

**ORDINANCE NO. 263**

**AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE APPROVAL OF ELECTRONIC MESSAGE DISPLAY SIGNS AND TO ESTABLISH STANDARDS FOR THE USE OF ELECTRONIC MESSAGE DISPLAY SIGNS IN THE VILLAGE OF OCONOMOWOC LAKE**

**WHEREAS**, the Village Plan Commission initiated this amendment to the Village of Oconomowoc Lake Village Code in order to establish procedures and standards for the use of electronic message display signs in the Village; and

**WHEREAS**, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good practice requires the Village Board establish procedures and standards for the use of electronic message display signs in the Village as described herein.

**Now, Therefore**, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DOES ORDAIN AS FOLLOWS:

**SECTION 1.** An ordinance for the Village of Oconomowoc Lake Municipal Code, entitled Electronic Message Display Signs is hereby created to read as follows:

**ELECTRONIC MESSAGE DISPLAY SIGNS**

**1. Approval Process**

An electronic message display sign shall only be allowed on properties with a minimum of 500 feet of frontage on E. Wisconsin Avenue wherein a Highway Orientated conditional use has been previously granted and with separate prior plan commission approval. In reviewing the request the plan commission may approve or deny any request based upon, but not limited to, architectural design, size, interference with surrounding development, area, shape, height, lighting, location, pedestrian and vehicular traffic safety as well as the following standards and site specific issues.

**2. Definitions**

***Daytime*** is defined as other than nighttime.

***Electronic Message Display Sign*** is defined as follows:

A sign that is designed to and is capable of displaying symbols, pictures, letters, words, figures, images or illustrations which can be changed or rearranged

electronically or mechanically by remote or automatic means without altering the face or the surface of the sign. Such signs are also referred to as "time and temperature devices." Such signs can be pole signs, wall signs, projecting signs or freestanding signs.

**Nighttime** is defined as that period of time ½ hour after sunset to ½ hour before sunrise.

### **3. Standards for all Electronic Message Display Signs**

All electronic message display signs shall be constructed at a minimum as follows:

**Zoning** An electronic message display sign is only allowed on properties wherein a Highway Orientated conditional use has been previously granted.

**Setback and location** An electronic message display sign is subject to all requirements as to setback and location as set forth in the Village zoning code and as set forth in the conditional use issued for the property, if applicable.

**Size and Height** An electronic message display sign size and height shall be established by the Plan commission subject to a minimum meeting all zoning code requirements and conditional use conditions, if applicable.

#### ***Restrictions:***

**Flashing messages:** An electronic message display signs shall not have flashing lights, flashing message changes, and/or rapidly pulsating messages.

**Brightness:** The maximum brightness of any electronic message display sign shall be no greater than necessary for good visibility and shall be established by the plan commission as part of the approval process for both daytime and nighttime use. The day brightness setting shall be between 7500 and 11000 NITS. If the electronic message display sign is allowed to be illuminated during nighttime, the night brightness setting shall be between 500 and 750 NITS and the brightness shall not be brighter than 0.3 foot candles than the ambient light levels at night at the lot line.

**Message:** Only advertising of on-site business activity messages or time and/or temperature may be permitted on the electronic message display sign. No off-site advertising messages, no public service messages, or off premise messages are allowed on an electronic message display sign.

**Symbols:** Symbols are allowed on an electronic message display sign but if a symbol is used it must remain in place for a minimum of a 3 minute duration.

*Pictures:* Pictures are allowed on an electronic message display sign but if a picture is used it must remain in place for a minimum of 3 minute duration.

*Videos:* No videos may be shown on the electronic message display sign.

*Size of message type:* The minimum size of any line of the message on an electronic message display sign shall be 5 inches.

*Number of lines of type:* The maximum number of lines of type on an electronic message display sign shall be 5 lines of text and/or symbols but there may be only 1 line of type and/or symbols for each foot of size of the electronic message display sign face.

*Scrolling, etc.:* Messages that travel, scroll, flash, blink, chase, or are segmented or are in any way animated are prohibited on an electronic message display sign.

*Minimum display time:* Messages on an electronic message display sign must remain in place for a minimum of 3 minutes and all message changes must occur in 1 second or less.

*Number of electronic message display signs:* There may only be a maximum of one electronic message display sign per parcel whether or not the parcel is occupied by one or more businesses or whether or not the parcel contains condominium units. The one electronic message display sign may have an electronic face on both sides of the sign. No additional electronic message display signage will be permitted in addition to, or in lieu of, an electronic message display sign.

*Interference:* No electronic message display sign shall interfere with or be in conflict with any traffic control devices.

*Design Standards:* The electronic message display sign must be architecturally compatible with the building(s) on the parcel.

#### **4. Site Specific issues for Electronic Message Display Signs**

The Plan Commission shall establish the following as part of the approval process but must be as restrictive at a minimum with the aforementioned standards:

The time of day that the electronic message display sign can be turned on and be used for messaging and

The time of day that the electronic message sign can be turned on but only used for a static message or time and temperature and

The time of day that the electronic message display sign must be turned off and not used for any messaging or time and temperature.

The specific days of the week that the electronic message display sign can be turned on and be used for messaging and  
The specific days of the week that the electronic message sign can be turned on but only used for a static message or time and temperature and  
The specific days of the week that the electronic message display sign must be turned off and not used for any messaging or time and temperature.

The specific colors that may be used on the electronic message display sign.

Type of signage that is allowed on the parcel along with the electronic message display sign.

Density of signage that is allowed on the parcel along with the electronic message display sign.

Number of signs that are allowed on the parcel along with the electronic message display sign.

Location of signs that are allowed on the parcel along with the electronic message display sign.

Size of all signs that are allowed on the parcel along with the electronic message display sign.

Number of pole signs that are allowed on the parcel and if more than one is allowed the distance between allowed pole signs as well as the location of the pole signs on neighboring properties.

## **5. Penalties.**

A person who violates provisions of this ordinance shall be subject to a forfeiture of not less than \$500.00 and no more than \$1,000.00 plus the costs of prosecution for each violation. Each day a person maintains or uses an electronic message display sign in violation of this ordinance or any approval granted under this ordinance constitutes a separate violation. The Village may also seek equitable relief to gain compliance.

Violation of this section shall constitute a public nuisance, which, in addition to monetary forfeitures shall be subject to action by the Village to abate and enjoin such nuisance.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect

the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE.

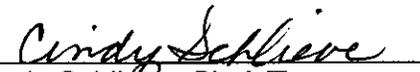
This ordinance shall take effect upon passage and publication or posting as provided by law.

Dated this 19th day of March, 2012.

Date of Adoption: 03-19-2012

VILLAGE OF OCONOMOWOC LAKE:

By:   
Joseph Birbaum, Village President

Attest:   
Cindy Schlieve, Clerk/Treasurer

Published and/or posted this 30th day of March, 2012.