

**CITY OF AURORA, IL**  
**CHAPTER 41 - SIGNS**

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**Article I General Provisions**

### **Section 41-1. Applicability**

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

### **Section 41-2. Findings, Purpose and Intent**

- (a) Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. Signs, however; can also obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation.
- (b) The purpose of this Chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private and public property for exterior observation in order to:
  - 1. Preserve and promote public health, safety and welfare through orderly and effective display of signs;
  - 2. Preserve property values;
  - 3. Protect the physical appearance of the community by recognizing and advocating a sense of aesthetic appreciation for the visual environment and compatibility with surroundings;
  - 4. Advance the local economy by recognizing the need for adequate identifications and promoting reasonable signage and communication;
  - 5. Protect the general public by assuring designs, materials, location, construction and maintenance provides for safe navigation and identification throughout the city rather than creating distractions, obstructions or hazards;
  - 6. Preserve the character of all neighborhoods;
  - 7. Ensure the advancement of the community economy and encourage economic development.
- (c) This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provision of this article which can be given effect without the invalid provision.
- (d) Signs not expressly permitted as being allowed by right, permit, license or variance under this Chapter, by specific requirement in another portion of this chapter, or otherwise expressly allowed by the City Council or Planning and Zoning Commission are prohibited.
- (e) A sign placed on land or on a building for the purpose of identification, protection of directing a person to a use conducted herein must be deemed to be an integral but accessory and subordination part of the principal use of the land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (f) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists and are constructed and maintained in a structurally sound and attractive condition.
- (g) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (h) These regulations do not entirely eliminate all the harms that may be created by the installation and display of signs. Rather they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by the signs.

- (i) These regulations are not intended and do not apply to signs erected, maintained, authorized, or otherwise posted, owned, licensed, leased, or otherwise placed on behalf of the State of Illinois, the federal government or the City. These regulations instead help illuminate the type of sign that falls within the immunities of the government from regulation.

### **Section 41-3. Definitions**

Words and terms used in this Ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

**Arterial street:** A street listed as such on the city's comprehensive plan.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.



**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.



**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.



**Billboard, Non-digital:** an outdoor sign, supported by a permanent structure, which is available for rent to display printed messages which can be changed and/or the message/print is not intended to be permanent. Also known as a **bulletin board, non-digital off-premise sign, or non-digital outdoor advertising.**



**Billboard, Digital:** A digital outdoor sign, supported by a permanent structure which is available for rent to digitally depict messages and images. Also known as a **digital off-premise sign**, or **outdoor digital advertising**.



**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.



**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

**Digital Message Board:** The portion of a sign message made up of internally illuminated components capable of changing the message periodically.



**Districts, Business** For the purpose of this Chapter, B-1, B-2, B-3, BB, DC, DF, ORI, RD shall be considered Business Districts.

**Districts, Manufacturing:** For the purpose of this Chapter, M-1 and M-2 shall be considered Manufacturing Districts.

**Districts, Office:** For the purpose of this Chapter, O, and NC Districts shall be considered Office Districts.

**Districts, Open Space, Park and Recreation:** For the purpose of this Chapter, OS-1, OS-2, and P Districts shall be considered Open Space, Park and Recreation Districts.

**District, Non-Residential:** For the purpose of this Chapter, OS-1, OS-2, P, B-1, B-2, B-3, BB, O, DC, DF, NC, ORI, RD, M-1 and M-2 Districts shall be considered Non-Residential Districts.

**Districts, Residential:** For the purpose of this Chapter, E, R-1, R-2, R-3, R-4, R-4A, R-5, and R-5A Districts shall be considered Residential Districts.

**Flag:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.



**Feathered Flag:** a flag with a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached. Unlike a traditional flag, the fabric in a feathered flag is usually displayed vertically.



**Foot-candle:** A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. foot-candle or light meter. One (1) foot-candle is equal to one (1) lumen per square foot.

**Gas Station Canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.



**Graffiti:** any unauthorized inscription, word figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorization, is otherwise deemed a public nuisance by the City.



**Graffiti implement:** an aerosol paint container, a broad-tipped marker, gum label, paint stick, or graffiti stick, etching equipment brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

**Holiday Lights:** or mini lights are fixtures that use bulbs that are sized C6, C7 or C9 or LED bulbs that are 8mm or smaller. (See also Chapter 29, section 103).

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

**External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.



**Illumination, Internal:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.





**Illumination, Halo:** Artificial light using 3-dimensional messages, letters, logos, etc., which is lit from behind in such a way as to produce a halo effect. (Also known as *back-lit illumination*).



**Kiosk:** A small stand-alone structure which provides information, advertisements to pedestrians often incorporating an interactive display screen or screens.



**LED Storefront Lights:** Lights hung or placed within or around a window, other than holiday lights.



**Legibility:** The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

**Luminance:** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft<sup>2</sup>).

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.



**Mural (or mural sign):** A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols, but does not convey a commercial message.



**Pennant:** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.



**Rope Lights:** a light that has mini lights inside of a PVC tube, other than holiday lights.



**Scoreboard:** A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.



**Setback:** The distance between the property line and the nearest projecting point of a sign.

**Shielded:** The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

**Shopping Center:** A commercial development which has five (5) or more stores or commercial users, common parking, common access, unified control of its development, is managed as a total entity, and elects to have common signage identifying it as such. Outlots shall not be considered part of such development.

