

CHAPTER 35

STREET GRAPHICS CONTROL CODE

ARTICLE I - GENERAL PROVISIONS

35-1-1 **SCOPE.** This Code shall be known, referred to and cited as the "Street Graphics Control Code".

35-1-2 **PURPOSE.** In accordance with State law (**Ill. Rev. Stat., Ch. 24, Sec. 11-80-14 through 11-80-17; Chap. 24, Sec. 11-13-1 et seq.; Chap. 121, Sec. 501 et seq.**), this street graphics control code establishes comprehensive regulations for the control of signs and other street graphics in order to preserve, protect, and promote the public health, safety, and general welfare. More specifically this street graphics control code is intended to assist in achieving the following objectives:

- (A) To authorize the use of street graphics which are:
 - (1) compatible with their surroundings and the zoning district in which they are located;
 - (2) expressive of the image this municipality desires to project;
 - (3) appropriate to the type of establishment or activity to which they pertain; and
 - (4) legible in the circumstances in which they are seen.
- (B) To foster high quality commercial and industrial development, and to enhance the economic vitality of existing businesses/industries by promoting the reasonable, orderly, and effective display of street graphics;
- (C) To encourage sound street graphics display practices, and to mitigate the objectionable effects of competition in respect to the size and placement of street graphics;
- (D) To enhance the physical appearance of this municipality by protecting the man-made and natural beauty of the area;
- (E) To protect pedestrians and motorists from any damage or injury that might result from the improper construction, placement, or use of street graphics;
- (F) To protect the public investment in streets and highways by reducing the obstructions and distractions which might cause traffic accidents;
- (G) To preserve the value of private property by assuring the compatibility of street graphics which nearby land uses; and
- (H) To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.

35-1-3 **JURISDICTION.** This street graphics control code shall be applicable within the Village of Bethalto.

35-1-4 **INTERPRETATION.** Every provision of this street graphics control code shall be construed liberally in the favor of this municipality, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance or regulation, the more stringent requirement shall prevail.

35-1-5 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See "Local Governmental and Governmental Employees Tort Immunity Act," **Ill. Rev. Stat., Ch. 85, Sec. 1 through 101.**)

(B) Any suit brought against any officer, board member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

ARTICLE II

DEFINITIONS

35-2-1 **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this ordinance, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meaning respectively ascribed to them in **Section 35-2-2**; terms not defined in **Section 35-2-2** shall have the meanings respectively ascribed to them in the Zoning Ordinance of this municipality; if any term is not defined either in **Section 35-2-2** or in the Zoning Ordinance, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

- (D) Words used in the singular number shall include the plural number, and the plural the singular.
- (E) The word "shall" is mandatory; the word "may" is discretionary.
- (F) The terms "this municipality" shall mean the Village of Bethalto, Illinois.
- (G) The word "person" means any individual, firm, association, or corporate body.
- (H) All distances shall be measured to the nearest integral foot; six (6) inches or more shall be deemed one (1) foot.
- (I) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

35-2-2 SELECTED DEFINITIONS.

“ADMINISTRATOR”: The Zoning Administrator/Code Enforcement Officer of this municipality or his duly authorized representative.

“ALTER”: To change the size, shape, height, or other similar characteristics of a street graphic.

“AMENDMENT”: A change in the provisions of this ordinance, properly affected in accordance with the procedures set forth herein.

“AMORTIZATION”: The elimination of nonconforming street graphics over time in accordance with the procedures set forth herein.

“APPEAL”: A procedure whereby any person aggrieved by any decision of the Administrator in any matter related to the interpretation or enforcement of this ordinance may seek relief from the Village Board of Trustees.

“AWNING”: Any rooflike structure made of cloth, metal, or other material attached to a building and erected over a window, doorway, etc. in such a manner as to permit its being raised or retracted to a position against the building when not in use.

“BILLBOARD”: Any single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display or messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.

