subject to the requirements and limitations for temporary signs under section 27.12(2)(d). This provision does not apply to flags of nations or political subdivisions.
- (16) Vehicular signs: A sign on a truck, bus, trailer or other vehicle, while operating in the normal course of business, which conveys the name and/or the nature of a business for which the vehicle is used. For the purposes of this section, a vehicle shall not be used primarily for the display of signs.
- (17) Awning signs: Awnings with signs consisting of one line of copy upon the border of the awnings.
- (18) Municipal ballfields: Banners up to 50 square feet in area may be allowed for the baseball/softball season. Banners shall be installed to the fence which encloses the ballfield in accordance with the requirements of section 27.10 of the Municipal Code and any additional requirements of the park and recreation superintendent.
- (19) Banners on city property for social or civic event: One banner may be erected on city property that has been reserved for the purpose of conducting a social or civic event, provided the banner is displayed only during the days of the event and provided that the sign meeting the requirements of section 27.12(3).
- (20) Banners for city sponsored events: Temporary banners on city-owned property in connection with events sponsored by the Sturgeon Bay Visitors Center or the City of Sturgeon Bay subject to the approval of the municipal services director.

(Code 1992, § 27.09; Ord. No. 962-1195, § 2, 11-21-95; Ord. No. 975-896, § 1, 8-20-96; Ord. No. 1111-1103, §§ 1, 2, 11-04-03; Ord. No. 1121-0204, § 1, 2-5-04; Ord. No. 1372-0220, § 2, 2-18-20)

#### 27.10 - Construction specifications.

- (1) All signs shall comply with the provisions of the city building code and the state electrical code (ILHR ch. 16, Wis. Adm. Code) and the additional construction standards hereinafter set forth.
- (2) All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (3) Electric service to ground signs shall be concealed.
- (4) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:
  - (a) For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
  - (b) For skeleton signs, 30 pounds per square foot of the total face cover of the letters and other sign surfaces, or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (5) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (6) Supports and braces shall be an integral part of the sign design. Angle irons, chains or wires used for support or braces shall be hidden from public view to the extent technically feasible.
- (7) All signs shall be marked with the manufacturer's name in a size which is easily visible from the ground. All



electric signs shall also include: for incandescent lamp signs, the number of lamp holders; and for electric discharge lamp signs, the input amperes at full load and the input voltage.

- (8) No sign or any part thereof, or anchor, brace or guy rod, shall be attached, fastened or anchored to any fire escape, fire ladder or standpipe, and no sign or any part thereof, or anchor, brace or guy rod, shall be erected or maintained which may cover or obstruct any door, doorway or window of any building and which may hinder or prevent ingress or egress through such door, doorway or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(Code 1992, § 27.10)

#### 27.11 - General design requirements.

- (1) Any ground sign within 25 feet of an intersection shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight feet or shall not be more than 2½ feet in height.
- (2) A ground sign, located adjacent to a driveway, any part of which is closer than 15 feet to the right-of-way and also within 15 feet of the edge of the driveway, shall have a minimum vertical distance of eight feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than 2½ feet in height.
- (3) Projecting and canopy signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight feet.
- (4) Projecting signs may extend not further than five feet from the building to which they are attached and shall not extend into any public right-of-way, except that, in commercial zoning districts with zero lot line construction, projecting signs may extend into the public right-of-way, provided such signs do not extend beyond the outside edge of the curb.
- (5) The gross area of permanent window signs shall not exceed ten percent of the gross window area of any given building facia.
- (6) Wall signs shall not extend beyond the corners of the buildings. Wall signs and projecting signs shall not extend above the building facia line.
- (7) Any sign may be, or include as part of it, a reader board. The gross area of the reader board shall not exceed 32 square feet. The illuminated or message display area of the reader board shall be included within the area to be regulated as the maximum area of a sign for the site. Reader boards which are not rigidly affixed to a permanent support structure or to a wall or which do not maintain a constant location and dimensions shall be regulated as temporary portable signs.

(Code 1992, § 27.11)

#### 27.12 - Special signs.

- (1) *Subdivision development signs.* The sign inspector may issue a special permit for a temporary sign in any zone in connection with the marketing of lots in a subdivision, subject to the following restrictions:
  - (a) Such permit may be issued for a period of not more than one year and may be renewed for additional periods of up to one year upon written application at least 30 days prior to its expiration.
  - (b) "Signs" as used in this section refers to all types of signs except those excepted or prohibited by this chapter.
  - (c) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
  - (d) The sign may not exceed 50 square feet.



