

LEGISTAR #46508 - 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. 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 placement criteria such as maintaining an unobstructed 6-foot pedestrian walkway, keeping clear of 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 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 # _____ and this Charter ordinance should be considered and acted upon together.

The Common Council of the City of Madison do hereby ordain as follows:

The City of Madison elects not to be governed by the provisions of Wis. Stat. § 86.19. This election is made pursuant to Wis. Stat. § 66.0101(4). 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).

Subdivision (c) entitled "Portable Signs on Public Property" of Subsection (2) entitled "Portable Signs" of Section 31.046 entitled "Miscellaneous Signs" of the Madison General Ordinances is created to read as follows:

- “(c) Portable Signs on Public Property (CHARTER ORDINANCE).
This Section 31.046(2)(c) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101 and Article XI, Sec. 3 of the Wisconsin Constitution. Certain state statutes and administrative rules, specifically Wis. Stat. § 86.19, and administrative regulations adopted pursuant to that statute, raise doubts about whether signs may be located within the limits of highway rights-of-way (“ROW”). The determination of whether to allow certain portable signs on the public sidewalk area as described in this ordinance is a local affair of the government of the City of Madison. Portable signs as described herein provide business identification and wayfinding for occupants in areas with minimal setback where there is no available space for visible signage on the private property. Such signage

further the City's interests in improving business vitality, wayfinding, vehicular and pedestrian traffic. Regulating the placement of such signs through a permit system with strict regulations improves safety and aesthetics. Therefore, the City of Madison, through its Common Council, hereby determines that, to the extent Wis. Stat. § 86.19 and the Wisconsin Administrative Code restrict the City's ability to approve portable signs within the limits of any street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19 to that extent. This Charter Ordinance shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

1. Permit Required. Portable signs are prohibited in the ROW and other public property except as set forth in this sub. (c) and in sub. (b) above. No person shall display a portable sign in the right of way without a valid permit and except in compliance with the requirements of the approved permit and this subsection.
2. Permit Duration. The duration of a portable sign permit under this subsection shall be from January 1 to December 31.
3. Permit Fee. One-hundred dollars (\$100) per sign, per year for the duration stated above.
4. Zoning Districts and Use. Portable signs under this subsection may be displayed only in Group 2 and 3 zoning districts and only adjacent to a non-residential use.
5. Lack of Available Setback: Portable signs are permitted to be displayed in the ROW only if the setback for the building to which the sign pertains is less than three (3) feet and no alternative, legal space exists on the private property where a portable sign could be placed under Sec. 31.046(2)(b), and only in conformity with the requirements of this subsection.
6. General Location Requirements.
 - a. In the Mall/Concourse Area. The permitted location for a portable sign in the ROW within the State Street Mall/Capitol Concourse Vending Area, as defined in Sec. 9.13(6)(a), shall be determined by the Zoning Administrator, using the placement requirements for sidewalk cafes in Sec. 9.13(6)(j), MGO. The available locations in Sec. 9.13(6)(j) shall be the starting point and the precise allowable location for each sign shall be determined on a case-by-case basis by the Zoning Administrator, in compliance with the requirements of this section, and shall be indicated on the approved sign permit. No person shall display a portable sign in the ROW in a location that is not approved on the permit.
 - b. Outside the Mall/Concourse Area. Permitted locations to place a portable sign outside the boundaries of the State Street Mall/Capitol Concourse Vending Area shall be determined by the zoning administrator on a case-by-case basis, within the follow parameters:
 - i. Sign shall be displayed immediately in front and between the side property lines or internal architectural features of the building designating the tenant space or occupancy of the business or organization to which the sign pertains (i.e. street frontage).
 - ii. Sign placement shall allow for an unobstructed public pedestrian walkway of not less than six (6) feet in width that follows the path of pedestrian traffic on the street frontage in question. Portable signs shall not be placed within any such an area. When the path of pedestrian traffic flows away from the building face and closer to the roadway, the six-foot walkway shall be measured from the desired sign location to the:
 - curb edge,
 - roadside edge of sidewalk if there is an unpaved terrace,
 - edge of the roadway if there is no curb, or
 - the near edge of any curbside public amenities such as parking meters, trees, or light posts.

Alternatively, if the path of pedestrian traffic is closer to the building face than the roadway, the six-foot walkway may be measured from the building face to the sign.

The points of measurement shall be determined by the Zoning Administrator.

- iii. If there is less than six feet of unobstructed pedestrian walkway in the area described in sub. i. above, no portable sign may be displayed.

7. Specific Location Requirements.

- a. Portable signs shall be placed on the sidewalk or terrace areas only.
- b. Portable signs shall not be placed within a median, crosswalk, curb, curbcut, nor any part of the traveled portion of the roadway.
- c. Maximum of 1 sign per building street frontage, regardless of number of occupants sharing the street frontage. Space on the single sign may be shared by more than one occupant.
- d. Sign placement shall not interfere with building ingress and egress openings.
- e. Signs shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, tree, tree grate or any other structure.
- f. Sign shall not be placed within the following vision clearance triangles demonstrated in Figure 1 below, and shall not obstruct any other applicable traffic visibility area required by ordinance or by the City Traffic Engineer.

