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Chapter 6 - ADVERTISING<sup>[1]</sup>

Footnotes:

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**Cross reference**— Businesses, ch. 26; advertising benches and bus shelters, § 82-201 et seq.

**State Law reference**— Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq.

#### ARTICLE I. - IN GENERAL

##### Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Obscene.* Any material or performance is obscene if:

- (1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;
- (2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) Taken as a whole, it lacks serious literary, artistic, political or scientific value.

**Cross reference**— Definitions generally, § 1-2.

Secs. 6-2—6-30. - Reserved.

#### ARTICLE II. - HANDBILLS

##### Sec. 6-31. - Penalty for violation.

Any person violating this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 or more than \$750.00 for each offense.

(Code 1958, § 3-7; Ord. No. 9-61, 6-5-1961; Ord. No. 34-96, § 1, 3-12-1996)

##### Sec. 6-32. - Classification of printed materials.

For convenience, there are designated classes of printed material as follows:

- (1) *First class printed matter.* Printed matter of the first class includes religious, political and literary handbills, cards, circulars, sheets, pamphlets and other printed matter of like character and nature.
- (2) *Second class printed matter.* Printed matter of the second class includes mercantile, advertising handbills, card circulars, sheets, pamphlets, shopping news and other printed matter of a like character and nature.
- (3) *Third class printed matter.* Printed matter of the third class includes all other circulars and literature such as obscene, lewd, immoral and destructive circulars and literature of a like nature.

(Ord. of 6-19-1940, § 1; Code 1958, § 3-1)

##### Sec. 6-33. - Scope and construction of article.

(a) Nothing contained in this article shall be construed as interfering with or legislating against newspapers, magazines, pamphlets, periodicals and other printed matter transmitted and delivered through the following:

- (1) United States mail.

- (2) Parcel post system.
  - (3) Carriers to the premises of persons who have previously given written permission to do so.
  - (4) Circulation or distribution of newspapers sold by the copy or by subscription or sample copies of such newspapers.
- (b) The posting of legal notices of the department of police, election notices and all notices authorized by law shall be excluded from the operation of this article.
- (c) Nothing in this article shall be construed as interfering with or legislating against billboards and signs and sign advertising where the parties have lawfully entered into a contract or have obtained consent of the owner of the premises to carry on such business and engage in such activity, or the posting of billboards and signs under article III of this chapter.

(Ord. of 6-19-1940, §§ 7—9; Code 1958, § 3-2; Ord. No. 8-61, 6-5-1961)

Sec. 6-34. - First class printed matter.

- (a) *Distribution; scattering in certain places.* First class printed matter, intended to disseminate knowledge, intelligence and education, may be distributed, passed out and circulated freely within the town, subject to the following: Such handbills, cards, circulars, sheets, pamphlets and other printed matter may be distributed by hand and delivered to persons (who shall, respectively, be called receivers and acceptors if they accept such), but in no case shall such handbills, cards, circulars, sheets, pamphlets and other printed matter referred to be dropped loosely or scattered by the distributor, receiver or acceptor in and upon any squares, streets, alleys, parks, public grounds or in public buildings so as to litter the squares, streets, alleys, parks, public grounds and public buildings. However, at meetings, assemblages and gatherings; educational, religious, political and literary and business or mercantile demonstrations and exhibitions; circuses; shows; theaters; and business places, such printed matter may be passed around freely in and around the premises to persons attending such affairs and upon the premises.
- (b) *Conduct inciting breach of peace or congestion in public places.* The distributors and circulators of first class printed matter, by their conduct and actions in the distribution and circulation of such, shall not disturb the peace or cause a riot and shall not blockade, obstruct or congest any streets, alleys, sidewalks or public places that are crowded with vehicles and pedestrians so as to interfere with the flow of traffic on such streets, alleys, sidewalks or public places and so as to interfere with the free passage of pedestrians on such streets, alleys, sidewalks, and public places nor shall such distributors and circulators, receivers and acceptors of such printed matter throw, drop or scatter about such handbills, circulars, pamphlets and other printed matter so as to litter such streets, alleys, sidewalks and public places.
- (c) *License exemption.* No license fee of any kind shall be paid and no permission of any kind shall be necessary for the distribution of printed matter of the first class in the town.

(Ord. of 6-19-1940, §§ 2, 3, 12; Code 1958, §§ 3-3—3-5)

Sec. 6-35. - Littering by commercial advertising matter.

It shall be a nuisance and unlawful littering for any person to circulate or distribute or cause to be circulated or distributed handbills, circulars or other commercial advertising matter of any kind whatsoever in or upon any street, alley, sidewalk, park or other public place or any yard, vestibule, porch, hall, letterbox or other private property within the town.

(Ord. No. 9-61, 6-5-1961; Code 1958, § 3-6)

**Cross reference—** Businesses, ch. 26; solid waste, ch. 78.

Sec. 6-36. - Unlawful distribution of certain printed matter.

It shall be unlawful and it is prohibited for any person to distribute, circulate, possess, pass out, deliver and deposit any obscene or lewd literature whatsoever; any literature or writing that advocates the destruction of the democratic form of government, the overthrow of the federal constitution or the state constitution, the destruction of the freedom of religion and that advocates any unlawful conduct or the commission thereof; or any other printed matter known as printed matter of the third class at any time or at any place within the town limits.