(e) One sign is allowed for each major street adjacent to the subdivision.

- (2) *Temporary signs.* In addition to signs allowed under section 27.09, one on-premises temporary sign facing each street may be displayed per lot, except as otherwise directed under paragraph (c) below. The temporary sign may be a banner, portable sign (including sandwich board sign), or other temporary sign, subject to the requirements listed below for each type:

(a) *Banners.* If the temporary sign is a banner, it shall meet the following:

1. Size shall not exceed 64 square feet.
2. The banner shall be affixed to a wall or to an existing permanent sign structure.
3. The banner shall not exceed 20 feet in height.
4. No wires or other metallic materials shall be used to attached such banner.
5. A sign permit shall be required. In the commercial and industrial zoning districts an annual permit may be applied for allowing the erection of one banner at any given time as long as the location remains constant and the banner meets all other requirements. Such annual permit shall be valid on a calendar year basis, with annual reapplication. Renewal shall be at the discretion of the sign inspector, based upon the applicant's previous history of proper banner maintenance and adherence to the banner requirements. An applicant may appeal any banner permit decision to the common council.
6. In all other zoning districts a sign permit for a banner shall be limited to 30 days in a calendar year.

(b) *Portable signs (other than sandwich signs).* If the temporary sign is a portable sign other than a sandwich board sign, it shall meet the following:

1. A sign permit shall be required.
2. Such sign shall not exceed 32 square feet.
3. Such sign shall meet all the setback and general design requirements of a ground sign.
4. The sign shall not become a public nuisance. Such signs shall be anchored or weighted to prevent the sign from being easily moved.
5. The portable sign shall be limited to not more than four times displayed nor more than 60 cumulative days in a calendar year.
6. The portable sign shall not be illuminated.

(c) *Sandwich signs.* If the temporary sign is a sandwich sign, it shall meet the following:

1. Sandwich signs shall only be permitted in the Central Business District (C-2), General Commercial (C-1), and Mixed Commercial - Residential (C-5) zoning districts.
2. Sandwich signs shall not exceed six square feet in size.
3. Sandwich signs shall be located outside of the public right-of-way (unless approved by the common council) and shall not interfere with pedestrian or vehicular traffic.
4. Sandwich signs shall only be displayed during open business hours.
5. Sandwich signs shall not be illuminated.
6. Sandwich signs shall be made out of weatherproof materials.
7. A sign permit shall be required for a sandwich sign on an annual basis. The sign permit shall be valid on a calendar year basis, with an annual reapplication. Renewal shall be at the discretion of the sign inspector, based upon the applicant's previous history of proper sandwich sign maintenance and adherence to the

sandwich sign requirements. An applicant may appeal any sandwich sign permit decision to the common council.

8. Multiple occupancy parcels. On a lot with multiple commercial occupancies, each commercial occupant may display one sandwich sign, provided the total number of sandwich signs on a lot shall not exceed one per 50 feet of frontage.

(d) *Other temporary signs.* If the temporary sign is a sign other than a banner or portable sign, it shall meet the following:

1. The sign shall not exceed 12 square feet in size.
2. The sign shall be affixed to a wall or other existing permanent structure.
3. The sign shall not be illuminated.
4. The sign shall meet the general design requirements and setbacks.
5. No sign permit shall be required.

(3) *Banners on city property.* The sign inspector may issue a special sign permit for a temporary banner erected on city property with assigned banner sites in connection with a social or civic event, subject to the following restrictions:

- (a) Use of city owned banner sites shall be permitted solely for events held within the city.
- (b) Events promoted by the Sturgeon Bay Visitors Center, Sturgeon Bay or any other events sponsored by the city shall take priority over all other permitted events.
- (c) All permitted banners must be removed by expiration date on the permit.
- (d) Each permit shall not exceed seven consecutive days and shall not be erected earlier than 28 days prior to the event.
- (e) No wires or metallic materials shall be used to attach such banner.
- (f) The banner(s) shall not exceed a three-foot height or an eight-foot width.
- (g) Banners shall not include any commercial advertising or promotions, other than listing corporate sponsors.
- (h) A hold harmless agreement shall be signed at the time the permit is issued.