**Sign:** Any name, device, structure, fixture, painting, emblem, identification, description, display, illustration, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place activity, person, institution, organization or business. Sign includes the sign faces as well as any sign supporting structure.

**Sign, Abandoned:** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of thirty (30) days.



**Sign, Address:** A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.



**Sign, Animated:** A sign depicting action, motion, or light or color changes through electrical or mechanical means.

**Sign Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design. See §41-4(c)

**Sign, Balloon:** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.



**Sign, Canopy or Awning:** A sign painted on, or applied to, a canopy or awning.

**Sign, Changeable Copy:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually, digitally or electronically without altering the face or surface of the sign. These signs shall not include a digital message board.





**Sign, Directional:** Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.



**Sign Face:** The entire display surface area of a sign upon, against or through which copy is placed.

**Sign, Flashing:** A sign whose artificial illumination is not kept stationary or constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include digital message board signs or digital billboards that meet the requirements set forth herein. For purposes of this Code, any moving illuminated sign, except electronic message boards and digital billboards must be considered a flashing sign.

**Sign, Freestanding:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure.



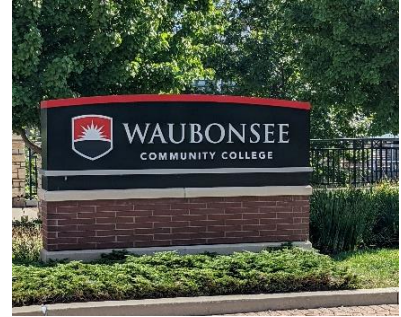
**Sign, Gas Station Canopy:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this Ordinance, gas station canopy signs shall be considered wall signs.



**Sign, Government/Regulatory:** Any sign for the control of traffic or for identification purposes, including street signs, warning signs, railroad crossing signs, utility signs, or signs of public service companies indicating utilities, danger, or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.



**Sign, Ground:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. **Also known as a monument sign.**



**Sign Height:** The vertical dimension of a sign as measured using the standards in §41-4(e).

**Sign, Incidental:** A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.



**Sign, Incidental Window or Door:** Signs placed on the window or door displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.



**Sign, Inflatable:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.



**Sign, Landmark:** A sign which is at least twenty-five (25) years old, possesses unique physical design characteristics, is of extraordinary significance to the City and has been designated as a landmark sign by the City Council.



**Sign, Marquee:** A covering structure bearing a changeable message board projecting from and attached to a building.



**Sign, Mechanical Movement:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

**Sign, Menu Board:** A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.



**Sign, Neon:** A sign illuminated by a neon tube, or other visible light-emitting gas tube, that is bent to form letters, symbols, or other graphics.



**Sign, Nonconforming:** A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

**Sign, Official Traffic:** Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.



**Sign, Permanent:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Sign, Plaque:** A sign that is embedded, extruded, or carved into the material of a building façade. For example a memorial plaque or tablet, historical plaque, or grave marker.

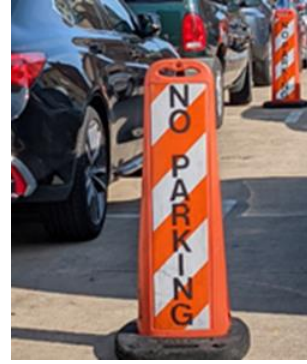


**Sign, Pole:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure. Digital billboards shall not be considered pole signs.





**Sign, Portable:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.



**Sign, Private Drive:** A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.



**Sign, Projecting:** A sign other than a wall sign, which projects generally perpendicular from and is supported by a wall of a building or structure, not to include signs located on a canopy, awning, or marquee.



**Sign, Reflective:** A sign containing any material or device which has the effect of intensifying reflected light.

**Sign, Revolving:** A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

**Sign, Roof:** A sign erected on, against, or over the roof of a building.



**Sign, Sandwich Board:** A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as an **A-frame sign**)





**Sign, Security or Warning:** An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign.



**Sign, Snipe:** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as a **bandit sign**)



**Sign, Subdivision:** A monument sign located at the entrance or exit of a neighborhood.



**Sign Supporting Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

**Sign, Temporary:** A type of non-permanent, sign that is located on private property that can be displayed for a limited time.



**Sign, Vehicular:** A vehicle, which is used primarily for transportation, but which includes the use of business logos, business identification or advertising.



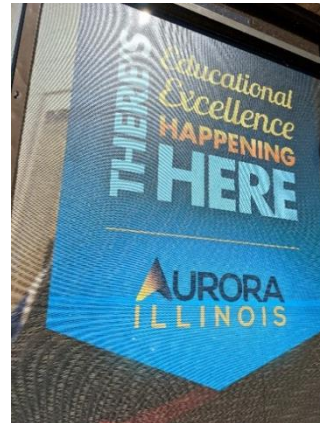
**Sign, Vehicular Billboard:** A sign affixed to a vehicle in such a manner that the sign is used primarily as an advertisement, not incidental to the vehicle's primary purpose.



**Sign, Window:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.



**Signs, Screen Window:** an image or graphic that is printed directly onto perforated, adhesive vinyl material. These signs may feature one-way vision, limiting your ability to see inside.



**Sign, Wall (Façade-Mounted):** A sign affixed directly to or painted or otherwise inscribed on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign.