“BUSINESS AND/OR INDUSTRIAL PARK SIGN”: Any sign identifying a building or group of buildings that is under single ownership or control, that provides common off-street parking facilities, that provides common purpose of business and/or industrial enhancements and that is occupied by two or more business and/or industrial establishments.

“CANOPY”: A rooflike structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

“CHANGEABLE COPY SIGN”: A sign which has provision for changing the message thereon either manually or electronically.

“CORRECTIVE ACTION ORDER”: A legally-binding order to effect compliance with this ordinance, issued by the Administrator in accordance with the procedures set forth herein.

“ESTABLISHMENT”: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

- (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole, and
- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

“FLUSH-MOUNTED SIGN”: Any sign attached to or erected, against any wall, awning, canopy, or marquee with the exposed face of said sign in a place approximately parallel to the plane of the wall, etc. and not projecting more than **eighteen (18) inches**. Signs painted directly on any exterior wall shall not be considered flush-mounted signs.

“FREESTANDING SIGN”: Any sign supported by one or more uprights, poles, or braces placed in or upon the ground in a permanent manner.

“FRONTAGE”: The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting public parking area if the lot has no street frontage.

“LOT”: Any tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. The term "lot" may or may not be synonymous with "lot of record".

“MARQUEE”: Any canopy made of durable materials that is a permanent fixture of the building to which it is attached.

“MESSAGE”: A communication of identification or advertising information visually perceived. Said communication may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

“MOBILE/PORTABLE MARQUEE”: A term commonly used to mean any street graphic not designed to be permanently attached to a building or part thereof or to be anchored to the ground. Such street graphics primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard, or canvas signs wrapped around supporting poles; etc.

“NONCONFORMING STREET GRAPHIC”: Any street graphic which existed on the effective date of this ordinance (or amendment thereto), but which does not comply with the regulations set forth therein.

“OFF-PREMISES ADVERTISING SIGN”: See "billboard".

“PREMISES”: Any lot plus all the structures and uses thereon.

“PROJECTING SIGN”: Any sign which is supported by an exterior wall of a building or suspended beneath any awning, canopy, or marquee with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc., and projecting more than **eighteen (18) inches**.

“RECONSTRUCT”: To move a street graphic after it has been damaged or destroyed.

“RELOCATE”: To move a street graphic to another portion of the premises or to different premises.

“ROOF LINE”: The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, on the side of the building where the street graphic is located.

“ROOF-MOUNTED SIGN”: Any sign erected or maintained on the roof of any building, excepting mansard roof.

“SHOPPING CENTER IDENTIFICATION SIGN”: Any sign identifying a building or group of buildings that is under single ownership or control, that provides common off-street parking facilities, and that is occupied by two or more retail sales establishments.

“SIGN”: Any object, device, display, or structure or part thereof that is used to advertise, identify, display, or attract attention to any object, person, institution, organization, business, project, service, or event related to the premises on which the sign is situated by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

“SIGN AREA”: The area of the one imaginary square or rectangle that would completely enclose all parts of a sign including the background.

“SIGN AREA ALLOWANCE”: The total of the areas of all signs which a particular establishment is permitted to display under the terms of this ordinance.

“SPECIAL STREET GRAPHIC PERMIT”: A permit issued by the Council/Board of Trustees in accordance with the provisions of this ordinance to regulate the design and placement of street graphics in areas of special controls.

“STREET GRAPHIC”: Any on-premises identification or advertising sign, or any billboard or off-premises advertising sign, visible from the public right-of-way or from any parking area used by the general public.

“STREET GRAPHIC PERMIT”: A permit issued by the Administrator to regulate the erection, expansion, alteration, relocation, or reconstruction of street graphics in all parts of this municipality except in areas of special controls.

“STREET FRONTAGE”: See "frontage".

“VARIANCE”: A relaxation of the requirements of this ordinance that are applicable to a particular street graphic.