(4) *Electronic variable message signs (EVMS).* The sign inspector may issue a special sign permit for a EVMS in the commercial and industrial zoning districts. The sign inspector shall apply the following standards in reviewing the proposed sign:

(a) *Dimensional standards.*

1. EVMS shall meet the sign setback regulations for the appropriate zoning district.
2. EVMS shall not be permitted where they attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device. EVMS shall not be permitted where they prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
3. The illuminated or message display area of the EVMS shall be included within the area to be regulated as the maximum area of a sign for the site. The message display area shall not exceed 32 square feet.

(b) *Operational standards.*

1. The EVMS shall only display static messages and such displays shall not have movement, animation or scrolling, or the appearance or illusion of movement.
2. EVMS shall not be used as flashing signs or lights.



3. Each message displayed by the EVMS shall remain for a minimum of 6 seconds.
  4. Each change of message must be accomplished within one second.
  5. All EVMS must be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.
  6. Commercial messages displayed by a EVMS may promote only goods or services provided by companies occupying the site on which the sign is erected.
  7. EVMS must be maintained in safe and orderly condition, and so as to be able to display messages in a complete and legible manner.
  8. All EVMS shall comply with the minimum operational standards for EVMS contained in this section.
  9. For electronic variable message signs in existence before August 18, 2009, subsections 1, 3, and 4 of section 27.12(4)(b) shall not be effective until May 1, 2020.
- (5) *Pennants, balloons and other similar articles.* The sign inspector may issue a special sign permit for pennants, balloons and other similar articles in connection with a special promotion or event, subject to the following requirements:
- (a) No wires or metallic materials will be used to attach such pennants.
  - (b) No pennants shall be located in the vision triangle.
  - (c) No pennants shall be located in such a manner that obstructs vehicular movement on the premises.
  - (d) All pennants shall be set back from the property line five feet or more.
  - (e) No pennants shall be erected in such a manner that any portion of the pennants is 20 feet or more in height or higher than the first floor level, whichever is greater.
  - (f) Special permits for pennants shall be issued for a maximum of 30 days per calendar year.
  - (g) All existing temporary pennants, balloons or similar articles shall comply with the restrictions applicable to such signs contained in this chapter.
- (6) *Off-premises emergency medical facility directional signs.* Off-premises emergency medical facility directional signs are permitted subject to review and approval by the city plan commission, and issuance of a sign permit by the building inspector. Application containing maps and drawings showing proposed sign location, size, and design shall be submitted to the city plan commission. Upon plan commission approval, the building inspector may issue a special sign permit.
- (7) *Cooperative ground signs.* A cooperative ground sign shall only be permitted under circumstances where there is benefit to both the petitioning business or uses and the city. Upon city plan commission approval, the sign inspector may issue a special sign permit for a cooperative ground sign identifying and/or advertising two or more separate uses or businesses, with the total land area consisting of five acres or more, subject to the following:
- (a) All uses which are to be identified upon the sign are located upon contiguous parcels of property, or are contiguous to an associated planned unit development.
  - (b) The sign must be located upon a parcel occupied by one of the uses or businesses.
  - (c) The maximum height of the sign shall be 25 feet (with an extra two feet allowed for architectural enhancements) with a maximum surface area of 200 square feet and a maximum for any one use not to exceed 100 square feet. The width of the sign should normally not exceed one-half the height of the sign structure.
  - (d) Any user of the sign waives any right to the use of any other ground sign upon the street or right-of-way



upon which the cooperative ground sign is located.

- (e) The lettering of the sign may not be changeable unless a portion thereof is required to be changeable by state or federal law.
- (f) Conditions as imposed by the city plan commission including, but not limited to design, materials, color, landscaping, content, size or dimension limitations, location, and elimination/avoidance of traffic or vision hazards.

