

**FOURTH VERSION (3/25/2024)**

**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 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 \_\_\_\_\_[Insert date of expiration of trial period]\_\_\_\_\_.

**Section 1. Definition.**

- A. In this Ordinance, "business" refers to a natural person or entity performing an activity or trade with the intent of making a profit through the distribution, sale or rental of goods, food, beverages and/or services at a location adjacent to a public sidewalk.
- B. In this Ordinance, "Sidewalk Decals" refers to temporary, removable signs made from a PVC-free aluminum foil base or vinyl 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 rated ANSI A137.1/A326.3 ;
- D. Sidewalk Decals shall be removed immediately if loosened or damaged during the 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;
- 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.

**Section 3. Size.**

No Sidewalk Decal may exceed 24 inches x 24 inches in area, if square, or have a dimension 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 adjacent to the building in which the business it is intended to advertise or direct attention to is located.

**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, 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.

**Section 7. Acknowledgement of Responsibility.** Applicants for a Sidewalk Decal permit shall acknowledge in writing that as it relates to any comparison of negligence or liability between the

Applicant and the City and in consideration of the privilege granted to place Sidewalk Decals by issuance of a permit, 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.**

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.

**Section 12. Permit.** An Application for a Sidewalk Decal Permit must be submitted, and a Permit issued, before a Sidewalk Decal may be installed. The initial fee for such Permit shall be **\$50.00** and shall be for the term of one year. Permits may be renewed for additional one year periods upon payment of \$10.00 prior to the expiration of the initial term or any succeeding one year period.

**Section 13. Removal of Defective Sidewalk Decals or those Without Permit.**

A. An authorized representative of the City is authorized to remove any Sidewalk Decal in violation of this Ordinance of for which a Permit has not been obtained. Except as otherwise provided in this Section, before taking action to require removal of any such Sidewalk Decal an

authorized representative of the City shall give a written compliance notice to the holders of the permit for the Sidewalk Decal, or if no permit has been issued, to the owner(s) or lessee(s) of the business premises to which the Sidewalk Decal pertains. The notice shall state the grounds for removal, specifying the deficiencies or defects in such sign with reasonable definiteness, and the violations charged, if any. Such notice shall specify what repairs, if any, will make the sign conform to the requirements of this chapter and specify that the sign must be removed or made to conform with the provisions of this chapter within a specified time period, not less than \_\_\_\_\_. If the Sidewalk Decal is not removed within that period, the Sidewalk Decal may be removed by the City's representative and destroyed summarily and without notice, at the expense of the owner of the Sidewalk Decal or of the business premises to which it pertains.

Service of notice shall be made as follows:

1. By mailing via regular mail a copy of the notice to such parties; or
2. By personally delivering copies of the notice to such parties; or
3. By leaving a copy of the notice with any person in charge of the business premises; or

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4. In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the business premises.

B. An authorized representative of the City may cause any signs which are of immediate peril to persons or property to be removed and destroyed summarily and without notice, and also at the expense of the owner of the sign or premises upon which the sign is located.

C. The cost associated with any removal performed on behalf of the City may be assessed as a charge against the property pursuant to the provisions of Section 66.0627, Wisconsin Statutes, if the owner of the building to which the Sidewalk Decal pertains was responsible for installation of the Sidewalk Decal.

**Section 14. Severability.** If any section, clause, provision or portion of this Ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.