**Storefront:** The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

**Streamers:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.



**Street Frontage:** The side or sides of a lot abutting on a public street or right-of-way.

**Tollway:** For the purposes of this chapter “tollway” means that portion of Interstate 88, known as the Ronald Reagan Memorial Tollway, maintained by the Illinois State Toll Highway Authority (or any successor entity) within or immediately adjacent to the corporate limits of the city.

**Tri-Vision Boards:** An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.



#### **Section 41-4. General Regulations for all Signs**

(a) Sign location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
2. No sign may occupy a sight triangle, as defined by the Illinois Department of Transportation.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

(b) Sign Materials & Construction. Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with all Aurora Codes, Ordinances and Regulations; and shall be maintained in safe, working condition and good repair at all times so that all sign information is clearly legible.

1. Sign maintenance: Every Sign shall be maintained in compliance with all Aurora Codes, Ordinances and Regulations. Abandoned signage shall be removed within thirty (30) days of business closing, blank sign sections shall be an opaque blank signage panel in complimentary colors to the adjacent signage and accomplished in a workmanlike manner. Reversed signage panels shall not be accepted if not coated in a complimentary fully opaque color.
2. Exposed backs of signs, poles and other support structures shall be required to be painted or shielded to minimize adverse visual impacts and to present a finished appearance so as to improve the visual appearance.
3. Supporting structures shall be adequately screened from adjoining properties with a combination of fencing and vegetation (existing and proposed) as shown on a landscape diagram.

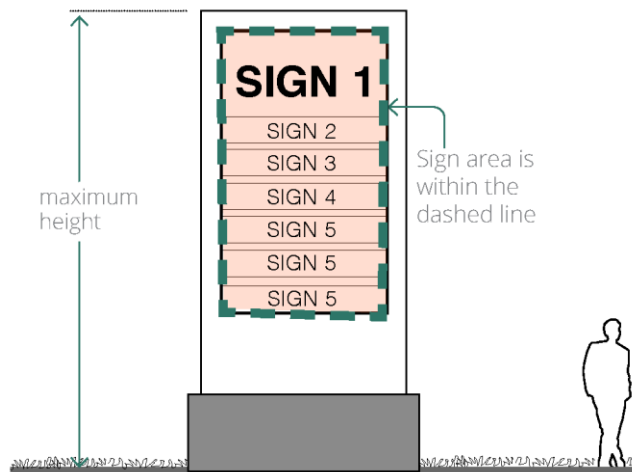
(c) Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

*Measuring Sign Area*

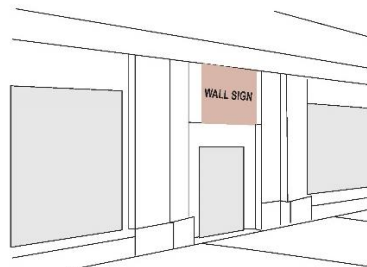
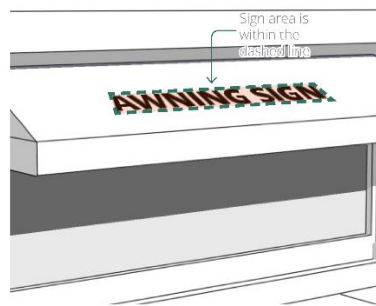
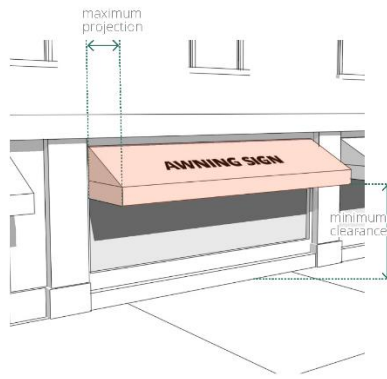
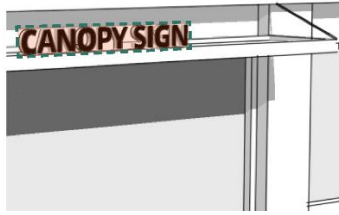


*For signs made up of individual letters, designs, or symbols, the area is measured as the smallest rectangle that encompasses all of the letters, designs, and symbols.*

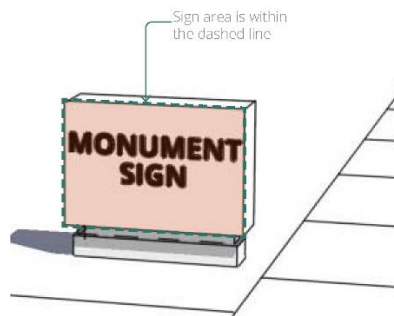
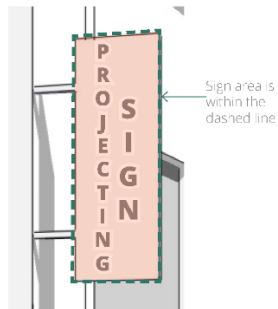
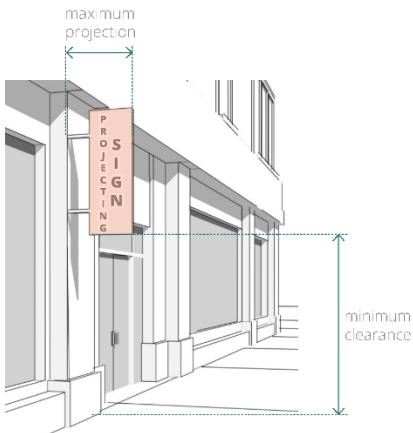


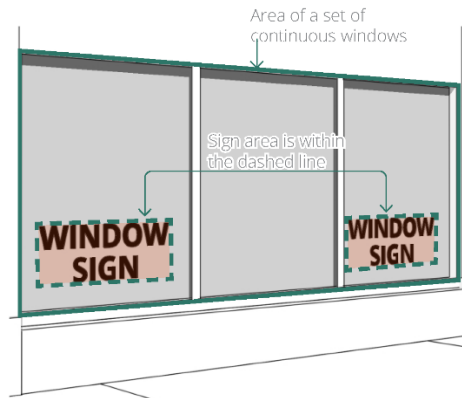
2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.





