

Chapter 395-18 Regulation of Signs

Section 395-18. Signs, Canopies, Awnings and Billboards.

A. Purpose of Sign and Billboard Regulations.

The purpose of this chapter is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Lyndon Station painting, posting and general maintenance are excepted.

B. Signs, Canopies, Awnings And Billboards-Definitions.

The following definitions are used in this Chapter:

(1) Awning. A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.

(2) Animated Sign. An animated sign shall mean a sign projecting moving motion pictures, moving images, film, or videos.

(3) Billboard. A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

(4) Blanketing. Blanketing is the unreasonable obstruction of view of a sign caused by the placement of another sign.

(5) Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.

(6) Sign. A sign shall include anything that promotes, calls attention, or invites patronage (or anything similar to the aforementioned) to a business, location, or product.

(7) Directly Illuminated Sign. 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.

(8) Directory Sign. Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.

(9) Electronic Message Unit Sign. Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises.

This also includes traveling, animated, or segmented message displays.

(10) Erect. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Erect does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign structure.

(11) Festoons. A garland, flag, or wreath hanging in a depending curve or graceful loop used in decoration for festivals, special events, etc. or anything arranged in this way.

(12) Flashing Sign. 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.

(13) Free Standing Sign. A free standing sign is any sign supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Ground and/or Pole Sign").

(14) Ground and/or Pole Sign. A ground and/or pole sign is any sign supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign").

(15) Identification Sign. Any sign carrying only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

(16) Illuminated Sign. An illuminated sign is lighted from a source inside of the actual sign. 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.

(17) Indirectly Illuminated Sign. Shall mean a sign that is illuminated from a source outside of the actual sign.

(18) Marquee Sign. Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall a generally designed and constructed to provide protection against weather.

(19) Nonconforming Sign. A nonconforming sign is any sign, which does not conform to the regulations of this Chapter.

(20) Off-Premise Sign. Any sign, devise or display, which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the service is located.

(21) Operational Modes for Message Sign Transitions.

(a) Level 1: Segmented static display only (messages change with no transition).

(b) Level 2: Static display with "fade" or "dissolve" transitions, or similar subtle transitions and frame effects that do not have the appearance of moving text or images.

(c) Level 3: Static display with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once.

(d) Level 4: Full animation, flashing, and video.

(22) Portable Sign. Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another.

(23) Projecting Sign. Any sign installed on an arm or mast or spar that is not permanently fastened to an adjacent wall or upright pole to limit or prevent free swing. A projecting sign is any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.

(24) Real Estate Sign. Any sign offering for sale, lease, or rent the property upon which the sign is placed.

(25) Roof Sign. Any sign erected upon or over the roof or parapet of any building.

(26) Segmented Message. A static display Level 1 Operational Mode for message transitions. A static or segmented message display changes with no transitions.

(27) Static Display. A static display is a Level 1 Operational Mode for message transitions. A static display means messages change with no transition.

(28) Swinging Sign. Any sign installed on an arm or mast or spar that is not permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging. See definition of Projecting Sign.

(29) Temporary Sign. Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

(30) Tethered Balloons. Inflatable signs or balloons fastened by a rope or chain.

(31) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.

(32) Window Sign. Any sign located completely within an enclosed building and visible from a public way.

(C) Required Permits For Signs, Canopies, Awnings And Billboards.

(1) Application. Except those specified in Section 395-18(D), no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Lyndon Station. Signs shall not be erected or altered until the Building Inspector has issued a permit. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

(2) Required Information. Application for a sign permit shall be made in writing upon forms furnished by the Village Clerk which contain the following information about the sign: drawing or picture of sign applied for; dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

(3) Fee. The fee for each sign permit shall be as set on the sign permit application.

(a) Sign Permit Violation...4 times Permit Account

(4) Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Village Clerk before the sign permit is granted.

(5) Inspection. Every sign shall be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.

(D) Signs Excepted.