A minimum fine of \$50.00 and a maximum fine of \$250.00 shall be imposed for violations of this section.

(Ord. of 6-19-1940, § 10; Code 1958, § 3-8; Ord. No. 257-03, § 2, 12-9-2003)

Sec. 6-37. - Distribution.

- (a) *Uninhabited or vacant private premises.* It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any printed matter by any private premises which are uninhabited, vacant and boarded.
- (b) *Posted property.* It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any printed matter upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "no handbills," "no advertisements" or bearing the universal sign for "no" superimposed over the word "handbills" indicating that the occupants of the premises do not desire to have their right of privacy disturbed or to have any such printed matter left upon such premises.
- (c) *Placement on vehicles.* It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any printed matter in or upon any automobile or any other vehicle. This subsection shall not be deemed to prohibit the handing or distributing of any printed matter to the owner or occupant of any automobile or other vehicle who is willing to accept the matter and shall not be deemed to apply to the issuance of any citation, notice or warning distributed, deposited or placed upon any vehicle by the representative of any governmental agency.
- (d) *Preventing litter.* It shall be the responsibility of the distributors of all printed matter, including commercial advertising and newspapers, to take all necessary steps to bag, weight down or otherwise secure the printed matter to prevent it from blowing around and becoming litter on private and public property.
- (e) *Violation.* There shall be a minimum fine of \$50.00 and a maximum fine of \$150.00 for all violations of this section.

(Code 1958, § 3-9; Ord. No. 35-96, § 1, 3-12-1996; Ord. No. 36-96, § 1, 3-12-1996; Ord. No. 37-96, § 1, 3-12-1996; Ord. No. 93-96, § 1, 7-9-1996; Ord. No. 94-96, 7-9-1996; Ord. No. 84-04, § 2, 4-13-2004)

Secs. 6-38—6-65. - Reserved.

ARTICLE III. - BILLPOSTING, SIGN AND BULLETIN PAINTING AND BANNER TACKLING

Sec. 6-66. - Exemptions.

Nothing in this article shall be construed to apply to the posting of legal notices by public officers and attorneys in the manner and in the places prescribed by law nor to the circulation and distribution by any merchant of advertisements of his own business nor to the right of any daily newspaper to distribute its papers throughout the town.

(Ord. of 10-20-1919, § 10; Code 1958, § 3-19)

Sec. 6-67. - License

- (a) *Required.* No person shall engage in or carry on the business or occupation or billposting, sign and bulletin painting, and banner tacking or any similar business or any part thereof in the town without first having been licensed to carry on the business and having complied with this article.
- (b) *Bond.* Any person desiring to engage in any of the occupations or any part thereof stated in subsection (a) of this section shall first file with the town clerk a bond with sufficient sureties, to be approved by the town clerk, in the penal sum of \$500.00, conditioned that the person licensed to engage in any of such occupations will save and protect harmless the town from any and all damage from the prosecution of the business and that the person will conform to all town ordinances regulating the business.
- (c) *Fee; term.* When the person shall have filed the list of locations, as provided in this article, and the bond, the town clerk shall issue a license for the period of one year to the person to carry on the business or occupation upon the payment to the town collector of the sum as specified in section 26-101.
- (d) *Posting of number and name of owner on vehicle.* Every person licensed to carry on the business of billposting, sign or bulletin painting, distributing, card and banner tacking or similar business shall forthwith cause the name of the owner and the number of his license to be plainly painted in letters at least five inches in length and in a conspicuous place on the outside of each side of any vehicle used in the business and shall keep the number and name plain and distinct at all times when used during the continuance of such license. Upon the expiration of such license, unless renewed, such person shall immediately cause the name and number to be erased from the wagon or vehicle and shall not allow the vehicle to be used with the name and number thereon.

(Ord. of 10-20-1919, §§ 1, 2, 4, 11; Code 1958, §§ 3-10—3-12, 3-20)

**Cross reference**— Licenses generally, § 26-31 et seq.

Sec. 6-68. - Erection of signboards.

- (a) *Compliance with building code; filing list of locations.* No person shall engage in the billposting, sign and bulletin painting business without having first erected, in a secure and safe manner, as provided for by the building chapter, billboards or signboards and bulletin boards on the locations and at the points where the billposting and sign display advertisements are to be exhibited, and the person shall also file with the town clerk a list of the locations where the billboards and bulletin boards are erected.
- (b) *Permit required.* No billboard or signboard, such as is described in this article, shall be erected, constructed or maintained within the town unless a permit shall first have been secured from the building commissioner by the person desiring to erect, construct or maintain such billboard or signboard. Application for such permit shall be made to the building commissioner, and such application shall be accompanied with such plans and specifications of the proposed billboard or signboard as are necessary to fully advise and acquaint the building commissioner with the construction of such proposed billboard or signboard. If the plans and specifications accompanying such application shall be in accordance with this article, the building commissioner shall issue a permit for the erection or construction of such billboard or signboard, upon the payment by the applicant of the license fee to the town collector as required.
- (c) *Display of owner's name.* No permit shall be issued to any applicant for permission to erect a billboard or signboard unless such applicant shall agree to place and maintain on the top of such billboard or signboard the name of the person owning the billboard or signboard or who is in possession, charge, or control of the billboard or signboard. It shall be the duty of the building commissioner to see to it that the name of the person owning or in possession, charge or control of such billboard or signboard is placed upon such billboard or signboard forthwith upon the erection thereof and is kept thereon at all times while such billboard or signboard is maintained.