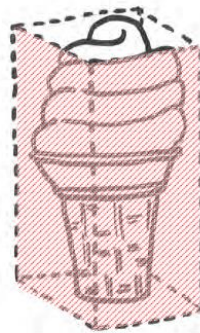






3. Signs may be double-sided.
  - a. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
  - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
  - c. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

#### *Measuring Sign Area of 3D Objects*



*For signs that are (or include) a three-dimensional object, the sign area is the sum of two adjacent vertical faces (highlighted in red) of the smallest cube encompassing the sign or object.*

5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located.

#### (d) Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the location of the sign.
  2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
  3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located.
- (e) Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
- (f) Sign Illumination.
1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
    - a. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
    - b. Less than 1.0 foot-candle of light shall be detectable at the boundary of any abutting property.
  2. Glare Control: Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
- (g) Landscaping. For all signs that are supported by one (1) or more uprights, poles, or braces or other structure placed in or upon the ground, landscaping shall be provided at the time of sign installation pursuant to Chapter 49.

## **Article II Prohibited Signs**

### **Section 41-5. Prohibited Signs**

The following signs are unlawful and prohibited:

- (a) All signs not expressly authorized under this Chapter.
- (b) All signs not constructed pursuant to a valid building permit.
- (c) Abandoned signs, and signs in disrepair.
- (d) Non-digital billboards.
- (e) Tri-vision boards.
- (f) Graffiti.
- (g) Snipe signs.
- (h) Vehicular billboard signs.
- (i) Mechanical movement signs and revolving signs.
- (j) Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- (k) Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals. Or any signs which obstruct the vision of drivers and/or interfere with official traffic control devices.
- (l) Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

- (m) Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- (n) Reflective signs or signs containing mirrors.
- (o) Signs incorporating beacon lighting.
- (p) Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
- (q) Signs located in the parkway or public right of way.
- (r) LED storefront lights, string lights or rope lights in windows.
- (s) Signs containing exposed gas tubing, exterior to the building, including argon and neon.
- (t) Roof signs.
- (u) Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
- (v) Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Aurora Zoning Ordinance.
- (w) Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the City.
- (x) Pole signs.
- (y) Murals.

## **Article III Exemptions**

### **Section 41-6. Signs Exempt from Permit Requirements**

The following signs shall be allowed and authorized in every district without a permit:

- (a) Official traffic signs and traffic control devices erected and maintained by the State, federal or local government.
- (b) Government/regulatory signs.
- (c) Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three (3) feet from the window.
- (d) Address signs.
  - 1. Number. Up to two (2) signs stating street name, number and/or name of occupants of the premises may be displayed and do not include any commercial advertising or other identification.
  - 2. Area. Unless otherwise specified, the maximum area of address signs shall be:
    - a. For properties in Open Space, Park and Recreation, Residential, and Office Districts: Signs not to exceed two (2) sq. ft. in area.
    - b. For properties in Business and Manufacturing Districts: Signs not to exceed ten (10) sq. ft. in area. If such signs exceed ten (10) square feet, then said sign shall be considered part of a wall sign.
- (e) Private drive signs.
  - 1. Number. One (1) sign per driveway entrance.
  - 2. Area. Signs shall not exceed two (2) sq. ft. in area.

- (f) Security and warning signs - where a State, federal or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, and the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. The sign shall be located on the property in a place that provides access to the notices as required by the law. The sign size shall follow the law's specifications. If the federal, state or local law does not provide a size specification, the following regulations apply:
1. Unless otherwise specified, the maximum area of security and warning signs shall be:
    - a. For properties in Open Space, Park and Recreation, Residential, and Office Districts: Signs not to exceed two (2) sq. ft. in area.
    - b. For properties in Business and Manufacturing Districts: Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area
- (g) Flags:
1. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
  2. Area. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.
  3. Height. Flags shall have a maximum height of 30 ft.
  4. Location. Flags and flagpoles shall not be located within any right-of-way.
  5. Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
- (h) Plaque signs up to three (3) sq. ft. in area.
- (i) Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.
- (j) Incidental signs.
- (k) Incidental window and door signs.
- (l) Vehicular signs. The vehicle shall be currently licensed, operable and parked in a designated parking space. No such vehicle shall be parked on a public right of way or public property or on private property so as to be visible from a public right of way at any time, including, but not limited to, overnight parking.
- (m) Signs located on public transportation vehicles or bus shelters contemplated and agreed upon pursuant to an Intergovernmental Agreement.
- (n) Scoreboards.
- (o) Directional Signs. Such signs shall be no more than three (3) square feet in area and no more than four (4) feet high. No more than fifty (50) percent of the area of such signs shall comprise advertising or logos.
- (p) Menu Board Signs.
- (q) Temporary signs in accordance with §41-18, §41-19, and §41-20.
- (r) Window Signs:
1. Location. Window signs are only permitted in non-residential districts.
  2. Number. Any number of such signs are permitted, provided total permitted sign area is not exceeded.