(Code 1992, § 27.12; Ord. No. 1031-0100, §§ 1, 2, 1-18-00; Ord. No. 1033-0200, § 1, 3-7-00; Ord. No. 1063-0501, § 2, 5-15-01; Ord. No. 1111-1103, §§ 3, 4, 11-04-03; Ord. No. 1180-0207, §§ 1, 2, 2-6-07; Ord. No. 1242-0809, § 2, 8-18-09; Ord. No. 1255-0710, §§ 1, 2, 7-6-10; Ord. No. 1350-1118, § 1, 11-6-18; Ord. No. 1372-0220, § 1, 2-18-20)

## 27.13 - Signs permitted by zoning district.

Signs permitted by zoning district are as follows:

### (1) *Conservancy and agriculture districts.*

- (a) Signs not requiring a permit.
- (b) On-premises business identification signs for authorized, conditional or nonconforming uses.
  - 1. *Permitted signs.* Wall signs and one ground sign per frontage road.
  - 2. *Area restrictions.* The total area of all signs shall not exceed 24 square feet.
  - 3. *Height restrictions.* All signs shall not exceed a height of 20 feet.
  - 4. *Setbacks.* All ground signs must be at least 30 feet from interior side or rear lot lines and set back at least five feet from the public right-of-way and also be located at least five feet from the nearest portion of a building.

### (2) *R-1, R-2, R-3, and R-M residential districts.*

- (a) Signs not requiring a permit.
- (b) On-premises signs for conditional uses, nonconforming uses, and public, charitable, educational or religious institutions.
  - 1. *Permitted signs.* Wall signs and one ground sign for each abutting street.
  - 2. *Area restrictions.* The total area of wall signs shall not exceed one-square-foot per linear foot of building facia to a limit of 50 square feet per building facia. The area of a ground sign shall not exceed 16 square feet on parcels one-half-acre (21,780 sq. ft.) or less, and shall not exceed 32 square feet on parcels larger than one-half-acre.
  - 3. *Height restrictions.* All signs shall be limited to a height of 12 feet.
  - 4. *Setbacks.* All freestanding ground signs must be at least 15 feet from interior side and rear lot lines and set back at least five feet from the public right-of-way and also be located at least five feet from the nearest portion of a building.
- (c) Identification sign for an authorized subdivision or manufactured home/mobile home park.
  - 1. *Permitted signs.* One ground sign. Additional ground sign(s) may be authorized by the plan commission for subdivisions or manufactured home parks with multiple entrances.
  - 2. *Area restrictions.* The area of the sign shall not exceed 32 square feet.
  - 3. *Height restrictions.* The ground sign shall be limited to a height of 12 feet.
  - 4. *Setbacks.* The ground sign shall be set back at least 15 feet from interior side and rear lot lines and at

least five feet from the public right-of-way and also be located at least five feet from the nearest portion of a building.

(3) *R-4 residential district.*

- (a) Signs not requiring a permit.
- (b) Signs permitted in the R-1, R-2, R-3, and R-M residential districts.
- (c) On-premises business identification signs for authorized, conditional and nonconforming uses, except that hospitals, medical or dental clinics, professional offices, and colleges or schools may erect on-premises business identification signs in conformance with subsection (4).
  - 1. *Permitted signs.* One wall sign, or one ground sign.
  - 2. *Area restrictions.* The total area of the wall sign is not to exceed eight square feet and the area of the ground sign shall not exceed 15 square feet.
  - 3. *Height restrictions.* All signs are not to exceed a height of 12 feet.
  - 4. *Setbacks.* All ground signs must be at least 15 feet from interior side and rear lot lines and set back at least five feet from the public right-of-way and also be located at least five feet from the nearest portion of a building.
  - 5. *Multiple occupancy.* A building or parcel of land in multiple occupancy shall be entitled to one wall sign per occupant and one cooperative wall or ground sign for all occupants. Each wall sign shall not exceed eight square feet and the area of the cooperative sign shall not exceed 20 square feet. Such signs shall meet all sign setback and height requirements for this district.

(4) *C-1 commercial, C-2 commercial, C-3 commercial, C-4 office/business park, I-1 industrial and I-2 industrial districts.*