(Ord. of 10-20-1919, §§ 3, 11, 12; Code 1958, §§ 3-13, 3-14, 3-20)

Sec. 6-69. - Posting bills on certain objects and at certain locations.

- (a) No person shall paste, post, paint, print, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind whatsoever or cause such to be done on any curbstone, flagstone or any other portion or part of any sidewalk or street or upon any tree, lamppost, telegraph pole, telephone pole, hydrant, bridge, pier, or upon any structure within the limits of any street in the town. No person shall paste, post, paint, print, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind or cause such to be done upon any private wall, window, door, gate, fence, advertising board or sign or upon any other private structure or building unless he is the owner thereof without the consent in writing of the owner of such wall, window, door, fence, gate, advertising board or sign or other private building or structure. When any handbill, sign, poster, advertisement or notice of any kind shall be found pasted, posted, painted, nailed or otherwise fastened on any curbstone, flagstone or any other portion or part of any sidewalk, or upon any tree, lamppost, hitching post, telegraph pole, telephone pole, hydrant, bridge, pier, or upon any private wall, window, door, gate, fence, advertising board or sign or any other private building or structure in any way advertising any person, the finding of such handbill, sign, poster, advertisement or notice shall be prima facie evidence that it was pasted, posted, painted, printed, nailed or otherwise fastened contrary to this section by the person thereby advertised.
- (b) No person shall post, paint or affix any sign or advertisement upon any structure save that which has been erected for and is a suitable billboard, signboard or bulletin board for the affixing and displaying of the advertisements.

(Ord. of 10-20-1919, §§ 5, 9; Code 1958, § 3-15; Ord. No. 107-04, § 1, 5-11-2004)

Sec. 6-70. - Permit for attaching signs or advertisements to town property.

- (a) It shall be unlawful, for anyone other than the town and its representatives, to attach any sign or advertisement to any posts, walls, parking meters or other property belonging to the town.
- (b) A minimum fine of \$100.00 and a maximum fine of \$500.00 shall be imposed for violations of this section.

(Ord. No. 2-55, 8-15-1955; Code 1958, § 3-15.1; Ord. No. 49-95, § 1, 1995; Ord. No. 257-03, § 3, 12-9-2003; Ord. No. 107-04, § 2, 5-11-2004)

Sec. 6-71. - Obscene or immoral pictures.

No person carrying on the business of billposting, sign or bulletin painting, distributing, card and banner tacking shall, within the town limits, post or paint or cause to be posted or painted, so that such can be seen from the streets, alleys or other public places of the town, any advertisements containing pictures or illustrations of an obscene character under a penalty of not less than \$25.00 or more than \$750.00 for each and every offense.

(Ord. of 10-20-1919, § 7; Code 1958, § 3-17)

**Cross reference**— Obscenity generally, § 62-61 et seq.

Sec. 6-72. - Removal of waste material and substances.

No person shall scatter, daub or leave any paste, glue or other like substance used for affixing bills upon any public sidewalk or pavement or scatter or throw any old bills or waste material removed from billboards on the surface of any public street or way or on the surface of any private ground.

(Ord. of 10-20-1919, § 8; Code 1958, § 3-18)

**Cross reference**— Solid waste, ch. 78.

Sec. 6-73. - Certain signs prohibited on residential property.

- (a) It shall be unlawful for any person to construct, place, maintain or install a for sale sign or sold sign of any shape, size or form concerning the sale of real estate on premises located in first or second residential districts. For purposes of this section, a sign mentioned in this subsection is defined to mean any structure and all parts composing the sign, together with the frame, background or supports therefor which are used for advertising or display purposes, or any statuary, sculpture, molding or casting used for advertising or display purposes or any flags, bunting or material used for display or advertising purposes, including but not limited to placards, cards, structures or areas carrying the following or similar words: "for sale," "sold," "open house," "new house," "home inspection," "visitors invited," "installed by," or "built by."
- (b) Placing of signs advertising real estate for rent in first and second residential districts are excluded from this section, provided that:
  - (1) There shall not be more than one such sign per lot.
  - (2) No such for rent sign shall exceed one square foot in area and shall not be placed closer than eight feet to any other zoned lot. Each letter contained on the sign shall not exceed six inches in height.
  - (3) No such for rent sign shall project more than two inches beyond the property line into the public way.
  - (4) No sign shall project higher than one story or 20 feet above curb level, whichever is lower.
- (c) For new construction of residential property, a for sale sign shall be permitted on the property until the property is sold but not to exceed one year after the issuance of a certificate of occupancy.

(Code 1958, § 3-21; Ord. No. 39-74, 9-16-1974; Ord. No. 42A-74, 10-7-1974)

Secs. 6-74—6-100. - Reserved.

#### ARTICLE IV. - SIGNS AND GRAPHICS

Sec. 6-101. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advertising sign* means a sign that directs attention to a business, park or activity or that directs attention to a noncommercial message or idea.