All signs, awnings and canopies must have a sign permit, except the following, provided that the following exempt signs may not be located over a public road right of-way or in, on, or over public water:

- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
- (3) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.
- (4) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.
- (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- (6) Official signs, such as traffic control, parking restriction, information, and notices.
- (7) Temporary signs for a period not to exceed sixty (60) days.
- (8) Rummage sale and auction sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
- (9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Building Inspector and subject to the following:

(a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Building Inspector for approval.

(b) The permitted size and location of any such sign shall be at the discretion of Building Inspector based upon the character of the area, the type and purpose of the sign and the length of time permitted.

(c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.

(d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine (9) months.

(10) Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.

(11) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.

(12) Flags and insignia of any government, (not affiliated with a religion or fascist creed), except when displayed in connection with business promotion.

13) Legal notices, identification information, or directional signs erected by governmental bodies.

(14) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

(15) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(16) Sandwich board signs. Sandwich board signs cannot be more than three (3') X four (4') foot and no more than four (4') feet tall and are limited to one (1) per business to be located not more than twenty (20') feet from the main entrance of the business they advertise. Sandwich board signs cannot be illuminated nor interfere with pedestrian or vehicular traffic to or from the business and must allow at least four (4') of sidewalk for pedestrians. Sandwich board signs are allowed only during business hours.

(E) Signs Permitting.

(1) Business and Industrial Districts. Signs are permitted in all Business Districts and the Industrial Districts subject to the following restrictions:

(a) Downtown Business District. No animated, illuminated, electronic, flashing, or static signage is allowed in the downtown Business District.

(b) Wall Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade.

(c) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any required yard, shall not extend into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than eight (8) feet above a driveway or an alley.

(d) Ground signs or free standing signs shall not exceed forty-five (45) feet in height above the centerline of the grade of the street from which access to the premises is obtained, shall be set back a minimum of ten (10) feet from the property line or meet all yard requirements for the district in which it is located (whichever is less), and shall not exceed two hundred (200) square feet on one (1) side, nor four hundred (400) square feet on all sides for any one (1) premise. The lowest sign on a sign cabinet shall be no less than ten (10') feet from grade unless the sign is setback ten (10') feet from property line. Any sign in excess of forty-five (45) feet in height requires a conditional use permit.

(e) Roof signs shall not exceed fifteen (15) feet in height above the roof, shall meet all yard requirements for the district in which it is located, shall be considered part of the structure in meeting all height requirements for the district in which it is located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.

(f) Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed. Temporary painted specials on windows shall not be considered signs, but limited to twenty-five (25%) percent of glass area.

(g) Off-premise signs, displays and devices on or within the "adjacent areas" of all State, Freeway and Federal Aid Primary Systems, as defined in Chapter 84.30 of the Wisconsin Statutes, shall be regulated pursuant to Chapter 84.30 of the Wisconsin Statutes and Chapter Trans. 201, as revised, of the Wisconsin Administrative Code, provided the maximum size of the sign shall not exceed 672 square feet per side and a maximum height of the sign shall not exceed 45 feet above the centerline of the grade of the street from which access to the premises is obtained, also to allow for a 64 square foot extension, however, that where this Section (g) establishes more restrictive criteria for signs, then the provisions of this Section (g) shall supersede the State criteria. Spacing of signs along non-interstate highways shall be measured from other off-premise signs along the same side of the street and shall be at least three hundred (300) feet apart and not cover two hundred (200) square feet per side. A State permit must be issued before a Village permit is issued. This is the sole Section for regulating off-premise signs for size and spacing.

(h) No new billboards of any type within the Village limits

(l) A digital billboard shall be separated from another digital billboard by a minimum distance of 1,000 feet.

(j) Each conversion shall require that two (2) square feet of static billboard sign face shall be eliminated for every one (1) square foot of new digital EMU sign face (cabinet size) with the sign company providing the list of sign faces and square footage to be removed and the list shall be approved by the Village Plan Commission.

For example if a 672 square foot static billboard is converted to a digital display a total of 1,344 square feet of static off-premise sign face shall be removed. In addition, the entire support structure and sign shall be removed prior to the issuance of any permit for the newly converted off-premise EMU.