- (a) Signs not requiring a permit.
- (b) Signs permitted in the R-1, R-2, R-3 and R-4 residential districts.
- (c) No more than two on-premises signs facing each public right-of-way for each authorized, conditional and nonconforming use. For the purpose of this section, the waters of Sturgeon Bay shall be considered a public right-of-way for uses located on property abutting the waters of Sturgeon Bay.
  - 1. *Limitation on purpose.* All signs in this district shall be limited to the owner's, tenant's or occupant's name or business name, profession or trade, and approved art work, such as seals, symbols, crests, as well as the services offered or products sold within the building or on the premises to which the sign is attached or on which the sign is erected.
  - 2. *Permitted signs.* Wall, permanent window, projecting and ground signs. Signs facing the waters of Sturgeon Bay shall be wall signs or permanent window signs only.
  - 3. *Area restrictions.* Ground signs shall not exceed 100 square feet facing each frontage road. Projecting signs shall not exceed 24 square feet facing each frontage road. Total area of wall signs for each frontage on a property shall not exceed one square foot per linear foot of building facia, except that signs facing the waters of Sturgeon Bay shall not exceed 24 square feet or one square foot per linear foot of building facia, whichever is greater.
  - 4. *Height restrictions.* Ground signs, projecting signs and walls signs shall not exceed 20 feet in height.
  - 5. *Setbacks.* Ground signs must be set back at least 15 feet from the interior side and rear lot lines and set back at least five feet from the street right-of-way line and also be located at least five feet from the nearest portion of a building. Projecting signs shall be at least 15 feet from all interior side lot



lines.

6. *Multiple occupancy.* The type, size and number of signs permitted in multiple occupancy buildings or parcels shall depend upon the building setback and the type of building entrance.
  - a. Buildings with separate entrances for each occupant. Each occupant shall be permitted either of the following signs:
    - i. One wall sign, the area of which shall not exceed one square foot per linear foot of building facia occupied.
    - ii. One projecting sign, the area of which shall not exceed 24 square feet.
  - b. *Buildings with common entrances.*
    - i. Each occupant shall be permitted one wall sign. For buildings which are set back less than 15 feet from the public right-of- way, the maximum size of such signs shall be four square feet. For buildings which are set back 15 feet or more from the right- of-way, the total area of all wall signs shall not exceed one-half square foot per linear foot of building facia. The maximum size of an individual occupant's wall sign shall be in direct proportion to occupant's percent of total area occupied in the building or 24 square feet, whichever is greater.
  - c. *Ground signs.* All occupants, regardless of whether the buildings have separate entrances or common entrances, and regardless of the number of buildings, may share one cooperative ground sign, facing on each street abutting the building(s). The area of the wall sign shall not exceed one-half square foot per linear foot of building facia. The area of a projecting sign shall not exceed 24 square feet. The area of the ground sign shall not exceed 100 square feet.

(5) *C-5 district.*

- (a) Signs not requiring a sign permit.
- (b) Signs permitted in the R-1, R-2, R-3, and R-4 residential districts.
- (c) No more than two on-premises signs facing each direction for each authorized, conditional and nonconforming use.
  1. *Limitation on purpose.* All signs in this district shall be limited to the owner's, tenant's or occupant's name or business name, profession, or trade, and approved art work, such as seals, symbols, crests, as well as the services offered or products sold within the building or on the premises to which the sign is attached or on which the sign is erected.
  2. *Types of signs permitted.* Wall, window, projecting, and ground signs are permitted.
  3. *Area restrictions.* Ground signs shall not exceed 25 square feet facing each frontage. Projecting signs shall not exceed 16 square feet facing each frontage. The total size of all wall signs shall not exceed one square foot per linear foot of the building facia to which such signs are attached.
  4. *Height restrictions.* Ground signs shall not exceed eight feet in height. Projecting signs and wall signs shall not exceed 20 feet in height.
  5. *Setbacks.* Ground signs shall be set back at least 15 feet from side and rear lot lines and at least five feet from the street right- of-way line. Ground signs shall also be located at least five feet from the nearest portion of the building. Projecting signs shall be set back at least ten feet from all side and rear lot lines.
  6. *Multiple occupancy.* For buildings or parcels with multiple occupants, any combination of individual and cooperative signs may be used, provided the combined total number and size of signs shall not



exceed the requirements listed above. The maximum size of an individual occupant's wall sign shall be in direct proportion to the occupant's percent of total area occupied in the building, unless the building owner has submitted a plan for a different allocation of the available area of wall signs.

7. *Illumination.* Internally-illuminated signs must either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, cream or yellow) background and generally lighter text and symbols. Externally-illuminated signs shall only use downward-directed lamps, which shall be shielded to prevent glare or spillover.