*Building identification sign* means a nonilluminated or indirect illuminated sign that states only the name or address, or both, of a building.

*Electronic message signs* means a sign of permanent character, but with electronically changeable letters, words or numerals indicating the names of persons associated with or events conducted upon or products or services offered upon the premises where the sign is located, internally illuminated by means of electronic bulbs or similar methods, controlled electronically.

*Freestanding sign* means a sign that is completely self-supported by posts or poles or other supports independent of any building or other structure and anchored in or upon the ground.

*Incombustible material* means any material that will ignite at or below a temperature of 1200 degrees Fahrenheit and that will not continue to burn or glow at that temperature.

*Marquee sign* means any hood of permanent construction projecting from the wall of a building, but not supported by the ground or sidewalk, serving the purpose of providing shelter and protection from the weather and providing the location for an illuminated sign surface.

*Projecting sign* means a sign that is attached to a building wall with the sign face perpendicular to such wall.

*Real estate sign* means a sign used or intended for the use for purposes of advertising a parcel of land or a building that is or will be available for sale or lease.

*Roof sign* means a sign directed, constructed or maintained in whole or in part upon the roof of a building or structure.

*Sign* means a structure that includes or contains a display or illustration of letters, words, numbers, objects or symbols or any combination thereof which is affixed to, suspended from, placed upon or otherwise represented directly or indirectly upon a building or other structure or upon the ground, the purpose of which is to attract one's direct attention to an object, service, project, place, activity, event, location, person, institution, organization or business.

*Temporary sign* means any street sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, for use for a limited period of time.

*Window sign* means a sign that is visible from the exterior of a building or structure that is permanently painted on a window or hung immediately behind a window or displayed from a window for the specific purpose of identifying the proprietor or name of a business or for attracting attention of the passersby to a sale or to promotional items or other products or services.

(Code 1958, §§ 3-31, 3-32; Ord. No. 27-91, 6-11-1991; Ord. No. 89-04, § 1, 4-13-2004)

**Cross reference**— Definitions generally, § 1-2.

Sec. 6-102. - Exemptions.

This article shall not apply to the following signs:

- (1) Traffic or any other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency nonadvertising signs as may be approved by the board of trustees.
- (2) Signs of utility companies indicating danger which serve as an aid to public safety or which show the locations of underground facilities or of public telephones.
- (3) Directional, informational or public service signs, excluding public utilities, not exceeding four square feet in area and erected for the convenience of the public such as signs identifying entrances, exits, parking areas, restaurants, telephones, walkways or similar features or facilities.
- (4) House numbers located on the lot to which assigned as appurtenant and not exceeding two square feet in area.
- (5) Signs located in the interior of any building or within an enclosed lobby, including but not limited to signs, awnings and canopies located within an open arena with a seating capacity greater than 30,000.
- (6) Decorations temporarily displayed in connection with a local festivity or national holiday. Such decorations may not be used for advertising purposes.
- (7) No trespassing signs or other such signs regulating the use of a property, such as no parking or no dumping, of no more than two square feet in area.
- (8) Flags of any country, state or unit of local government.
- (9) Political campaign signs announcing a candidate seeking public office and/or support for political issue and other relevant data appurtenant thereto, provided that such signs meet the following:
  - a. Political signs may be posted only during the 90-day period preceding the election or referendum and must be removed within seven days following the election or referendum; and
  - b. Political signs shall not be permitted in any area or location so as to obscure any fire hydrant or obscure pedestrian or traffic visibility and shall not be attached to any utility pole or public property.

- (10) Public signs or other signs incidental thereto for identification, information or directional purposes erected or required by governmental bodies or authorized for public purpose by any law, statute or ordinance.
- (11) Lawfully permitted and constructed signs that were erected prior to June 11, 1991.

(Code 1958, § 3-52; Ord. No. 27-91, 6-11-1991; Ord. No. 25-92, § 1, 6-9-1992; Ord. No. 194-99, § 1, 8-10-1999; Ord. No. 19-01, 2-13-2001)

Sec. 6-103. - Variances.

Upon application to the zoning board of appeals and after a public hearing on such application, the zoning board of appeals may vary or otherwise modify the application of any section of this article to any particular case when, in the opinion of such board, the literal enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of this article or the public interest. The board may not, however, waive any section of this article pertaining to construction, materials, permits or fees. The decision of the board shall specify the nature of the variation or other modification and such reasonable conditions upon which it is made and the facts or other reasons supporting the action taken.

(Code 1958, § 3-54; Ord. No. 27-91, 6-11-1991)

Sec. 6-104. - Permits required.

- (a) Unless otherwise stated in this article, no sign shall be erected or altered unless a permit therefor has been issued by the town in accordance with this article.
- (b) It shall be unlawful to erect or alter any sign within the town unless a permit has been issued by the electrical department in accordance with this article. A written application for such permit shall be filed with the electrical department stating the name, address and telephone number of the applicant and the name, address and telephone number of the property owner, and the application shall contain a sworn statement as to the accuracy of all information provided. Along with the application, the applicant shall provide a survey or site plan showing the subject lot size, the location of the proposed sign, drawings showing the size and structure of the sign and any and all other information as provided for in this article or by regulation of the electrical department.
- (c) The permittee shall, upon erection of the permitted sign, file a photograph of the sign showing it to be in conformity with this article and with the electrical department.
- (d) No permit shall be issued for any sign or billboard within 1,000 feet of any public or private day care center, preschool, elementary school or secondary school, church, park, or playground which advertises or promotes the use and/or consumption of alcoholic beverages or tobacco products.

