



Legislation Text

File #: 28398, Version: 1

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

CHARTER Creating Section 31.04(6) of the Madison General Ordinances to declare the City’s intent not to be governed by Wis. Stat. § 86.19 with respect to certain signs that project from a building into the highway right-of-way.

**Body**

DRAFTER’S ANALYSIS: This Charter ordinance amends the sign code to make it clear that certain signs that, by the nature of their design or placement, project into the air space above the highway right-of-way, are legal. Currently state law prohibits advertising in the highway right of way. City streets are considered “highways” and the boundaries of the right-of-way extend to the edges of the sidewalk. The City sign code allows limited signage on awnings and canopies attached to buildings, some of these structures project into the right-of-way. The sign code also allows “projecting signs” which may project perpendicularly from the building into the right-of-way, and wall signs mounted parallel to a wall at a distance of up to 15 inches. Finally, the sign code allows certain decorative and promotional banners to be displayed on pedestrian overpasses. This Charter Ordinance is intended to ensure such signs do not run afoul of State law. Each of the sign types affected by this Charter Ordinance are attached to a building and will not touch the surface of the sidewalk, nor project over vehicular roadways. This Charter ordinance declares the City’s intention not to be governed by Wis. Stat. § 86.19, to the extent that statute would prohibit the City from approving the signs described herein. This Charter Ordinance should be considered at the same time as a companion ordinance (Legistar File # 28399) which makes non-charter amendments to the sections on canopy signs, awning signs, projecting signs, wall signs, and decorative and promotional banners.

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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).

Subsection (6) entitled “Signs Projecting into Right-of-Way” of Section 31.04 entitled “Administration, Enforcement, and Construction Requirements” of the Madison General Ordinances is created to read as follows:

- “(6) Signs Projecting into Right-of-Way. The Common Council finds that the display of wall or projecting signs that project from a building face into the right-of-way, or signs on an attached canopy or awning that projects into the right-of-way, consistent with the criteria required for such signs elsewhere in this chapter, will not cause aesthetic blight or traffic hazards of the sort unacceptable to the community. Rather, the City’s substantial governmental interests in preserving traffic and pedestrian safety will be furthered by providing easy-to-see directional and wayfinding information oriented primarily toward pedestrians, for the building upon which the sign is displayed, without obstructing the sidewalk, terrace or roadway and without interfering with official traffic control devices. The City’s aesthetic interests will be protected by the size and placement criteria established for such signs in Secs. 31.06, 31.07, 31.071, and 31.09. The display of promotional and decorative banners over the right-of-way, consistent with the requirements of Sec. 31.075(2), preserves the City’s substantial governmental interests in traffic safety and aesthetics by announcing certain public and civic activities or providing decoration without adding clutter or obstruction to the sidewalk, terrace, or roadway, with the size, under controlled circumstances and in specific locations approved by the City as specified in Sec. 31.075(2).
- (a) Wis. Stat. § 86.19 and state administrative rules adopted thereto raise doubts about whether such signs and banners may be located within the limits of highway rights-of-way. The approval

of wall, projecting, awning, and canopy signs and promotional or decorative banners, in accordance with ordinance requirements for such signs, is a matter of the local affairs and government of the City of Madison. Signs projecting perpendicularly from a building or displayed on a canopy or awning provide needed identification signage and wayfinding for the business or building to which the sign is attached, without obstructing the pedestrian walkway, creating clutter, or interfering with official traffic control devices or vehicle traffic. Wall signs mounted not more than fifteen (15) inches from a wall in compliance with Sec. 31.07 present no safety hazard or aesthetic concerns. Decorative and Promotional banners under Sec. 31.075 will notify the public of events taking place in the City, and will complement the streetscape with appropriate decorations without cluttering the sidewalk or impeding pedestrian traffic. Therefore, the City of Madison, through its Common Council, hereby determines that to the extent Wis. Stat. § 86.19 and related Wisconsin Administrative Code regulations restrict the City's ability to approve the following signs that project from a building or structure into the street or highway right-of-way, the City will not be governed by Wis. Stat. § 86.19 to that extent for the following subsections or subdivisions:

- awning signs under Sec. 31.06(6),
- wall signs mounted not more than 15" parallel to the wall under Sec. 31.07(1),
- canopy signs under Sec. 31.071(5),
- decorative and promotional banners under Sec. 31.075(2), and
- projecting signs under Sec.31.09(1)(a).

(b) This Charter Ordinance, Sec. 31.04(6), shall not apply to State Trunk Highways as defined in Wis. Stat. § 84.02.

(c) Sec. 31.04(6) 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)."