3. Area. The total window signage shall not exceed twenty-five (25) percent of total window area for all temporary and permanent signage. At no time shall the total area for window signage and window screen signage exceed 50% of the total window area.
4. Placement. Sign placement shall be designed to maximize visibility through windows for safety purposes.

(s) Window Screen Signs:

1. Location. Window signs are only permitted in non-residential districts.
2. Number. Any number of such signs are permitted, provided total permitted sign area is not exceeded.
3. Area. The total window signage shall not exceed fifty (50) percent of total window area on a facade for all temporary and permanent signage. At no time shall the total area for window signage and window screen signage exceed 50% of the total window area.
4. Placement. Screen placement shall be designed to maximize visibility into the building for safety purposes.

## **Article IV Regulations for Permanent Signs**

### **Section 41-7. General Provisions**

- (a) Permit required: A permit shall be required for all signs described in this Article.
- (b) Each side of a building facing a public right-of-way, private street, the Fox River, or an interior lot line, shall be considered separately for purposes of determining compliance with the provisions of this chapter.

### **Section 41-8 Ground Signs**

- (a) Number. Any number of such signs are permitted per frontage, provided total permitted sign area is not exceeded.
- (b) Setback. The minimum setback (measured from all property lines) of ground signs shall be equal to the height of the sign, unless otherwise specified.
- (c) Area. Unless otherwise specified, the maximum area of ground signs shall be:

**Table 1: Ground Sign Maximum Area**

Frontage Feet	Zoning Districts	
	Open Space, Park and Recreation, Residential, and Office Districts	Business and Manufacturing Districts
Up to 300	30 sq. ft.	50 sq. ft.
Over 300 to 400	40 sq. ft.	60 sq. ft.
Over 400 to 500	50 sq. ft.	70 sq. ft.
Each additional 100 ft	10 sq. ft.	10 sq. ft.
Maximum Area	70 sq. ft.	100 sq. ft.

- (d) Height. Unless otherwise specified, the height of the ground signs shall be:

**Table 2: Ground Sign Maximum Height**

<b>Zoning Districts</b>		
<b>Frontage Feet</b>	<b>Open Space, Park and Recreation, Residential, and Office Districts</b>	<b>Business and Manufacturing District</b>
<b>Up to 300</b>	5 ft.	8 ft.
<b>Over 300 to 400</b>	5 ft.	10 ft.
<b>Over 400 to 500</b>	5 ft.	12 ft.
<b>Each additional 100 ft</b>	5 ft.	2 ft.
<b>Maximum Height</b>	5 ft.	20 ft.

- (e) Sign Base. The base of a ground sign shall be seventy-five (75%) percent of the sign width.
- (f) Combined ground signs. Signs for abutting uses may be combined, if the area of such combined sign is calculated from the combined frontage.
- (g) Corner signs. In order for a ground sign to be erected, both frontages shall be separately eligible as a location for such sign. If a corner sign is erected, no other ground sign shall be permitted on either frontage. The permitted area for a corner sign shall not exceed seventy-five (75) percent of the combined frontage to determine the sign height and sign area.
- (h) Ground signs for shopping centers with no frontage. Shopping centers with access but no frontage or only partial frontage on an arterial street (with outlots between the shopping center and the street) shall be permitted signage as if the outlots were part of the shopping center. Such signs shall be permitted in addition to the signs permitted for the outlots.

### **Section 41-9 Subdivision Signs**

- (a) Number. Two (2) subdivision signs per entrance.
- (b) Setback. The minimum setback (measured from all property lines) of ground signs shall be equal to the height of the sign, unless otherwise specified.
- (c) Area. Unless otherwise specified, the maximum area of signs shall be:
  - 1. Such signs attached to landscape walls or fences shall occupy no more than fifteen (15) percent of the wall or fence in Residential or Office Districts, and no more than twenty (20) percent of the wall or fence in other Districts.
  - 2. Such signs not attached to landscape walls or fences shall be no more than fifty (50) square feet in area in Residential or Office Districts, and no more than one hundred (100) square feet in area in other Districts.
- (d) Height. Unless otherwise specified, the maximum height of signs shall be:
  - 1. Such signs attached to landscape walls or fences shall be no higher than the wall or fence.
  - 2. Such signs not attached to landscape walls or fences shall be no more than ten (10) feet high in Residential or Office Districts, and no more than fourteen (14) feet high in other Districts.
- e) Illumination. Only external or halo illumination is permitted.

### **Section 41-10 Kiosks**

- (a) Location. Kiosks shall be permitted within non-residential districts only after approval of a special sign district pursuant to Chapter 34.