(Code 1992, § 27.13; Ord. No. 962-1195, § 3, 11-21-95; Ord. No. 982-0197, § 1, 1-21-97; Ord. No. 1027-1199, § 1, 12-6-99; Ord. No. 1180-0207, § 3, 2-6-07; Ord. No. 1289-0213, § 1, 2-5-13; Ord. No. 1313-0915, § 1, 9-1-15)

**10.09 - Unreasonable, excessive and unnecessary noise prohibited.****(1) Definitions.****(a) Sound level meters:**

American National Standard Institute (ANSI)

Specifications for Sound Level Meter (ANSI S1.1-1971)

Properly calibrated and operated on the "A" Weighting Scale

**(b) Unreasonable, excessive and unnecessary noise:** Noise measured with a sound level meter, in excess of 55 dBA between 10:00 p.m. and 6:30 a.m., when measured at any property within the city, which is designated as a residential area. Noise measured, with a sound level meter, in excess of 90 dBA at all other times, when measured at any property within the city, which is designated as a residential area.

**(c) Decibel:** dBA.

**(d) Residential area:** All zoned areas within the City of Sturgeon Bay with the designation of R-1, R-2, R-3, R-4, or R-M.

**(e) Exception permit.** Person(s) requesting exceptions through the common council must complete an application form for the requested exception, and submit it to the city clerk's office, with a permit fee in an amount set by the common council. Applications must be submitted at least 30 days prior to the date or dates of the requested exception. Exceptions may include time limitations, sound levels or a combination of both. (Approval of exception requests is at the discretion of the common council who reserves the right to deny any exception requests).

**(2) Prohibited.** No person individually or as a member of a group, and no firm, company or other entity shall make, cause, or contribute to making any unreasonable, excessive, and unnecessary sounds or noises within the City of Sturgeon Bay. An unreasonable, excessive and unnecessary noise is defined at subsection (1)(b) above.

**(3) Exceptions.** The provisions of this section shall not apply to noise resulting from:

(a) The use of an authorized emergency vehicle.

(b) Public works projects which are authorized by the city.

(c) Fireworks displays which are authorized by the city.

(d) Parades which are authorized by the city.

(e) Public and private snow removal operations.

(f) The operation of agricultural equipment.

(g) The operation of aircraft or other activities, which are pre-empted by federal law, with respect to noise control.

(h) Sponsored athletic events and related public address systems between 7:00 a.m. and 10:30

p.m.

- (i) Authorized school activities occurring between 7:00 a.m. and 10:30 p.m.
  - (j) Ship horns.
  - (k) Motor vehicle horns when used in an emergency situation.
  - (l) Emergency signaling devices when used in emergency situations.
  - (m) Home, business and vehicle intrusion alarms.
  - (n) Machinery or equipment used during the construction or erection of buildings where required building permits have been issued by the proper authority.
  - (o) Construction work made necessary to restore property to a safe condition following a public calamity or work required for the immediate protection of persons or property from imminent danger.
  - (p) Yard/lawn care maintenance equipment and machinery, between 7:00 a.m. and sunset.
  - (q) The common council may grant additional exceptions, after a permit request is submitted to, and approved by, the common council, for an exception.
  - (r) Business operating in Zoning District I-2 and whose property abuts the waters of the bay of Sturgeon Bay.
  - (s) Authorized use of the John Miles County Park unless at any time the County of Door would change its decibel reading requirement to above that of the city's 90 dBa.
- (4) *Compression brakes prohibited.* No person shall use motor vehicle brakes, which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof.
- (a) *Defense.* It shall be an affirmative defense to prosecution under this subsection that compression brakes [were] applied in an emergency and were necessary for the protection of persons or property.
  - (b) *Emergency vehicles.* Emergency vehicles shall be exempt from this subsection.