“WINDOW SIGN”: A sign visible from the exterior of a building which is painted on, affixed to, or suspended immediately behind a window. A permanent window sign is one that is intended to remain on display for **thirty (30) days** or more; a temporary window sign is one that is intended to remain on display for a shorter time period.

ARTICLE III

GENERAL STREET GRAPHICS REGULATIONS

35-3-1 **GENERAL PROHIBITION.** Any sign or other street graphic not expressly permitted by this ordinance shall be deemed prohibited in this municipality.

35-3-2 **CALCULATION OF SIGN AREA.** The area of every sign shall be calculated as follows:

(A) If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.

(B) If a sign consists of individual letters, parts, or symbols, the area of the one imaginary square or rectangle which would completely-enclose all the letters, parts, or symbols shall be deemed the sign area.

(C) In calculating sign area, only one side of any double-faced sign shall be counted.

(D) The area of signs of unusual shapes--such as globes, cylinders, or pyramids--shall be computed as one-half of the total of the exposed surfaces.

35-3-3 **SIGN AREA ALLOWANCE.**

IMPORTANT: Within the limitations and restrictions as further provided in this ordinance, the total of the areas of all signs which a particular establishment is permitted to display shall be computed according to the following formula:

Two (2) square feet of sign area per one (1) foot of lineal street frontage.

Provided, that no establishment in any zoning district shall display more than **three hundred (300) square feet** of signs.

35-3-3.1 **SPECIAL SITUATIONS.**

(A) If any establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this ordinance. However, the sign area allowances shall not be aggregated so as to allow any such establishment to display on any one frontage a greater area of signs than this Section would otherwise permit.

(B) The side of an establishment adjacent to an off-street parking area shall be deemed frontage.

(C) Notwithstanding (A) and (B) above, no establishment shall display more than the maximum allowance under **Section 35-3-3** above.

35-3-4 **MOVEMENT PROHIBITED.** No sign or other street graphic shall revolve, rotate, or mechanically move in any manner.

35-3-5 **ILLUMINATION.**

- (A) Only which light is permitted in residential zoning districts.
- (B) No red, yellow, green, or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.
- (C) No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color; provided, that this provision shall not apply to any message on any electronically-operated changeable copy sign. Beacon lights and illumination by flame are prohibited.
- (D) The light from any illuminated sign or other street graphic shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.
- (E) No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds **fifteen (15) watts**, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.

35-3-6 **STREET GRAPHICS NOT TO BE HAZARDOUS.**

- (A) No sign or other street graphic shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.
- (B) No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic signs, signal, or device. Accordingly, no street graphic shall contain the words "stop", "go", "caution", "danger", "warning", or similar words. (See also, **Section 35-3-5(B).**)

35-3-7 **STRUCTURAL AND MAINTENANCE REQUIREMENTS.**

- (A) Every sign or other street graphic shall be designed and constructed in conformity with the applicable provisions of the Building Code.
- (B) The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of the Electrical Code.
- (C) Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner. The street graphic supports shall be kept painted/treated to prevent rust or deterioration.

ARTICLE IV

REGULATIONS BASED ON TYPE OR LOCATION OF STREET GRAPHICS

35-4-1 **STRICTLY PROHIBITED STREET GRAPHICS.** The following street graphics are strictly prohibited everywhere in this municipality: (except as provided for in **Section 35-5-2** of this ordinance)

- (A) Mobile/Portable Marquees.
- (B) Strings or light bulbs, spinners, and similar street graphics.
- (C) Signs attached to trees, fences, or public utility poles, other than warning signs issued by public utilities.
- (D) Defunct Signs, including the posts or other supports therefor, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

35-4-2 **PERMITTED STREET GRAPHICS.** Every sign or other street graphic enumerated below that complies with the indicated requirements may be erected in any zoning district of this municipality without a permit. The area of said sign/street graphics shall not be debited against the displaying establishment's sign area allowance.

(A) Construction Signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed **thirty-two (32) square feet** in area, shall be (confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) Directional and Information Signs erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed **three (3) square feet** in area.