### **Section 41-11 Wall Signs**

- (a) Number. Any number of such signs are permitted, provided the total permitted sign area is not exceeded.
- (b) Setback. Setback requirements shall not apply.
- (c) Area. Unless otherwise specified, the maximum area of wall signs shall be:
  - 1. For properties in Open Space, Park and Recreation, Residential, and Office Districts: All wall signs on a façade shall not exceed five (5) percent of the building façade.
  - 2. For properties in Business and Manufacturing Districts: All wall signs on a façade shall not exceed ten (10) percent of the building façade.
- (d) Height. The sign shall not exceed the height of the building.
- (e) Placement. No portion of a wall sign shall:
  - 1. Be mounted less than eight (8) feet above the finished grade.
  - 2. Extend out more than twelve (12) inches from the building wall on which it is affixed.
  - 3. Project wider or beyond the façade of the building upon which it is affixed.
  - 4. Not cover or cross window frames, door frames, or visible lintels.
- (f) Signs for mixed residential/non-residential building uses. The permitted area of such signs shall be calculated only from and placed only upon that portion of the façade enclosing the non-residential use.
- (g) Multi-business buildings. The owner of such a building may allocate the permitted sign area to the various businesses at their discretion.

### **Section 41-12 Projecting Signs**

- (a) Number. Any number of such signs are permitted per frontage, provided total permitted sign area is not exceeded.
- (b) Setback. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curb line or shoulder of a public street. Notwithstanding the above requirement, in no instance shall a projecting sign impede vehicular activity.
- (c) Area. Projecting signs shall comply with the wall sign area.
- (d) Height. Projecting signs shall not exceed the height of the building.
- (e) Projection. No portion of a projecting sign shall project more than four (4) feet from the face of the building.
- (f) Clearance. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

### **Section 41-13 Marquee Signs**

- (a) Number. One Marquee sign shall be permitted per frontage containing the primary tenant entrance.
- (b) Area. Marquee signs shall comply with the wall sign area as provided in §41-11.
- (c) Placement. Marquee signs shall not be extended beyond the curb line.
- (d) Clearance. The lowest edge of a marquee sign shall be at least eight (8) feet above the finished grade.
- (e) If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

### **Section 41-14 Canopy or Awning Signs.**

- (a) Number. Any number of such signs are permitted, provided total permitted sign area is not exceeded.
- (b) Setback. The outermost portion of a canopy or awning sign shall project no closer than five (5) feet from a curb line or shoulder of a public street. Notwithstanding the above requirement, in no instance shall a canopy or awning sign impede vehicular activity.
- (c) Area. Canopy and awning signs shall comply with the wall sign area as provided in §41-11.
- (d) Height. Canopy or awning signs shall not exceed the height of the ground floor of a building.
- (e) Placement.
  - 1. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
  - 2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
  - 3. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three (3) square feet. No more than one emblem or logo is permitted on any one awning or canopy.
  - 4. No such sign shall project above, below or beyond the face of, or hang from, the structure to which it is affixed
  - 5. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
- (f) Clearance. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
- (g) Canopy or Awnings signs above the ground floor are prohibited.
- (h) Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

#### **Section 41-15 Changeable Copy Signs**

- (a) Clocks and time/temperature devices. Such signs are permitted as ground or projecting signs, and they count toward the permitted sign area as provided in §41-8 and §41-11.
- (b) Gas station price devices are permitted as part of a ground or gas station canopy sign, and they count toward the permitted ground or wall sign area as provided in §41-8 or §41-11.
- (c) A Manual changeable copy sign shall be permitted as follows:
  - 1. Location: A Manual changeable copy sign shall be permitted as a ground sign or marquee sign and shall be an integral part of the design of the sign and shall only be permitted below or to the right of the identification portion of either the shopping center name or individual tenant panel.
  - 2. Number: One (1) Manual changeable copy sign is allowed per street frontage on the property, up to a maximum of two (2) digital message boards per property.
  - 3. Area: The Manual changeable copy sign shall not constitute more than fifty percent (50%) of the area of such sign and includes any other electronic message.

#### **Section 41-16. Digital Message Boards**

- (a) License required: No person, firm or corporation shall construct, operate or alter a sign with a digital message board without obtaining a license, and paying the annual licensing fee to the City of Aurora. Failure to comply with license requirements may result in penalties, fees, suspension or revocation of the license.
- (b) Location: Digital message boards are only permitted as an integral part of the design of ground signs, excluding subdivision signs, and shall only be permitted below or to the right of the identification portion of either the shopping center name or individual tenant panel.

- (c) Number: One (1) digital message board is allowed per street frontage on the property, up to a maximum of two (2) digital message boards per property.
- (d) Area: The digital message board shall not constitute more than fifty percent (50%) of the area of such sign and includes any other electronic message.
- (e) Dwell time: The electronic message must remain static (no animations or full motion video) for a minimum of ten (10) seconds and the transition from one message to another shall be instantaneous. No portion of the message may blink, flash, scroll, or change in illumination intensity.
- (f) No speakers or other audio systems shall be attached to the digital message board, and no audio presentations shall emanate from the digital message board.
- (g) The addition of any digital message board to a nonconforming sign is prohibited.
- (h) No digital message board shall be illuminated by any exposed tubes or bulbs, strobe or incandescent lamp or floodlights, nor shall any digital message board incorporate any reflective device.
- (i) All digital message board shall have automatic dimmer software or solar sensors to automatically adjust the illumination of the sign as the ambient light changes throughout the day and at no time shall an digital message board exceed a brightness level of three tenths (0.3) foot candles over ambient levels as measured using a foot candle meter. Light measurements shall be taken with the meter aimed directly at the sign face, or at the area of the digital message board emitting the brightest light if that area is not the sign face, at the following distances:
  1. A digital message board that is 0 to 100 square feet in area shall be measured at a distance of 100 feet from the area being measured; and
  2. A digital message board that is over 100 square feet in area shall be measured at a distance of 150 feet from the area being measured.