(Code 1958, § 3-33; Ord. No. 27-91, 6-11-1991; Ord. No. 7-98, 2-10-1998)

Sec. 6-105. - Insurance and bond required.

Every applicant for a permit for a sign which will extend over a public right-of-way or which is so located that it may fall upon any public right-of-way shall file with the electrical department before the permit is granted a liability insurance policy covering all damage or injury that might be caused by each of such signs or a certificate of insurance therefor issued by any insurance company authorized to do business in the state and in a form satisfactory to the electrical department with limits of liability no less than \$50,000.00 for property damage and \$100,000.00 for personal injury. The town and its officers, agents and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit and throughout and at all times that the sign is displayed. If at any time the insurance shall not be in full force, the permit for the sign shall be revoked and the owner, the property owner, the permittee, the tenant of the property whereon the sign is located and the business, if any, for which the sign is erected shall be responsible for immediately removing the sign.



(Code 1958, § 3-53; Ord. No. 27-91, 6-11-1991)

Sec. 6-106. - Permit and inspection fees.

The original fee for the permit required by this article shall cover the first annual inspection fee. Subsequent annual inspections shall be subject to the annual inspection fees stated in section 6-107. Permit fees for all signage shall be \$50.00 plus \$2.00 per each square foot of sign surface area.

(Code 1958, § 3-36; Ord. No. 27-91, 6-11-1991; Ord. No. 19-95, § 1, 3-28-1995; Ord. No. 26-95, § 1, 4-25-1995)

Sec. 6-107. - Annual inspection required.

The town shall inspect annually or at such other times as it deems necessary each advertising structure regulated by this article for the purpose of ascertaining whether the advertising structure is secure or whether it is in need of removal or repair. To meet the expense of such inspection, the annual inspection fee to be charged shall be as follows:

- (1) Electrical or illuminated signs projecting over the public way, \$22.00 per sign plus \$0.70 per square foot of area of each face. The area of irregular shaped signs shall be computed by using the area of the outer perimeter design of the signs.
- (2) Electrical or illuminated signs on private property, illuminated signs flat against the building, illuminated painted wall signs and illuminated signboards, \$22.00 per sign.
- (3) Electrical or illuminated ground signs, the same as computed for projecting signs as specified in subsection (1) of this section.
- (4) Nonilluminated or nonelectrical signs, \$22.00.

(Code 1958, § 3-34; Ord. No. 27-91, 6-11-1991)

Sec. 6-108. - Electrical requirements.

Electrical components, connections and installation of all signs shall conform with the Electrical Code and all regulations promulgated thereunder. However, no electrical wiring shall be exposed to the view of or access by the public.

(Code 1958, § 3-35; Ord. No. 27-91, 6-11-1991; Ord. No. 94-12, § 3.01, 12-11-2012)

Sec. 6-109. - Wind pressure.

All permanent exterior signs shall be designed to withstand a wind pressure of not less than 30 pounds per square foot of area.

(Code 1958, § 3-37; Ord. No. 27-91, 6-11-1991)

Sec. 6-110. - Illumination.

- (a) The light from every illuminated sign shall be shaded, shielded or directed so that direct or indirect illumination therefrom measured at any lot line adjacent to a residential area will not exceed one-tenth footcandle. No lighting intensity of any sign shall exceed 250 footlamberts measured with a light meter having an accuracy rating determined by the electrical department.
- (b) Flashing signs, flashing or moving lights on signs and reflective pendants are prohibited, except that both signs that exhibit time, temperature, date or other such similar information and searchlights meeting the regulations of the electrical department, as attention-getting devices, are permitted.
- (c) In residential districts, as designated in the zoning ordinance, outlining buildings or premises by use of exposed neon tubing, exchange of light or by any similar method is prohibited.

- (d) Except as otherwise provided in this article, signs that move or that have moving parts are prohibited, whether or not such signs are illuminated.

(Code 1958, § 3-38; Ord. No. 27-91, 6-11-1991; Ord. No. 37-92, § 1, 8-25-1992)

Sec. 6-111. - Location.

- (a) Signs shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which such lot is located, unless otherwise specified in this article.
- (b) A sign shall not be located on the public right-of-way or affixed to or upon public property on the public right-of-way, including but not limited to any sidewalk, crosswalk, curb, curbstone, streetlamp, post, hydrant, tree, shrub, electric light, power, telephone or telegraph system appurtenance, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.

(Code 1958, § 3-39; Ord. No. 27-91, 6-11-1991)

Sec. 6-112. - Gooseneck reflectors and lights.

Gooseneck reflectors and lights shall be permitted on permanent freestanding signs, wall signs, roof signs and projecting signs, provided that any such reflectors or lights shall be installed only in a manner such that the direct rays of such reflectors or lights are concentrated on the sign and are directed, shielded or otherwise constructed so as to avoid any glare on the adjacent street or adjacent properties.