(C) Flags of any country, state, or unit of local government. (**III. Rev. Stat., Ch. 24, Sec. 11-80-17**)

(D) Garage Sale Signs advertising a garage or yard sale on private residential property. Such signs shall not exceed **two (2) square feet** in area, and shall not be posted for longer than **three (3) days**.

(E) Governmental or Public Signs, such as traffic control signs, railroad crossing signs, legal notices signs indicating the location of underground cables, etc.

(F) Holiday Decorations such as Christmas lights and ornaments, provided that such decorations must be removed within a reasonable time after the holiday.

(G) Home Occupation Signs identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated and shall not exceed **four (4) square feet** in area.

(H) House Numbers and/or Name of Occupant Signs located on the lot to which the sign pertains. Such signs shall not exceed **three (3) square feet** in area for single-family dwellings nor **six (6) square feet** for multiple-family dwellings.

(I) Institutional Signs for a public, charitable, or religious institution. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet** in area. Directional institutional signs may be placed elsewhere, but shall not exceed **four (4) square feet** and shall not obstruct the vision of motorists.

(J) Integral Signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(K) Interior Signs located in the interior of any buildings or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of said buildings.

(L) Political Campaign Signs, announcing candidates seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property. Political campaign signs shall not exceed **sixteen (16) square feet** in area. Political campaign signs shall be removed within **three (3) days** after the election to which they pertain.

(M) Property Regulations Signs such as no trespassing, no hunting, no fishing, etc. Such signs shall not exceed **three (3) square feet** in area.

(N) Public Interest Signs publicizing a charitable or non-profit event of general public interest. Such signs shall not exceed **thirty-two (32) square feet**. Public interest sign shall be permitted only for **fourteen (14) days** before and **three (3) days** after the event.

(O) Real Estate Signs indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed **eight (8) square feet** in area; on other property such signs shall not exceed **thirty-two (32) square feet**. Not more than one real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** after the sale, rental or lease.

(P) Residential Development Identification Structures at major entrances designed to identify a residential subdivision, apartment complex, or planned unit development; containing no commercial advertising; and not exceeding **forty (40) square feet** in area.

(Q) Street Banners advertising a public entertainment or event. Such banners may be placed only in locations approved by the Village Board of Trustees during the period **fourteen (14) days** before and **three (3) days** after the event. (**Ill. Rev. Stat., Ch. 24, Sec. 11-80-17**)

(R) Utility Company Signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

35-4-3 RESIDENTIAL DISTRICTS. Upon the effective date of this ordinance, no signs, or other street graphics except those listed in **Section 35-4-2** shall be erected in any residential district.

35-4-4 COMMERCIAL, BUSINESS, INDUSTRIAL DISTRICTS. No establishment located in any commercial, business or Industrial District shall display a total area of signs in excess of its sign area allowance. (**See Section 35-3-3**). Additionally, signs in any commercial, business or Industrial District shall conform to the requirements indicated in the subsections below.

35-4-4.1 FLUSH-MOUNTED SIGNS. For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in this municipality. No flush-mounted sign shall:

(A) project more than **eighteen (18) inches** from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); or

(B) extend more than **three (3) feet** above the roof lines of the building to which it is attached.

35-4-4.2 PROJECTING SIGNS. No establishment in any zoning district shall display more than **one (1) projecting** sign on any street front. No projecting sign shall:

(A) project more than **three (3) feet** from the building to which it is attached; or

(B) extend more than **three (3) feet** above the roof line of the building to which it is attached; or

(C) project over public property or closer than **two (2) feet** to the curb or edge of any vehicular way; or

(D) extend below a point **eight (8) feet** above the ground or pavement; or

(E) extend above a point **twelve (12) feet** above the ground or pavement.

35-4-4.3 **SIGNS ON AWNINGS, CANOPIES, OR MARQUEES.** Signs mounted flush against any awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with regulations of **Subsection 35-4-4.1**. Signs suspended beneath any awning, canopy or marquee shall be considered projecting signs, and shall comply with the regulations of **Subsection 35-4-4.2**.