#### **Section 41-17 Digital Billboards (Off-premise signs)**

- (a) Purpose. The purpose of this section is to provide areas within the city where digital billboards are allowed; to provide regulations for such signs; to provide provisions for the construction of such signs, and locate such signs so that they are not adverse to the health, safety and general welfare of the residents of the city.
- (b) License required: No person, firm or corporation shall engage in or carry on the business of digital outdoor advertising or maintaining digital billboards without obtaining a license and paying the annual licensing fee. Failure to comply with license requirements may result in penalties, fees, suspension or revocation of the license.
- (c) Location: Digital Billboards are only permitted in non-residential districts when located within five hundred (500) feet from the edge of the Tollway right-of-way in the City. The width of the permitted area shall be five hundred (500) feet north of the northern edge of the Tollway right-of-way and five hundred (500) feet south of the southern edge of the Tollway right-of way, within the City.
- (d) Area: Digital Billboards shall not exceed 1,200 square feet in area.
- (e) Height. Digital Billboards shall not exceed sixty (60) feet above grade of the Tollway intended to be viewed from.
- (f) Length: Digital Billboards shall not exceed 60 feet in length.
- (g) Separation: There must be a separation of five hundred (500) linear feet measured from pole-to-pole from one existing digital billboard to another existing digital billboard on the same side of the Tollway.
- (h) No digital billboard shall be located in such a position that it obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.
- (i) Digital billboards shall only be directed towards the Tollway in a perpendicular manner.



- (j) All digital billboards shall only be freestanding.
- (k) Digital billboards shall not be "stacked" one on top of another or placed together horizontally "end-to-end" or "side-by-side".
- (l) Dwell time: The electronic message must remain static (no animations or full motion video) for a minimum of ten (10) seconds and the transition from one message to another shall be instantaneous. No portion of the message may blink, flash, scroll, or change in illumination intensity.
- (m) All digital billboards shall have automatic dimmer software or solar sensors to automatically adjust the illumination of the sign as the ambient light changes throughout the day and at no time shall an digital message board or digital billboard exceed a brightness level of three tenths (0.3) foot candles over ambient levels as measured using a foot candle meter. Light measurements shall be taken with the meter aimed directly at the sign face, or at the area of the digital message board or billboard emitting the brightest light if that area is not the sign face, at the following distances:
  - 1. A digital billboard that is 0 to 100 square feet in area shall be measured at a distance of 100 feet from the area being measured.
  - 2. A digital billboard that is 101 to 350 square feet in area shall be measured at a distance of 150 feet from the area being measured.
  - 3. A digital billboard that is 351 to 650 square feet in area shall be measured at a distance of 200 feet from the area being measured.
  - 4. A digital message board or digital billboard that is over 650 square feet in area shall be measured at a distance of 250 feet from the area being measured.
- (n) No digital billboard shall be illuminated by any exposed tubes or bulbs, strobe or incandescent lamp or floodlights, nor shall any digital billboard incorporate any reflective device.
- (o) No speakers or other audio systems shall be attached to the digital billboard, and no audio presentations shall emanate from the off-premises advertising sign.
- (p) Exposed backs of signs, poles and other support structures shall be required to be painted or shielded to minimize adverse visual impacts and to present a finished appearance to improve the visual appearance.
- (q) The owner of every digital billboard board shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (r) Where any portion of this chapter is inconsistent with the intent of the Highway Advertising Control Act of 1971 (the Act), and with customary usage thereunder, then that portion and only that portion of this chapter shall be considered superseded, and only to the specific extent that the Act thus supersedes that portion of this chapter.
- (s) Where any portion of this chapter is inconsistent with the Federal Highway Beautification Act of 1965, then that portion and only that portion of this chapter shall be considered superseded, and only to the specific extent that said federal law supersedes that portion of this chapter.

## **Article V Regulations for Temporary Signs**

### **Section 41-18 General Provisions**

Temporary signs, as defined in this Section, shall only be located on private property subject to the regulations set forth below.

- (a) General provisions applicable to all temporary signs:

1. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.
2. Installation and Maintenance.
  - a. All temporary signs must be installed such that in the opinion of the Zoning Administrator, they do not create a safety hazard.
  - b. All temporary signs must be made of durable materials and shall be well-maintained.
  - c. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
3. Illumination: Illumination of any temporary sign is prohibited.
4. Removal: The City or the property owner may confiscate signs installed in violation of this chapter. Neither the City nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