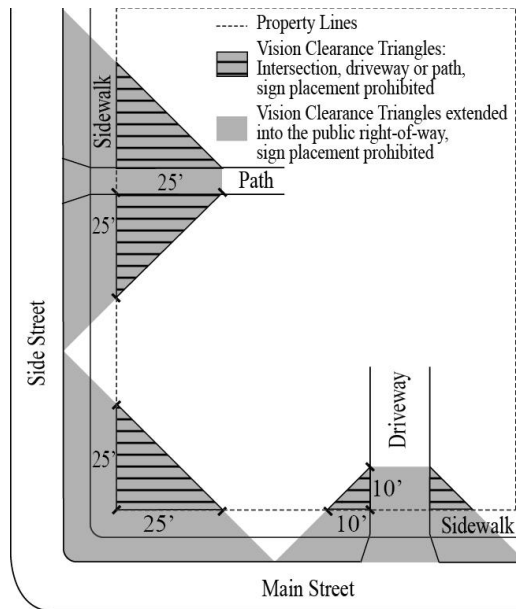


Figure 1

g. Minimum Distance From Other Objects.

- i. 2 feet from the curb; 5 feet from the curb if immediately adjacent to an on-street disabled parking stall.
- ii. 2½ feet from any parking meter, parking meter space sign, or multi-space meter payment station.
- iii. 5 feet from any pedestrian curb ramp.
- iv. 5 feet from a bus shelter or bus stop, and shall not be placed in any manner that interferes with the use of the bus stop, ingress or egress from bus shelter or boarding the bus.

- v. 4 feet from any other public amenity, bench, tree and must clear the pedestrian walkway by at least 6 feet.
8. Design and Size Requirements.
- a. Portable signs permitted under this subsection shall be of freestanding A-frame or sandwich board construction, meaning two angled boards connected at the top and supported by creating an “A” or triangular shape.
 - b. The sign structure shall be self-supportive and constructed of substantial materials so as to withstand moderate wind velocity as required by Sec. 31.04(5)(f), and otherwise not create a hazard.
 - c. Maximum gross area of 30 inches wide by 48 inches tall. This is intended to incorporate a 2 by 3 foot sign face on each side plus all supporting structures. All elements of the sign, including supporting structure or frame must fit within this maximum gross area.
 - d. Maximum sign face of 2 x 3 feet per side.
 - e. Total height when measured vertically from the adjacent grade surface cannot exceed 48 inches.
 - f. No extensions beyond the gross area. (no sign extensions or projections)
 - g. Shall not include wheels, feet or other base or foundation that extends beyond the bottom edge of each board of the A-frame.
 - h. Accessibility Standards for Persons with Sight-Impairment. The sign structure shall include a horizontal component (e.g. chain or bar to connect the two sign boards) between 3 to 8 inches above the ground on all sides of sturdy and rigid construction.
 - i. Sign must be maintained in good structural and aesthetic condition.
 - j. Sign shall not include any element that meets the definition of an Advertising Sign.
 - k. No illumination.
 - l. No electronic changeable copy features.
 - m. Manual changeable copy is permitted.
 - n. No moving pieces or attention getting devices.
 - o. No part of the sign shall include mirrors, foil, or other reflective material.
9. Time of Placement.
- a. May be displayed only during the hours when the organization or business to which the sign corresponds is open to the public.
 - b. Shall not be displayed during a declared snow emergency under Sec. 12.045(1), MGO.
 - c. Within the State Street Mall/Capitol Concourse Vending area, shall not be placed before 11:00 a.m. and must be removed by 1:30 p.m., during a “Street Vending Snow Day” as defined in Sec. 9.13(6)(l)6.c.
 - d. Shall not be displayed within a licensed street vending site, merchant vending site, or sidewalk café site held by another, during hours when such licensed activity is permitted, regardless of whether such licensed equipment is currently in place.
 - e. Shall not be displayed within the perimeter of a special event that holds a Street Use Permit issued under Sec. 10.056, MGO, for the sidewalk area in question, while the Street Use permit is in effect, without permission of the event sponsor.
10. Application Requirements. An application for a portable sign in the ROW shall be accompanied by the permit fee required herein, shall comply with the requirements of Sec. 31.04 and shall include the following information: A diagram or site plan of the entire right-of-way area in front of the applicant’s tenant or occupancy space that includes all details of the site such as the location of curbs, trees, poles, benches, gratings, street furniture, fire hydrants, store fronts and other amenities and the location in relation to the lot line and

building setback. The diagram must be drawn to exact scale with the scale clearly indicated on the face of the drawing or site plan. A photograph of the proposed sign and its location shall also be attached.

11. Insurance. Prior to a permit being issued, the applicant shall be required to furnish a Certificate of Insurance, providing evidence of commercial general liability insurance with the City of Madison, its officers, officials, agents and employees named as additional insureds. The insurance shall include contractual liability coverage, apply on a primary and non-contributory basis, and minimum limits of one million dollars (\$1,000,000) per occurrence. Permittee shall keep such insurance in full force and effect for the duration of the permit. Failure to maintain insurance meeting the requirements of this paragraph shall be grounds for immediate permit revocation. This insurance condition may be waived by the City Risk Manager for other governmental units.
12. Sec. 31.07(5)(f) is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).”

EDITOR'S NOTE: This is a Charter Ordinance adopted pursuant to Wis. Stat. § 66.0101, and Article XI, Sec. 3 of the Wisconsin Constitution and shall be effective upon sixty (60) days from passage and publication, subject to the referendum procedures of Wis. Stat. § 66.0101(5).