35-4-4.4 **WINDOW SIGNS.** Any establishment may display window signs. Neither permanent window signs nor temporary window signs shall be debited against the displaying establishment's sign area allowance.

35-4-4.5 **PAINTED SIGNS.** Any establishment may display signage painted directly on any exterior wall. Signage painted directly on any exterior wall shall be debited against the displaying establishment's sign area allowance.

35-4-4.6 **SHOPPING CENTER IDENTIFICATION SIGNS.** A shopping center, as an entity, may erect **one (1) identification sign** per entrance from a public roadway (subject to limitations referenced below) in accordance with provisions of this ordinance if the total gross floor area of all of the establishments located in the center exceeds **fifty thousand (50,000) square feet**. A shopping center, as an entity, shall not erect more than one identification sign per each quantity of **fifty thousand (50,000) square feet** gross floor area of establishments. A shopping center identification sign shall not exceed **two hundred (200) square feet** in area.

35-4-4.7 **BUSINESS AND/OR INDUSTRIAL PARK SIGNS.** A business park and/or an industrial park, as an entity, may erect one identification sign per entrance from a public roadway in accordance with the provisions of this ordinance if the total gross floor area of all establishments located in the business park and/or industrial park exceeds **fifty thousand (50,000) square feet**. A business park and/or an industrial park, as an entity, shall not erect more than one identification sign per each quantity of **fifty thousand (50,000) square feet** gross floor area of establishments. A business park and/or industrial park identification sign shall not exceed **two hundred (200) square feet** in area.

35-4-4.8 **FREESTANDING SIGNS.** Not more than **one (1) freestanding sign** shall be displayed on any street front of any lot.

All freestanding signs shall comply with the following regulations:

(A) No part of any freestanding sign shall intrude into or project over any public right-of-way.

(B) No freestanding sign shall exceed **two hundred (200) square feet** in area or **fifteen (15) feet** in any dimension.

(C) When attached to a post or other supports, the top edge of a freestanding sign shall not extend more than **forty (40) feet** above the ground or pavement.

35-4-4.9 **ROOF-MOUNTED SIGNS.** Not more than **one (1) roof-mounted sign** shall be displayed on any establishment. All roof-mounted signs shall comply with the following regulations:

(A) No part of any roof-mounted sign shall be higher than the peak of the section of roof upon which it is mounted.

35-4-4.10 **TEMPORARY ANNOUNCEMENT SIGNS.** Any establishment may display **one (1) mobile/portable marquee** for the purpose of grand opening announcement or other special occasion announcement provided that the establishment will be entitled to **one (1) signage permit** per every calendar year. The length of the permit shall be for **one (1) continuous period** no greater than **thirty (30) days**.

35-4-4.11 **BILLBOARDS.** Billboards (including all off-premises advertising signs) are strictly prohibited everywhere in this municipality.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

35-5-1 **ENFORCEMENT OFFICER, DUTIES.** The Zoning Administrator/Code Enforcement Officer referred to herein as the Administrator, is hereby authorized and directed to administer and enforce the provisions of this ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review and pass upon applications of street graphic permits;
- (B) To inspect existing and newly constructed street graphics to determine compliance with this ordinance, and where there are violations, to initiate appropriate corrective action;
- (C) To review and forward to the Village Board of Trustees all applications for special street graphic permits, variances, appeals, and amendments;
- (D) To maintain up-to-date records of said applications and of any official actions taken pursuant thereto;
- (E) To periodically review the provisions of this ordinance to determine whether revisions are needed, and to make recommendations on these matters to the Village Board of Trustees.
- (F) To provide information to the general public on matters related to this ordinance; and
- (G) To perform such other duties as the Village Board of Trustees may from time to time prescribe.

