



## Legislation Text

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**File #:** 151682, **Version:** 0

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151682  
ORIGINAL

ALD. BOHL

An ordinance relating to nuisance advertisements.

80-43.5                    cr

244-18                    rp

Currently, s. 244-18 of the Building and Zoning Code prohibits the placing of advertising signs on public property. Section 244-18 also prohibits “snipe” advertising (the placing of advertising signs on private property without the owner’s consent), and certain outdoor advertising banners.

This ordinance moves these provisions to Chapter 80 of the Code (“Nuisances”) for the purpose of providing the Department of Public Works the authority to enforce these provisions via a memorandum of understanding, as provided in s. 80-1-1 to 2.

This ordinance also removes language from these provisions relating to political advertising, clarifies language relating to snipe advertising and removes redundant provisions.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 80-43-5 of the code is created to read:

### **80-43.5. Nuisance Advertisements.**

**1. SIGNS ON PUBLIC PROPERTY PROHIBITED.** It shall be unlawful for any person, except a public officer or a government employee in the performance of a public duty, to maintain, place, erect, paint, paste, print, nail, tack, or otherwise fasten any card, banner, picture, handbill, sign, poster, advertising, or notice of any kind, or to authorize, pay for or cause the same to be done, on any curb, streetwalk, or public thoroughfare surface, fence, board, barrel, box, case, railing, pole, post, tree, barricade, material, bridge, bridge fender, dock, pile, building or structure of any kind on public ground, or public waterway, except as may be permitted by ch. 244 or any provision of this code, the city charter, Wis. Stats., or federal laws.

**2. SNIPE ADVERTISING PROHIBITED.** a. It shall be unlawful to place, erect, paint, paste, print, nail, tack, or otherwise fasten or maintain any card, banner, picture, handbill, sign, poster, advertising, or notice of any kind on any private premises without the premises owner’s consent.

b. It shall be unlawful to deface any exterior wall or surface of any private property or other private building, board, barrel, box, case, railing, pole, post, tree, barricade, material, dock, pile,

or structure of any kind with advertising or notice of any kind.

**3. BANNERS, PAPER, DEBRIS PROHIBITED.** It shall be unlawful to place, erect, tack, or otherwise fasten, use, or maintain any outdoor advertising such as banners, decorative displays or other advertising devices of cloth, paper or other nonrigid materials, except as permitted by ch. 244 or by the permanent banner sign or temporary banner sign regulations of s. 295-407. All permitted permanent and temporary banner signs shall be anchored or supported in a manner approved by the commissioner of neighborhood services.

**4. EXCEPTION.** a. The provisions of subs. 1 to 3 shall not apply to Milwaukee county transit system transit shelters with advertising that are authorized by common council resolution.

b. City buildings, facilities or other assets identified by the Milwaukee civic partnership initiative, established under s. 310-21, shall be exempt from this section, if authorized by common council resolution.

**5. COPIES OF CODE PROVISIONS.** The election commission shall furnish copies of this section to candidates for public office.

**6. PENALTY.** a. Any person, partnership, corporation or officer of any group or association who violates this section, or fails to perform the duties imposed upon them by this section, shall upon conviction be punished by a fine of not less than \$25 and not more than \$500, together with the costs and disbursements of prosecution, and, in default of payment, may be imprisoned as provided by law. This shall include:

a-1. Any person, partnership, corporation or officer of any group or association authorizing or paying for any form of advertising or directly benefiting financially therefrom.

a-2. Any person, partnership or corporation owning property on which an illegally posted or displayed banner, decorative display or other advertising device of cloth, paper or other nonrigid material appears, as provided in sub. 3, or any manager or operator of such property on which such illegally posted or displayed advertising appears, whether posted or displayed with or without his or her knowledge or consent.

b. A person shall be deemed guilty of a separate offense for every day such violation, disobedience, omission, neglect, or refusal shall continue; provided, however, that said accumulated penalties recoverable in any one action shall not exceed the sum of \$2,000.

Part 2. Section 244-18 of the code is repealed.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

LRB 163160-1

Andrew R. VanNatta

02/29/2016