(Code 1958, § 3-40; Ord. No. 27-91, 6-11-1991)

Sec. 6-113. - Awnings and canopies.

- (a) No awning or canopy shall be permitted unless the awning or canopy shall meet the following provisions:
  - (1) All such awnings or canopies shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above ground and shall not extend above the first floor of the building to which it is attached.
  - (2) All such awnings or canopies shall be constructed and erected so that the awning or canopy extends no more than three feet away from the building to which it is attached.
- (b) No awning or canopy containing a sign shall be permitted unless the awning or canopy shall meet the following provisions:

Letters or lettering shall not project above, below or beyond the physical dimensions of the awning or canopy.

(Code 1958, § 3-41; Ord. No. 27-91, 6-11-1991; Ord. No. 37-92, § 1, 8-25-1992; Ord. No. 290-99, § 3-41, 10-26-1999; Ord. No. 82-04, § 2, 4-13-2004)

Sec. 6-114. - Building identification signs.

No building identification sign shall be permitted unless there is compliance with the following: There shall be no more than one such sign for each multifamily structure on a zoning lot, except that a building which fronts on more than one street may have one sign on each frontage.

(Code 1958, § 3-42; Ord. No. 27-91, 6-11-1991)

Sec. 6-115. - Freestanding signs.

No freestanding sign shall be permitted unless there is compliance with the following:

- (1) The freestanding sign shall be located an equal distance from the adjacent lot lines.

- (2) Any freestanding sign within six feet of a driveway, parkway or other area intended for use by motor vehicles shall be protected on any side exposed to such vehicular traffic by curbing that is not less than three feet from the supporting structure of the sign and not less than six inches in height.
- (3) No metal freestanding signs shall be located within 12 feet vertically and ten feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
- (4) All freestanding signs shall be constructed entirely of incombustible material.
- (5) Freestanding signs located along Cicero Avenue shall have a maximum height of 30 feet and shall not exceed 200 square feet in sign surface.
- (6) Freestanding signs located along Cermak Road, Ogden Avenue and Roosevelt Road shall have a maximum height of 20 feet and shall not exceed 80 square feet in sign surface.
- (7) All freestanding signs in other locations shall have a maximum height of 12 feet and shall not exceed 40 square feet in sign surface.

(Code 1958, § 3-43; Ord. No. 27-91, 6-11-1991; Ord. No. 182-03, § 1, 8-26-2003; Ord. No. 216-04, § 1, 9-28-2004)

Sec. 6-116. - Roof signs.

No roof signs shall be permitted in any zoning district.

(Code 1958, § 3-44; Ord. No. 27-91, 6-11-1991)

Sec. 6-117. - Temporary external signs and banners.

- (a) Temporary external signs or banners may be permitted to be erected on private property for promotions of special community activities, special business or commercial events such as, but not limited to, grand openings or sales or extraordinary activities of nonprofit organizations subject to the restrictions of this article. Such temporary external signs and banners shall require the issuance of a permit therefore by the director of code enforcement.
- (b) Applications for such permits shall include the number of signs, size, materials to be used, and shall indicate placement of such temporary external signs. Permits for temporary external signs and banners shall be limited to a maximum of 30 days and not more than four permits for temporary external signs shall be issued for any zoning lot in a calendar year. The director of code enforcement, however, in his or her discretion, may allow such permits to be issued for an extended period of time not to exceed 120 days if the issuance of such permit does not have any adverse effect on the public health and safety. In cases of such extension, however, no more than one such permit shall be issued during a calendar year for any single zoning lot. All temporary external signs and banners lawfully erected pursuant to a permit issued hereunder shall be removed within 48 hours after the date of expiration of the permit approving the erection of such sign or banner. Any permittee which fails to remove a temporary sign or banner within such time period may be fined in an amount equal to \$100.00 per sign or banner and shall be liable to the town for the cost of removal of such sign or banner. The director of code enforcement upon request of the permittee may grant an additional amount of time not to exceed 15 days in which to remove such temporary signs or banners.
- (c) Such signs shall not be included in computing the permitted sign surface area for a zoning lot.

(Code 1958, § 3-45; Ord. No. 27-91, 6-11-1991; Ord. No. 160-99, § 2, 6-8-1999)

Sec. 6-118. - Wall signs.<sup>[2]</sup>

- (a) *Compliance.* No wall sign shall be permitted unless there is compliance with this section.

- (b) *Front wall signs.* Front wall signs shall be permitted subject to the following:
- (1) The total area of any front wall sign shall not exceed one-tenth of the area of the front face including doors and windows of the principal building, provided that the whole area of such signs shall not exceed 200 square feet.
  - (2) No wall sign shall cover wholly or partially any wall opening or extend beyond the perimeter of the wall to which it is affixed.
  - (3) Where a single principal building is devoted to two or more businesses or commercial or industrial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face including doors and windows of the principal building occupied by each such use and applying such proportion to the total sign area permitted for the front wall of the building.
  - (4) Front wall signs may project not more than 12 inches beyond the minimum setback.
  - (5) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to grade.
  - (6) Front wall signs may be gaseous tube pipe or may be illuminated by interior means of lighting of an intensity as set forth in section 6-108.
  - (7) All wall signs shall have a surface frame and structure of incombustible material.
  - (8) Signs that are painted, sketched or drawn directly on a building or wall are prohibited.
- (c) *Side wall signs.* Side wall signs shall be permitted subject to the following:
- (1) Any side wall sign must comply with all the requirement(s) for front wall signs.
  - (2) A side wall sign shall only be permitted to advertise a business that is licensed to operate in the building where the sign is to be erected.
  - (3) Side wall sign(s) will only be allowed on buildings located on a street corner, on a side that is adjacent to a street.

