

**TOWN OF GIBRALTAR
OUTDOOR DISPLAY of MERCHANDISE
ORDINANCE 2024-06**

Ordinance 2024-06 shall repeal and replace any previous ordinances(s) in whole or in part, or any other ordinances contradicting this new ordinance.

The Town Board of Gibraltar, County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to strike a balance between maintaining the rural, small town, historic atmosphere of our town that keeps visitors coming back and makes businesses want to locate here, and the needs of those businesses already here to make their business inviting to prospective customers by displaying a few samples of their merchandise outside their building.

Definitions

For purposes of this ordinance, the following terms shall have the meanings indicated:

- **Outdoor Display of Merchandise** – The placement of merchandise or sample merchandise outside a business for viewing by the public, not for direct sale outside the building.
- **Sample Merchandise** – Representative items sold inside the business and displayed temporarily outside during business hours.
- **Merchandise Intended for Outdoor Use or Décor** – Items designed for outdoor function or decoration, such as furniture, planters, statuary, or yard ornaments.
- **Green Space** – Any landscaped, grassed, or pervious area on a property, excluding paved, gravel, or concrete surfaces.
- **Display Area** – The portion of the property designated for placement of sample or outdoor merchandise in accordance with this ordinance.
- **Display Density** – The maximum number of display items permitted within a defined area of green space, as specified in Section B.
- **Temporary Decorative Support** – A removable, non-structural fixture used to display sample merchandise, such as a bench, barrel, crate, or shelf that is designed for decorative or aesthetic use.
- **Building Wall** – The exterior face of the principal building on the lot that encloses interior space and is visible from a public right-of-way or customer entrance.
- **Customer Entrance** – Any primary door or entryway through which customers access the interior sales area of a business.
- **Mannequin** – A torso-only or partial human form used for displaying apparel or accessories. Full-body mannequins are not permitted.
- **Right-of-Way** – Any public street, sidewalk, trail, or other area maintained for public travel under Town jurisdiction.
- **Business License** – A valid Town of Gibraltar business license issued for the current calendar year under applicable Town Code.

Guidelines for the Outdoor Display of Samples of Merchandise Sold Inside Your Business

- Merchandise that you display outside must be representative samples of merchandise that you sell inside your building.
- The designated space where your samples of merchandise can be displayed may occupy an area that is within 3 feet of one wall of your building and is 1/3 or less of the length of that wall. Porches, decks and patios may be used for your outdoor display.
- Your outdoor display of sample merchandise should not infringe on the safe ingress or egress path that you maintain for customers entering and exiting your business based on NFP fire recommendations of 4 feet.
- Your outdoor display of sample merchandise may not be located on sidewalks, trails, or within the Town's road right of way.
- Your outdoor display of sample merchandise may have 2 mannequins to display clothing and/or accessories. No full body mannequins are allowed.
- Your sample merchandise may be displayed on temporary, removeable decorative supports such as shelves and benches. Packing cartons, cardboard boxes, bins, folding tables or similar supports are prohibited.
- Your sample merchandise and all temporary supports used to display your sample merchandise must be removed every day at the end of your business hours.
- Racks on which clothing or other goods are hung on hangars are prohibited
- No outdoor display of sample merchandise shall contain lighting either in front, in back or within the display. No power cords, extension cords, or lines shall be allowed to provide power to the display. Merchandise that has its own self powered lighting is allowed.
- Items that flash or spin are prohibited from your outdoor display.
- Signs are prohibited on your outdoor display.
- All sales of merchandise must take place inside your business.

Guidelines for the Outdoor Display of Merchandise Intended for Outdoor Use or Décor

- Samples of merchandise intended for outdoor use or décor may be displayed outside anywhere in the green space of your property and left outside overnight provided the density of the display is one item for every 4 square feet of your green space or less. Green space does not include gravel, concrete or paved surfaces
- Merchandise that is too large (5ft or more) to show inside your building may be displayed outside anywhere in your green space and left outside overnight provided the density of the display is one item for every 100 sq. ft of your green space or less.

Exemptions to the Outdoor Display of Sample Merchandise Ordinance:

If the Town of Gibraltar authorizes an event such as a sidewalk sale or an inside/outside sale, the rules of this ordinance will still apply unless altered for the event by the Town Board. An exemption to the density requirement of this ordinance will be granted to the owner of a business operating with a up to date Town of Gibraltar Business License on the day the ordinance goes into effect. The exemption will be null and void when the owner no longer operates or owns the business.

Governance

The Town of Gibraltar is the governing agency for this Outdoor Display of Merchandise Ordinance. On your business license you are required to indicate if you will be using an outdoor display of sample

merchandise in the calendar year. All businesses that display samples of merchandise outside the building that houses their business will be required to comply with this ordinance by April 15, 2025. The Town police officer or designee is granted authority to enforce this ordinance. The Town Board reserves the right to suspend or revoke any business license that is not in compliance to this ordinance.

Penalties

Any person who shall violate any provision of this ordinance shall be subject to a forfeiture of no less than \$50.00 and no more than \$500.00, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County jail until said forfeiture is paid, but not to exceed thirty days. The fee for this ordinance will be set by the Town Board and be part of the Town of Gibraltar fee schedule.

Enforcement

Enforcement of this ordinance shall be first by citation, followed, if necessary, by suspension and if further necessary by revocation of your business license.

Severability

If any part of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Adopted by the Town Board of Gibraltar on September 4, 2024, and executed in final form this 4 day of October, 2025.

Steven Sohns Town Chairman 

Approved: AYE 4 NAY 1

Attested:

Laura Reetz
Town of Gibraltar Clerk