(Code 1992, § 10.09; Ord. No. 1025-1099, § 1, 10-5-99; Ord. No. 1041-0600, § 1, 6-6-00; Ord. No. 1215-0908, § 1, 9-2-08; Ord. No. 1270-0112, § 9, 1-3-12)



**7.12 - Bicycles, play vehicles, and in-line skates.**

- (1) *Registration and tagging of bicycles is optional.*
- (2) *Procedure for bicycle registration; release of abandoned bicycles to police department.*

Registration shall be made by filing with the police department the name and address of the owner, along with a complete description of the bicycle, on forms provided by the department, and paying a registration fee of \$2.00. Registrations shall be serially numbered and kept on file in the police department as a public record. Upon such registration, the department shall cause an identification tag, which is serially numbered to correspond with the registration number, to be affixed to the bicycle registered. Such tag shall remain affixed to the bicycle, unless removed by the police department for cause or unless sold to another person. In case of theft or loss, a new identification tag shall be issued for a fee of \$1.00. All registrations shall be nonexpiring. No person shall retain in his/her possession a bicycle found abandoned within the city. Any person who finds an abandoned bicycle within the city shall notify the police department within 24 hours of the time of discovery and release such abandoned bicycle to the police department upon request.
- (3) *Sale of unclaimed abandoned bicycles.* Unclaimed abandoned bicycles shall be sold at a public auction as specified in § 66.28(1), Wis. Stats.
- (4) *Disposition of funds from bicycle registration and sale of abandoned bicycles.* All funds received from bicycle registration fees and from sale of unclaimed abandoned bicycles shall be paid to the clerk-treasurer.
- (5) *Suspension of bicycle registration.* No bicycle shall be registered which is in an unsafe mechanical condition. The chief of police or his/her designee may suspend the registration of and remove the identification tag from any bicycle which is operated contrary to any state law or city ordinance or which is operated while in an unsafe mechanical condition.
- (6) *Tampering with bicycle identification tag prohibited.* No person, other than a bicycle owner or a police officer authorized by the chief of police, shall willfully remove, deface or destroy a bicycle identification tag issued by the city.
- (7) *Riding bicycles on sidewalks.* Under the provisions of § 346.94(1), Wis. Stats., persons are permitted to ride a bicycle on public sidewalks, except where posted as prohibited.
- (8) *Use of play vehicles and in-line skates prohibited in certain areas.*
  - (a) No person shall use a play vehicle or in-line skates on any sidewalk or public or private parking lot located within the downtown area. For the purposes of this section, the boundaries of the downtown area are defined as follows:

*East Side boundaries:*

    1. South boundary: Oregon St. from the Bay of Sturgeon Bay to S. Fifth Ave.
    2. East boundary: S. Fifth Ave. from Oregon St. to Michigan St. and N. Fifth Ave. from

Michigan St. to Jefferson St.

3. North boundary: Jefferson St. from N. Fifth Ave. to N. Third Ave., then north on N. Third Ave. to Iowa St., then west on Iowa St. to the Bay of Sturgeon Bay.
4. West boundary: The Bay of Sturgeon Bay from Iowa Street extended to Oregon St.

*West side Boundaries:*

1. South boundary: W. Oak St. from S. Lansing Ave. to Madison Ave., E. Oak St. from Madison Ave. to S. Neenah Ave., S. Neenah Ave. from E. Oak St. to E. Maple St., then east to the Bay of Sturgeon Bay.
2. East boundary: The Bay of Sturgeon Bay from E. Maple Street extended, to the Juniper St. cul-de-sac at the east end of Otumba Park.
3. North boundary: Juniper St. from the cul-de-sac at the east end of Otumba Park to N. Lansing Ave.
4. West boundary: N. Lansing Ave. from Juniper St. to Maple St., and S. Lansing Ave. from Maple St. to W. Oak St.

(b) Sidewalks on either side of the streets defined in this subsection are considered to be within the boundaries of the downtown area.

- (9) *Use of bicycles and play vehicles where prohibited by property owners or occupants.* No person shall use a bicycle, play vehicle, or in-line skates on any public or private parking lot or private driveway if the owner of the property or lawful occupant of the property has posted a sign prohibiting such activity. The owner or lawful occupant of such property may prohibit any or all of the activity described in this subsection by posting a sign with an appropriate notice. The sign must be at least 11 inches square and must be posted in a conspicuous place on or immediately adjacent to such parking lot or driveway. The notice must specify the activity which is prohibited and the name of the property owner or lawful occupant followed by the word "owner" or the word "occupant," whichever applies. Proof that an appropriate sign was posted within six months prior to the activity complained of shall be prima facie proof that the property was properly posted. The posting of such sign in accordance with this section provides authority for the police department to enforce this section on the posted private property.

(Code 1992, § 7.12; Ord. No. 999-1297, § 1, 12-2-97; Ord. No. 1348-0718, § 1, 7-3-18)