(Code 1958, § 3-46; Ord. No. 27-91, 6-11-1991; Ord. No. 205-00, 10-10-2000; Ord. No. 242-03, § 2, 11-25-2003)

Footnotes:

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**Editor's note**— At the direction of the city, § 6-118, subsection (c) has been deleted.

Sec. 6-119. - Paper signs.

No sign constructed of paper or cardboard or plastic shall be permitted on any exterior wall of any building, on any fence in any yard, or on the exterior of any window of any building.

(Code 1958, § 3-46.1; Ord. No. 130-97, § 1, 10-6-1997; Ord. No. 139-97, § 1, 10-28-1997; Ord. No. 149-97, § 1, 12-9-1997)

Sec. 6-120. - Real estate for sale signs.

- (a) In residential zoning districts, real estate signs shall not exceed four square feet in sign surface area and shall have a height of no more than 48 inches. Real estate signs advertising the sale or lease of a building or a parcel of land shall be erected so as to have the sign facing parallel with the street and shall be set back from the innermost portion of the public sidewalk one-half of the distance to the setback line of the lot on which the sign is located, but at no greater distance than ten feet.

- (b) Buildings or lots surrounded by screened fencing six feet or greater in height may have a real estate sign advertising the sale or lease of the building or lot on the fencing. The real estate sign shall not exceed four square feet in sign surface area and shall be erected on the fencing at a height of no more than 48 inches. Any real estate sign erected on fencing shall be placed so as to have the sign facing parallel with the street.
- (c) There shall be no more than one real estate sign allowed per building or lot.
- (d) In commercial and manufacturing zoning districts, commercial real estate signs shall not exceed 36 square feet in sign surface area.
- (e) A real estate sign advertising the sale or lease of a building or a parcel of land must be removed not more than 72 hours from the date on which the closing of the sale or lease of the property on which the sign is located has taken place.
- (f) A minimum fine of \$25.00 and a maximum fine of \$100.00 shall be imposed for violations of this section.

(Code 1958, § 3-47; Ord. No. 5-94, § 1, 2-15-1994; Ord. No. 59-04, § 2, 3-9-2004)

Sec. 6-121. - Projecting signs.

Projecting signs shall meet all of the requirements of wall signs.

(Code 1958, § 3-48; Ord. No. 27-91, 6-11-1991)

Sec. 6-122. - Maintenance required.

The owner of any sign and the owner of the building or property to which it is attached or on which it is displayed shall be required to maintain the sign in a neat and attractive condition. The sign and supports must be kept painted to prevent rust, rot or deterioration.

(Code 1958, § 3-49; Ord. No. 27-91, 6-11-1991)

Sec. 6-123. - Unsafe signs.

If the building inspector shall find that any sign regulated in this article is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of this article, he shall give notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the structure to comply with the standards set forth in this article, within seven days after the date of such notice, such sign may be removed or altered by the building department at the expense of the permittee or owner of the property upon which it is located. Any such expenses incurred by the town shall be a lien upon the property. The electrical department shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

(Code 1958, § 3-50; Ord. No. 27-91, 6-11-1991)

Sec. 6-124. - Removal of signs.

Any sign that no longer advertises a bona fide business conducted or a product sold shall be removed by the owner, agent or person having beneficial use of the building or structure or property upon which such sign may be found within seven days of written notification. Upon failure to comply with the notice within the time specified, the building department is authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the building or property to which the sign is attached or upon which the sign is located.

(Code 1958, § 3-51; Ord. No. 27-91, 6-11-1991)

Sec. 6-125. - Nonconforming signs.

- (a) Any sign that is nonconforming because it fails to comply with this article may be repaired, restored or reconstructed except as provided in this section. However, no repair or alteration increasing the size of the sign shall be permitted, and no structural alterations or other work shall appreciably extend the normal life of the sign.
- (b) A nonconforming sign that is destroyed or damaged by fire or other casualty or act of God, to the extent that the costs of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the cost of the replacement of the entire sign, shall not be restored unless the sign shall conform to all sections of this article and other applicable town regulations.
- (c) If such damage or destruction is less than 50 percent of the cost of restoration of the sign to the condition in which it was before the occurrence of damage or destruction, no repairs or reconstruction shall be made unless such restoration is commenced within 30 days from the date of such damage or destruction and provided, further, that completion is accomplished within 60 days from the date of such damage or destruction.
- (d) If a nonconforming sign is located on property that is sold, when full ownership is transferred by deed or assignment of a beneficial interest, a nonconforming sign shall be discontinued at the time of the transfer. If ownership of a business changes, which does not affect the ownership or the property on which the business is located, the nonconforming sign shall be discontinued.
- (e) If a nonconforming sign is discontinued where the business it advertises is discontinued for a continuous period of 90 days, it shall not be renewed, and any subsequent sign shall conform to all the requirements of this article and all other applicable town regulations.