(k) Directory signs for multi-tenant building complexes are permitted as an alternative to ground signs, free standing signs, projecting signs, and roof signs for individual stores in the multi-tenant building complex. The top of a directory sign shall not exceed thirty (30) feet in height above the mean centerline street grade. The supporting structure shall not be greater than ten (10) feet wide. That portion of the directory sign which advertises the multi-tenant building complex name shall not exceed eighty (80) square feet for one (1) side and a total of one hundred sixty (160) square feet for all sides. That portion of the directory sign which advertises the individual business name shall not exceed fifteen (15) square feet for one (1) side and a total of thirty (30) square feet for all sides. Directory signs measuring less than ten (10) feet from grade to the bottom sign cabinet must be set back ten (10) feet and shall meet all yard requirements for all zoning district in which the signs are located.

(l) Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.

(m) Bills and posters shall not be posted on the exterior of buildings or windows.

(2) Residential, Conservancy and Agricultural Districts. All signs are prohibited in the R-1 Residential, R-2 Residential, Conservatory, Agricultural, Planned Unit Development, Flood Districts, including all Traditional Neighborhood Development and Conservation Design Subdivision Overlay Districts, except the following, but in no case are private signs permitted in any public rights-of-way:

- (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four (4) square feet.
- (b) Real estate signs not to exceed four (4) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
- (c) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
- (d) Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
- (e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (f) Official signs, such as traffic control, parking restrictions, information and notices.
- (g) Temporary signs or banners, when authorized by the Village Clerk.
- (h) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
- (i) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (j) An approved professional sign shall be a sign not exceeding three (3) square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one (1) such approved professional sign shall be maintained on a premise.

(F) Construction And Maintenance Regulation For Signs.

(1) Installation. All signs shall be properly secured, supported, and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors, and supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(2) General Requirements.

(a) Construction Standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall withstand a wind load pressure of thirty (30) p.s.f. of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.

(b) Roof Signs. No sign shall be located so as to project above the parapet line, unless approved by the Village Planning Commission. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

(c) Illuminated Signs, intermittent signs, flashing signs, or moving light signs. Any illuminated signs shall not interfere with surrounding properties or traffic. Signs may be illuminated, subject to the following restrictions:

- (i) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those specified in (d) below, and those giving public service information such as time, date, temperature, weather, or similar information.
- (ii) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- (iii) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) Signs may contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic digital displays that may be changed by any electronic process, subject to all of the following restrictions:

- (i) Each change of message shall be accomplished in one (1) second or less.
- (ii) Each message shall remain in a fixed position for at least six (6) seconds.

(iii) All electronic message unit signs must obtain a conditional use permit with the exception of electronic numeric price message units.

(iv) The Building Inspector may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility.

(e) Prohibited Mountings. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

(f) Blanketing. Blanketing of signs shall not be allowed.

(g) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(h) Annexed Areas. All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

(3) Specific Requirements.

(a) Electronic Message Unit Signs.

(i) All electronic message unit signs must obtain a conditional use permit with the exception of electronic numeric price message units.

(ii) Operational Mode Level 1 as defined in 395-18(B)(20) is the only Level allowed for electronic message unit signs, and all messages must be displayed in a fixed position for at least six (6) seconds.

(iii) Traveling or scrolling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second. Such signs may be used only to advertise activities conducted on the premises or to present public service information pursuant to Section 395-18(F)(1)(c).

(iv) The Building Inspector may prohibit or establish restrictions on the illumination of messages to a degree of brightness that is greater than necessary for adequate visibility.

(b) Portable Signs. Portable signs shall be limited to use to thirty (30) days at a time following approval by the Village Board, provided, however, that the Village Board shall not give approval for placement of a portable sign if it presents a vision obstruction and not more frequently than four (4) times per year at any one (1) location. The maximum sign of portable signs shall be twenty-five (25) square feet on each face, back-to-back.

