

**DRAFT ORDINANCE REGARDING SIDEWALK DECALS: WORKING COPY ONLY,  
SUBJECT TO REVISION**

**Recitals**

The City Council places a high value on business and its resultant tax base and jobs. It believes that steps should be taken to enhance the City's businesses, and finds that the placement of Sidewalk Decals by private individuals and businesses on City sidewalks in B-1 and B-2 Districts, if carefully regulated, may provide a benefit to the successful operation of retail, restaurant and other businesses in those Districts, and thereby contribute to the general welfare of the City and its residents and property owners.

To that end, the City Council by adoption of this Ordinance allows allow for the placement of Sidewalk Decals as set forth in this Ordinance on a Trial or Temporary basis, extending from the day after the adoption and publication of this Ordinance as required by law to and including \_\_\_\_\_.

**Section 1. Definition.**

In this Ordinance, "Sidewalk Decals" refers to temporary, removable signs made from a PVC-free aluminum foil base affixed to the surface of a public sidewalk, the sole or chief purpose of which is to advertise, direct attention to or promote the distribution, sale or rental of goods and/or services in and from a business adjacent to the sidewalk to which the signs are affixed.

**Section 2. General Requirements for Sidewalk Decals:**

- A. Sidewalk Decals shall be removed completely by the time of expiration of the trial period or the term of the permit for which they have been issued, in a manner that leaves no visible evidence or residue on the surface of the sidewalk;
- B. Sidewalk Decals shall not damage the sidewalk while in place or during installation and removal;
- C. Sidewalk Decals shall be made of a textured non-slip material;
- D. Sidewalk Decals shall be removed immediately if loosened or damaged during the time time of permitted use;
- E. Sidewalk Decals shall be kept in good repair at all times so that the entire sign is clearly legible and free of damage, deterioration and/or defacement;
- F. Sidewalk Decals shall not impede pedestrian traffic;

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G. Sidewalk Decals shall not be installed or maintained if such Sidewalk Decals or their placement or location are in violation of any applicable Federal, State or Local law or regulation, including but not limited to the Americans with Disabilities Act.

H. Sidewalk Decals shall not damage the sidewalk while in place or during installation and removal.

**Section 3. Size.**

No Sidewalk Decal may exceed 24 inches x 24 inches in area, if square, or have a diameter in excess of 24 inches if of any other shape.

**Section 4. Location.**

Sidewalk Decals may be installed only in the B-1 and B-2 Zoning Districts. Each Sidewalk Decal shall be installed within a single sidewalk panel, and shall be placed as closely as possible to the facade of the building before which it is placed.

**Section 5. No Resemblance to Official Signage.**

Sidewalk decals may not resemble any official signage or markers or any signage that, by reason of content, location, position, shape or color, may be reasonably confused with or construed as traffic control devices.

**Section 6. Indemnification.**

Applicants for a Sidewalk Decal permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the City Council, but not to exceed \$\_\_\_\_\_. The form of the cash bond or other surety shall indemnify the City against all loss, costs, damages or expense incurred or sustained by or recovered against the City by reason of the installation of the Sidewalk Decal. The Applicant shall, in addition, agree in writing to indemnify and hold the City harmless from any claims made against the City by any person arising out of the installation of the Sidewalk Decal that exceeds the amount of the cash bond or surety. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted in lieu of a bond or other surety. The City shall be named as an additional insured on such policy.

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**Section 7. Acknowledgement of Responsibility.** Applicants for a Sidewalk Decal permit shall acknowledge in writing that they are solely responsible for any damage or injury arising from the installation of the Sidewalk Decal.

**Section 8. Number.**

For purposes of this Section, "Business premise" means a leased area, or area used by an owner of a building, used for a separate commercial activity in a building outside of which Sidewalk Decals are allowed. Each business premise located in a building adjacent to a City sidewalk may have one Sidewalk Decal. If the business premise is located on a corner of a street, it may install one Sidewalk Decal on each street on which it fronts. If more than one entity or person uses a business premise in pursuit of the same business or profession as other entities or persons, no more than one Sidewalk Decal may be installed pursuant to this Ordinance referring to that business premise. Those using the same business premise shall determine what Sidewalk Decal shall be installed in that case, if any.

**Section 9. Sidewalk Repair and Construction. T**

The City may require that the sidewalks on which Sidewalk Decals have been installed be repaired or replaced to maintain public safety, or destroyed and reconstructed as may be required to provide services to buildings adjacent to them. In such cases, the City shall have no liability for damages to nor any obligation to repair or replace Sidewalk Decals which must be removed or are destroyed as a result.

**Section 10. Conflict with Other Ordinances.**

If any Section of this Ordinance conflicts with other Sections of Chapter 10-4, then the Section of this Ordinance shall apply. In all other respects, the Sections of Chapter 10-4 shall be controlling.

**Section 11. No Regulation of Content.** This Ordinance shall not be construed to regulate the message or content of any Sidewalk Decal, and is intended to set forth requirements related only to the location, size, number, installation, removal and other characteristics of a Sidewalk Decal.