35-5-2 **STREET GRAPHICS PERMITS.** Upon the effective date of this ordinance, no sign, billboard, or other street graphic--except those listed in **Section 35-4-2**--shall be erected, expanded, altered, relocated, or reconstructed without a street graphic permit issued by the Administrator.

35-5-2.1 **APPLICATION.** Every applicant for a street graphic permit shall submit to the Administrator, in narrative and/or graphic form, all of the items of information listed below:

Items of Information:

- (A) name, address, and telephone number of the applicant;
- (B) name and address of the owner of the premises on which the street graphic is to be erected, if different from (A);
- (C) location of the building, structure, or lot where the proposed street graphic is to be erected, and the zoning district classification of said premises;

- (D) description of the proposed street graphic indicating proposed location, dimensions, area, overall height, illumination, and method of support/attachment;
- (E) relationship of the proposed street graphic to nearby traffic control devices;
- (F) amount of street frontage that the establishment which proposes to display the street graphic has, and the total area of all existing signs on said premises; and
- (G) such other information as the Administrator shall reasonably require to determine full compliance with this ordinance.

See also, **Section 35-5-8**, "Schedule of Fees".

35-5-2.2 **INSURANCE REQUIREMENTS.** The Administrator shall not issue a permit for any street graphic which is so located that it might fall upon the public right-of-way until the applicant has obtained a liability insurance policy covering all damages or injuries which might be caused by such an event. The insurance policy shall have liability limits of not less than **Three Hundred Thousand Dollars (\$300,000.00)** for property damage and **Five Hundred Thousand Dollars (\$500,000.00)** for personal injuries. This municipality, its officers, agents and employees shall be named as additional parties insured. The applicant shall be responsible for keeping said policy in force.

35-5-3 **NONCONFORMING STREET GRAPHICS.** A "nonconforming street graphic" means any lawfully erected sign, billboard, or other street graphic that does not conform to one or more provisions of this Code or any amendment hereto.

35-5-3.1 **RESTRICTIONS.** A nonconforming street graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs until the amortization period has elapsed, but shall not be:

- (A) altered or enlarged in such a way as to increase its nonconformity;
- (B) replaced by another nonconforming street graphic which includes changing of the name, identity or services offered by the business establishment by means of a remanufacturing, retrofitting, relettering or repainting process on the street graphic (provided that changing the message on a changeable copy sign shall not be deemed a violation of this provision).

[For illustrative purpose only note the following:

If A & B Chicken Palace, as a business establishment, is sold from party 1 to party 2, who continues A & B Chicken Palace, the street graphic is allowed to remain as a nonconforming

street graphic; but if A & B Chicken Palace is changed by party 1 to XYZ Laundromat or sold by party 1 to party 2, who changes to XYZ Laundromat, such change in street graphic would not qualify as a nonconforming street graphic];

(C) relocated unless it is made to conform with this ordinance; or

(D) reconstructed after incurring damage in an amount exceeding **fifty percent (50%)** of its market value at the time of loss as determined by the Administrator.

Provided, that whenever any street graphic is nonconforming solely because it is appurtenant to a nonconforming commercial/business/industrial use located in a Non-Urban District or in any residential district (see **Section 35-4-3**), the Administrator shall apply paragraphs (B), (C) and (D) above only to the extent necessary to achieve compliance with the regulations applicable to street graphics appurtenant to commercial/business/industrial uses located in any commercial/business or Industrial District. **(See Sec. 35-4-4 et seq.)**

35-5-3.2 AMORTIZATION.

(A) Any street graphic that is nonconforming on the effective date of this ordinance because it violates one or more of the following sections shall be removed or made to comply with said section within the time limit indicated below:

<u>Section Number</u>	<u>Time Limit</u> (commencing on effective date of ordinance)
35-3-4, 35-3-5, 35-3-6, 35-3-7 35-4-1(B)(C) and (D)	Ninety (90) days

35-4-1(A)	One (1) year

35-4-3 Plus any street graphic not enumerated above that projects into or over any public right-of-way	Three (3) years

35-4-4 and all other sections	No Time Limit

Provided, that any street graphic which would be conforming but for the fact that it is appurtenant to a nonconforming commercial/business/industrial use located in a Non-Urban District or in any residential district shall be exempt from amortization.