(Code 1958, § 3-56; Ord. No. 27-91, 6-11-1991)

Sec. 6-126. - Permitted signs.

The following signs shall be permitted in the designated zoning districts, as those districts are defined and designated in the zoning ordinance:

- (1) *R-1 through R-3:*
  - a. Real estate signs.
  - b. Exempt signs.
  - c. Building identification signs.
- (2) *R-3 and R-4:*
  - a. Real estate signs.
  - b. Temporary signs.
  - c. Advertising signs.
  - d. Building identification signs.
  - e. Window signs.
  - f. Wall signs.
  - g. Canopies and awnings.
  - h. Freestanding signs.
  - i. Exempt signs.
  - j. Marquee signs.
- (3) *M-1 through M-3:*
  - a. Real estate signs.

- b. Temporary signs.
  - c. Advertising signs.
  - d. Building identification signs.
  - e. Window signs.
  - f. Wall signs.
  - g. Canopies and awnings.
  - h. Freestanding signs.
  - i. Exempt signs.
- (4) *C-1 through C-2:*
- a. Real estate signs.
  - b. Exempt signs.
  - c. Building identification signs.
  - d. Advertising signs.
  - e. Freestanding signs.
  - f. Wall signs.
  - g. Temporary signs.
  - h. Window signs.
  - i. Canopies and awnings.
  - j. Marquee signs.

(Code 1958, § 3-58; Ord. No. 27-91, 6-11-1991; Ord. No. 37-92, § 1, 8-25-1992)

Sec. 6-127. - Electronic message signs.

- (a) *Restrictions.* Electronic message signs, as defined by this chapter, shall be permitted in certain areas of the town provided that:
- (1) The sign is erected on the same property as the business it advertises;
  - (2) The sign contains messages solely related to the business it advertises, including showing sale prices and current promotions; however such sign may contain the current time and/or temperature;
  - (3) The message shall change no faster than once every five seconds;
  - (4) The total area of any electronic message sign shall not exceed 35 square feet; and
  - (5) Only one color at a time be used for the message display.

Nothing in this section shall be read to include flashing or blinking signs.

- (b) *Locations.* Electronic message signs shall be permitted along Cermak Road and Cicero Avenue.

(Ord. No. 89-04, § 2, 4-13-2004)

Sec. 6-128. - Inflatable balloons.

Inflatable balloons may be used in the R3 and R4 residential districts, both commercial districts and all manufacturing districts for grand openings and special sales promotions. Such signs may not be used

for longer than ten days in any 60-day period. The code enforcement department must approve the anchoring system for balloons. Tethered balloons are limited to a maximum elevation of 60 feet from grade.

(Ord. No. 89-04, § 3, 4-13-2004)

Sec. 6-129. - Donated promotional lightpole banners.

- (a) The town may accept donations of decorative banners designed to be placed upon light poles. Such donations may be permanent or for a limited amount of time, as determined by the town board. The town may use its light poles to display donated banners, or any other town owned or controlled banners, that the town determines will promote or celebrate the town, its institutions, or public activities or events.
- (b) The town may delegate the authority to hang and remove decorative banners. Such authority may be delegated by the issuance of a permit to an entity qualified to hang and remove banners and shall be limited to a period of 60 days. Upon application, permits may be renewed for additional such periods in the discretion of the town board. Any person or entity who hangs a banner on town property without first obtaining approval from the town, or who violates any condition of the town's approval, shall be fined \$100.00 per pole, per day.

No donated banner may be hung unless the donor hires a professional company to hang and remove the banners. Banners, brackets and hardware must be taken down within 48 hours after expiration of the permit approving the hanging of the donated banner. Any permittee which fails to remove a donated banner within such time period may be fined \$100.00 per day, per pole and shall be liable to the town for the cost of removing the banners. In addition, any permittee shall be liable to the town for the cost of repair or any damage to town light poles caused by the hanging, presence or removal of any banner placed by such company.

- (c) No permit to hang a donated banner shall be issued to a professional banner company until it has furnished the town with sufficient proof that the company has procured commercial liability insurance or the equivalent thereof, which shall cover any damage caused by the hanging, maintenance or removal of the banners on town light poles. The town shall be named as an additional insured, without recourse or the right of contribution.
- (d) The donor shall indemnify and hold the town harmless from any and all claims arising out of the placement of, maintenance of, use of or removal of banners, including any claims relating to banners or structures upon which they are hung falling on people or property.
- (e) The director of code enforcement may promulgate rules and regulations governing the display of banners to protect the public health, safety and welfare. Such rules may include, but are not limited to, ensuring against fire hazards, traffic problems, and visual blight. Such rules may contain specifications as to number, size, materials, printing processes, supporting structures, and hanging and removal. The director of code enforcement may waive such rules, in his or her discretion, when (1) the banner substantially complies with the rules; (2) prior to the enactment of this section, the donor had previously displayed such banner on town light poles, with permission of the town; (3) the director of code enforcement determines that the waiver will not adversely effect public safety and welfare. The director of code enforcement shall also have the authority to determine that display of decorative banners is unsuitable in certain areas.

(Ord. No. 160-99, § 3, 6-8-1999)