



## Legislation Text

---

**File #:** 46508, **Version:** 2

---

### **Fiscal Note**

The proposed ordinance creates a new permit system for portable, sandwich-board style signs in the public right of way. Each sign requires a \$100 annual permit and Zoning Staff estimates the City may issue between 50 to 200 permits, resulting in an increase in permit revenue ranging from \$5,000 to \$20,000.

### **Title**

SUBSTITUTE CHARTER Creating Section 31.046(2)(c) of the Madison General Ordinances to create a new permit system to allow portable, sandwich-board style signs in the public right-of-way.

### **Body**

**DRAFTER'S ANALYSIS:** This Charter Ordinance would create a new permit system for portable, sandwich-board style signs in the public right-of-way. This ordinance creates detailed criteria for the size, design, and placement of such signs. The maximum gross area of 30 inches wide and 48 inches high, with two sign faces (one on each side) of not more than 2 x 3 feet. All elements of the sign, including the supporting frame/structure shall fit within the maximum gross area of 30 x 48 inches. Each sign would require a detailed application process where the Zoning Administrator would inspect the proposed location and approve each sign. Each sign would require an \$100 annual permit running from April to April to coincide with sidewalk café and other vending licenses. The ordinance relies on the street vending definition of the State Street Mall/Capitol Concourse Vending Area to create location requirement for signs within this geographic area. The location for portable signs on the sidewalk in that area shall be determined by the Zoning Administrator, using the placement requirements for sidewalk cafes in Sec. 9.13(6)(j), MGO, as a starting point with the precise location for each sign determined on a case-by-case basis by the Zoning Administrator. Signs outside this area will also be approved on a case-by-case basis with similar placement criteria such as maintaining an unobstructed 6-foot pedestrian walkway, keeping clear of bike racks, trees, bus stops, and other obstructions and permanent improvements. Signs can only be placed on the sidewalk or terrace and cannot be placed within a median, crosswalk, curb, curbcut, nor any part of the traveled portion of the roadway, and a traffic vision clearance triangle must be maintained at intersections, driveways and other locations (see diagram(s).) Signs can only be displayed while the business is open and cannot be displayed on the Mall/Concourse during times when the mall crew is removing snow (defined as a "Street Vending Snow Day." The ordinance requires features for the sign to be detectable by persons with vision-impairment and a number of other structural and aesthetic requirements.

This ordinance creates special rules for businesses with a sidewalk café or merchant vending license under Sec. 9.13. Sidewalk cafes will have the option to display two, 2x3 foot signs on the café enclosure in lieu of a free-standing portable sign. Merchant vendors will continue to have the option for small signs on display racks. Due to lack of space, sidewalk cafes and merchant vendors cannot display a free-standing portable sign in the right-of-way while their café or merchant equipment is present.

This is a Charter Ordinance because Wis. Stat. § 86.19 calls into question a municipality's ability to allow signs within the limits of a street or highway. Sidewalks and terraces are within the boundaries of a street or highway right-of-way under the state's definition of a highway in Wis. Stat. § 340.01(22).

If adopted, this Charter Ordinance shall take effect 60 days from the date of passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).

Legistar File # 46509 and this Charter ordinance should be considered and acted upon together.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:  
Please see "Substitute Charter Body" in Attachments.