(B) Any street graphic becomes nonconforming because of any amendment to this Code shall either be removed or made to comply with the provisions of said amendment within **five (5) years** after its effective date.

35-5-4 **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any street graphic is in violation of this ordinance, he shall so notify the responsible party, and shall order appropriate corrective action.

Provided, that this notice requirement shall not apply whenever the Administrator determines that any street graphic poses an imminent peril to life or property.

35-5-4.1 **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A) a description of the premises sufficient for identification;
- (B) a statement indicating the nature of the violation;
- (C) a statement of the remedial action necessary to effect compliance;
- (D) corrective action must be taken fifteen **(15) days** after receipt of corrective action order;
- (E) a statement that the alleged violator is entitled to conference with the Administrator if he so desires;
- (F) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
- (G) a statement that failure to obey a corrective action order shall result in revocation of the street graphic permit, and may result in remedial action by this municipality and/or the imposition of a fine.

35-5-4.2 **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner of the offending street graphic if it is:

- (A) served upon him personally;
- (B) sent by registered mail to his last known address; or
- (C) posted in a conspicuous place on or about the affected premises.

35-5-5 **REMEDIAL ACTION BY MUNICIPALITY.** Whenever the recipient of a corrective action order fails to obey said order within the time limit set forth therein, or in an emergency, the Administrator may alter/remove the offending street graphic or take any other action necessary to effect compliance with this ordinance.

35-5-5.1 **REIMBURSEMENT FOR COSTS.** Any expense incurred by this municipality pursuant to authorized street graphic remedial action shall be billed by first class mail to the owner of the offending street graphic. If said bill has not been paid within **thirty (30) days**, the unpaid charge shall constitute a lien upon the real estate where the street graphic is located. The Municipal Attorney is hereby authorized to file a Notice of Lien in the office of the Recorder of Deeds of Madison County, Illinois, to foreclose this lien, and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses incurred pursuant to collection efforts including litigation expenses, plus reasonable attorneys' fees to be fixed by the court.

35-5-6 **COMPLAINTS.** Whenever any violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and if he deems necessary, initiate appropriate corrective action.

35-5-7 **PENALTIES.**
(A) Any person who is convicted of a violation of this ordinance shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**, plus costs. Each day that a violation continues shall be considered a separate offense.
(B) Nothing contained in this Section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this ordinance.

35-5-8 **SCHEDULE OF FEES.** All fees indicated in tabular form below shall be paid to the Village Clerk. Said fees are intended to defray the administrative costs with the processing/conducting of the listed permits/procedures; they do not constitute a tax or other revenue-raising device.

<u>PERMIT/PROCEDURE</u>	<u>FEE</u>
Sign Permit	Temporary Sign - \$20.00 1-100 sq. ft. signage - \$30.00 101-200 sq. ft. signage - \$40.00 201-300 sq. ft. signage - \$50.00
Appeal	\$100.00
Variance	\$100.00
Amendment	\$100.00

(Ord. No. 2001-08; 02-05-01)

In addition to the above referenced fees, applicant shall also be responsible for publication costs which shall be paid in full prior to any scheduled hearing.

ARTICLE VI

APPEAL, VARIANCES, AND AMENDMENTS

35-6-1 **APPEALS.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this ordinance may appeal to the Village Board of Trustees.

5-6-1.1 **FILING, STAY OF FURTHER PROCEEDINGS.** Every appeal shall be made within **thirty (30) days** of the matter complained of by filing with the Administrator a written notice specifying the grounds for appeal. Thereupon, the Administrator shall promptly transmit all pertinent records to the Village Board of Trustees.

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Village Board of Trustees, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life of property. In such case, further action shall not be stayed unless the Village Board of Trustees or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

See also, **Section 35-5-8**, "Schedule of Fees".

