
MEMORANDUM

TO: Village of Pewaukee
FROM: Village Administrator Scott Gosse and Village Attorney Mark Blum
SUBJECT: Amendments to the Village Sign Code

In the past, it has been the practice of the Village of Pewaukee to allow for campaign signs, as well as signs that are posted by non-profit or charitable organizations, to post signs in the Village right-of-way. Approximately one year ago, however, United States Supreme Court issued a decision in a case involving a sign code which (like that of the Village of Pewaukee) restricted signs based upon the message or content of the sign. To distill the U.S. Supreme Court done to its essence, the Justices decided that municipalities could not regulate signage based upon the content of the sign unless they could show that there was a substantial public purpose to be derived from doing so and that whatever the restriction is that was being placed was the least restrictive means of accomplishing the government's goal. Based upon this decision, the Village Board approved amendments to the Sign Code, which now prohibits the erection of any signage in the public right-of-way; but does allow for posting signs on private property with permission, with limited sizes and for limited periods of time. These restrictions are also a function of the Zoning District in which the property in question is found.

Should you have questions regarding the application of the Sign Ordinance to your specific situation, please feel free to contact the Village Administrator. However, just to confirm, the past practice of allowing signage in public rights-of-way is no longer permitted.

Respectfully submitted,

Scott Gosse/Mark G. Blum



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Temporary Sign Requirements (Sign Code Section 70.111(a)(10) and (11))

Residentially Zoned Properties: (i.e. R-1 – R-6, R-5 (LO), RM and MH)

Miscellaneous temporary signs are allowed in residentially zoned areas provided:

1. No person shall attach posters, notices or signs to utility poles, meter posts, or trees in or along any street right-of-way within the Village (see attached map for illustration of right-of-way);
2. No person shall put up any notice or sign upon any building, wall, fence, or other property, of another person without first having obtained the consent of the owner of such property;
3. The maximum time limit for such temporary signs to be displayed in residentially zoned areas (with each date that any one or more such signs are displayed counting as one day) shall not exceed 30 cumulative days in a one-year period
4. Not more than 4 temporary signs may be displayed simultaneously on any one residentially zoned property. Such signs shall be six (6) square feet or less in area (for each sign), seven feet or less in height and shall not be electrically illuminated.

In the case of residentially zoned properties being actively marketed for sale or lease, the duration for display of up to two (out of the four signs referred to above) may be extended to include the period that begins when the property becomes actively marketed for sale or lease and ends 14 days after the property has been sold or leased.

Non-Residentially Zoned Properties: (i.e. B-1 – B-5, IPS, P-1, and Nonresidential Use or Mixed Use PUD)

Miscellaneous temporary signs in non-residentially zoned areas are allowed provided:

1. No person shall attach posters, notices or signs to utility poles, meter posts, or trees in or along any street right-of-way within the village (see attached map for illustration of right-of-way);
2. No person shall put up any sign upon any building, wall, fence, or other property, of another person without first having obtained the consent of the owner of such property.
3. The maximum time limit for such temporary signs in non-residentially zoned areas is seven (7) consecutive days and shall not exceed thirty (30) cumulative days in a one-year period (with each date that any one or more such signs are displayed counting as one day).
4. Not more than 4 temporary signs may be displayed simultaneously on any one non-residentially zoned property.
5. Signs shall be fifteen (15) square feet or less in area (for each sign), ten feet or less in height and shall not be electrically illuminated.

In the case of properties being actively marketed for sale or lease, the duration for display of up to two (out of the four signs referred to above) may be extended to include the period that begins when the property becomes actively marketed for sale or lease and ends 14 days after the property has been sold or leased.

- The following is a link to the Waukesha County Geographic Information System which will help provide guidance on what is and is not public Right-of-Way:
<http://www.waukeshacounty.gov/interactivemap/>
- Please see attached map which helps illustrate right-of-way at the Simmons Avenue/Dynex Drive/Capitol Drive intersection.
- Please do not hesitate to contact Village Hall with any questions at 262-691-5660.