(4) Search Lights. Temporary use of search lights, pennants, streamers, or spinners for advertising purposes are allowed in any district, provided, that the use will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Temporary use shall not be granted for a period of more than five (5) days in any six (6) month period.

(5) Festoons. Festoons and all other fluttering, spinning, or similar type devices are prohibited except for national flags and flags of political subdivisions of the United States, of bona fide civic, charitable, fraternal, and welfare organizations and except during federal legal public holidays, or during a special civic event, or for a time period not to exceed thirty (30) consecutive days.

(6) Tethered Signs. Only one (1) inflatable sign or tethered balloon shall be allowed per zoning lot. Display of inflatable signs or tethered balloons shall be limited to one (1) week per month.

(7) Signs on Public Rights-of-Way. Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

(G) Prohibited Signs.

(1) Signs Facing Residential Districts. No sign, except those permitted in Section 3.07(D) shall be permitted to face a Residential district within fifty (50) feet of such district boundary.

(2) Traffic Interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility. No signs, billboards or other advertising media, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.

(3) Number of Signs Permitted. No more than one (1) ground sign or free standing sign exceeding ten (10') feet in height and one (1) ground sign less than ten (10) feet in height shall be located on any one premise. No more than two (2) signs of all other types shall be located on any premise. Said sign shall not exceed two hundred (200) square feet on one side nor more than four hundred (400) square feet on all sides for any one premise. Premises occupied by a multi-tenant building complex may, as an alternative, have one (1) detached sign plus one (1) flat sign illuminated or otherwise for each place of business located in said multi-tenant building complex provided that the aggregate total of all signs located on any premises so occupied shall not exceed six (600) hundred square feet. This Paragraph shall not apply to directional on-site signs or flat identification signs attached to buildings.

(4) Signs on Public Right-of-Way. Signs shall not be permitted on any public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

(H) Dangerous And Abandoned Billboard Signs.

(1) All billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise or premise sign/billboard is located when the business it advertised is no longer conducted where advertised or when, in the judgment of the Building Inspector, such sign is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove the sign/billboard, the Village Board, or its designee, shall give the owner thirty (30) days' written notice to remove said sign/billboard, and, thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Village Board or designee may take any other appropriate legal action necessary to attain compliance.

(2) Alterations. Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.

(3) Violations. All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violation of this Chapter, the Village Board, or its designee, may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

(I) Nonconforming Signs.

(1) Signs Eligible for Characterization as Legal Nonconforming. Any sign located within the Village of Lyndon Station limits of the date of adoption of this Chapter hereafter, which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

(a) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance.

(b) If no permit was required under the 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 sign ordinance.

(2) Loss of Legal Nonconforming Status. A sign loses its nonconforming status if one (1) 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 Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

(d) 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 therefore or shall be removed.

(3) Legal Nonconforming Sign Maintenance and Repair. Nothing in this Chapter shall relieve the owner or use 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.

(J) Variances or Exceptions. The Village Board, following a recommendation from the Village Planning Commission, may grant variances or exceptions to these sign regulations through Conditional Use Permits.

(K) Awnings And Canopies.

(1) Permitted Awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.

(b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.

(c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.

(d) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side edges.

(2) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

(a) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the Village of Lyndon Station. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section (I) of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.

(b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.

(c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.

d) Advertising. No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty (20) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than twelve (12) inches on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

(e) Canopy Insurance Requirements. Every applicant for a canopy permit, which will overhang the public street or sidewalk shall, before the permit is granted, file with the Administrator a liability insurance policy with minimum limits of Three Hundred Thousand Dollars (\$300,000) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for property damage which shall indemnify and save harmless the Village from any and all damages, judgments, costs or expense which the said Village may incur or suffer by reason of the granting of said permit.

(N) Violations Of Sign Code.

(1) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Chapter prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.

(2) If the Village Board or Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.

(3) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Village Board may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Chapter.

(4) Any person, firm or corporation who violates any provision of this Chapter shall be subject to the penalty as set forth in Appendix "A" Fee Schedule. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.