5-6-1.2 **PUBLIC HEARING, NOTICE.** The Village Board of Trustees shall hold a public hearing on every appeal no later than **forty-five (45) days** after the filing of the appeal notice. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by first class mail to the party or entity filing the appeal; and
- (B) by publication in a newspaper of general circulation within this municipality.

35-6-1.3 **DECISION BY THE VILLAGE BOARD OF TRUSTEES.** The Village Board of Trustees shall render a decision on the appeal no later than their next regularly scheduled meeting following the Public Hearing. By simple majority vote of all of the members then holding office, the Village Board of Trustees may act, on the appeal to the extent and in the manner that they deem appropriate.

35-6-2 **VARIANCES.** A variance is a relaxation of the requirements of this ordinance that are applicable to a particular street graphic.

35-6-2.1 **APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Village Board of Trustees. The application shall contain sufficient information to allow the Board to make an informed recommendation, and shall include, at a minimum, the following:

- (A) name and address of the applicant;
- (B) location of the street graphic for which the variance is sought;
- (C) full and detailed explanation of the grounds for the variance request;
- (D) specific section(s) of this ordinance containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) any other pertinent information that the Administrator may require.

See also, **Section 35-5-8**, "Schedule of Fees".

35-6-2.2 **PUBLIC HEARING, NOTICE.** The Village Board of Trustees shall hold a public hearing on each variance request within **forty-five (45) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by first class mail to the party or entity filing the appeal; and
- (B) by publication in a newspaper of general circulation within this municipality.

35-6-2.3 **DECISION BY THE VILLAGE BOARD OF TRUSTEES.** The Village Board of Trustees shall render a decision on a variance no later than their next regularly scheduled meeting following the Public Hearing. The Board may grant a variance passed by simple majority vote of all the members then holding office. In a separate statement accompanying any such ordinance, the Board shall state their finding of fact, and indicate their reasons for granting or denying the requested variance.

35-6-2.4 **STANDARDS FOR VARIANCES.** The Village Board of Trustees shall not grant any street graphic variance unless, based upon the evidence presented to them they determine that:

- (A) the proposed variance is consistent with the spirit and purpose of this ordinance, and will not cause injury to the area in which the street graphic is/will be located or be detrimental to the public welfare in any way; and

- (B) strict application of the requirements of this ordinance would result in great practical difficulties or hardship to the applicant; and
- (C) the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship while protecting the broader public interest; and
- (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
- (E) in cases involving "areas of special control," granting the proposed variance will not result in the maintenance or erection of a street graphic that is inharmonious with the special characteristics of such area; and
- (F) the peculiar circumstances engendering the variance request are not applicable to other street graphics in the vicinity, and therefore, that a variance would be more appropriate remedy than an amendment.

35-6-3 **AMENDMENTS.** The Village Board of Trustees may amend this ordinance in accordance with the provisions of the subsections below. Amendments may be proposed by the Village Board of Trustees, the Administrator, the Zoning Board of Appeals, the Municipal Planning Commission, or any party in interest.

35-6-3.1 **FILING.** Every proposal to amend this ordinance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said proposal, together with any comments or recommendation he may wish to make to the Village Board of Trustees for a public hearing.

See also, **Section 35-5-8**, "Schedule of Fees".

35-6-3.2 **PUBLIC HEARING, NOTICE.** The Village Board of Trustees shall hold a public hearing on every amendment proposal within **forty-five (45) days** after said proposal has been submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by first class mail to the party or entity filing the appeal; and
- (B) by publication in a newspaper of general circulation within this municipality.

35-6-3.3 **DECISION BY THE VILLAGE BOARD OF TRUSTEES.** The Village Board of Trustees shall act on every proposed amendment no later than their next regularly scheduled meeting following the public hearing. By simple majority vote of all the members then holding office, the Board may either pass the proposed amendment or reject the proposed amendment.

(Ord. No. 91-18; 10-7-91)