#### **Section 41-19 Non-Residential Temporary Signs**

- (a) Temporary signs may be ground signs, window signs, and wall signs unless otherwise specified.
- (b) Number: Any number of such signs are permitted, provided the total permitted sign area is not exceeded.
- (c) Area: Temporary signs displaying non-commercial speech shall have a total maximum area of 32 square feet except as provided for in letter (e), (f), (g), (h) and (i) below. If the temporary sign is displayed in the window, it shall be counted towards the maximum allowable area.
- (d) Height: Temporary signs that are ground signs shall have a maximum height of eight (8) feet except as provided for in letter (e), (f), (g), (h) and (i) below.
- (e) If a property is listed for sale or lease, the property owner may place one (1) sign per frontage provided that each sign face does not exceed sixty-four (64) square feet and ten (10) feet in height. Such signs shall be removed upon the closing of the sale or initiation of the lease.
- (f) If a property is under construction, the property owner may place one (1) sign per frontage provided that each sign face does not exceed sixty-four (64) square feet and ten (10) feet in height. Such signs shall be removed within thirty (30) days of the completion of construction.
- (g) Signs which advertise the upcoming or anticipated opening of a new business or development, the property owner may place any number of signs on a property provided that total sign area does not exceed sixty-four (64) square feet and ten (10) feet in height. Such signs shall be removed within thirty (30) days of issuance of certificate of occupancy.
- (h) If a property has a special event, the property owner may display the following temporary signs on their property for up to fourteen (14) consecutive days, twice a year with a permit:
  1. Up to one: inflatable sign, balloon sign, streamers or banner; or
  2. Up to two (2) feather flags.
- (i) Sandwich boards:
  1. Location: Shall be placed in conformance with the requirements of the Americans with Disabilities Act, as amended from time to time. Said signs shall be placed on the sidewalk within the area defined by the building footprint limits wherein the tenant space is occupied.
  2. Number: One (1) sandwich board sign is permitted per business.
  3. Area: Sandwich boards shall have a maximum of six (6) square feet per business.
  4. Height: Sandwich boards shall have a maximum of five (5) feet.

5. Sandwich boards shall only be displayed during the property owner's business hours.

### **Section 41-20 Residential Temporary Signs**

- (a) Temporary signs may be ground signs, window signs, and wall signs unless otherwise specified.
- (b) Number: Any number of such signs are permitted, provided the total permitted sign area is not exceeded.
- (c) Area: Temporary signs shall have a maximum total area of six (6) square feet except as provided for in letter (e), (f), (g) and (h) below.
- (d) Height: Temporary signs that are ground signs shall have a maximum height of six (6) feet except as provided for in letter (e), (f), (g) and (h) below.
- (e) If a property is listed for sale or lease, the property owner may place one (1) sign per frontage on their property provided that the sign area does not exceed six (6) square feet and six (6) feet in height. Such sign shall be removed upon the closing of the sale or initiation of the lease.
- (f) If the property is under construction, the property owner may place one (1) sign per frontage provided that the sign area does not exceed six (6) square feet and six (6) feet in height. Such signs shall be removed within thirty (30) days of the completion of construction.
- (g) If a property is being developed for more than one residential property within the development, the property owner may place any number of signs on the property provided that the total sign area does not exceed sixty-four (64) square feet and ten (10) feet in height. Such signs shall be removed within thirty (30) days of completion of the development.
- (h) Ninety (90) days prior to, and five (5) days following any local city, state, or national election each residential property shall be allowed up to eight (8) non-commercial signs or up to twenty-four square feet of signs, as long as no sign shall exceed eight (8) square feet.

## **Article VI Special Sign Districts**

### **Section 41- 21. Special Sign Districts**

Special sign districts may provide an opportunity for a creative approach to signage which may not conform to all the conditions set forth in this chapter. Requirements that may be varied include number, area, setback, height, lighting, movement, placement, type, location, and construction materials. This allows for unified presentation of signage throughout a parcel proposed for development and allows flexibility to provide for unique environments.

All signs shall be architecturally integrated into or complimentary to the design of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The special sign district shall establish an integrated architectural vocabulary and cohesive theme for the parcel proposed for development. Applications for a special sign district shall be reviewed pursuant to Section 34-407.

## **Article VII Variances**

### **Section 41-22. Variances**

Variances are variations from the strict application of the ordinance and are only granted under exceptional circumstances as stated in Chapter 34.

- (a) *Not variable.* The following provisions are not variable: §41-19, and §41-24. The following provisions are not variable, except within a special sign district: §41-5, §41-16, §41-18, §41-19, and §41-20
- (b) *Minor variance.* To vary the area, setback, or height provisions of this Chapter by up to ten (10) percent. A minor variance may be granted only pursuant to the process outlined under §34-405.

- (c) *Major variance.* To vary the area, setback, or height provisions of this Chapter more than ten (10) percent. A major variance may only be granted pursuant to the process outlined in §34-406.

## **Article VIII Existing Signs**

### **Section 41-23. Nonconforming Signs**

- (a) Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.
- (b) For the purpose of amortization, non-conforming signs may be permitted for ten (10) years from the date of the adoption of this Ordinance. Ten (10) years after the date of the adoption of this Ordinance, all non-conforming signs must be either removed or brought into compliance. Failure to do so will result in a notice of violation.
- (c) All nonconforming signs must be maintained in accordance with §41-4(b) and are still subject to removal pursuant to §41-26.
- (d) All permanent signs and sign structures shall immediately be brought into conformance with the sign regulations if the following occurs:
1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
  2. A nonconforming sign that has been damaged in excess of 50% of the replacement cost shall not be restored except in conformance to this Ordinance.
  3. If less than 50% of the replacement cost of a sign becomes damaged, and the sign is not restored within ninety (90) days from the date of such damage, and diligently repaired, the sign shall not be restored except in conformance to this ordinance.
  4. An alteration in the structure of a sign support.
  5. A change in the mechanical facilities or type of illumination.
  6. To determine the legal status of existing signs in each of the cases listed in §41-23(d), the applicant shall submit the following information to the Zoning Administrator:
    1. Type(s) of existing sign(s) located on the property.
    2. The area and height of all signs.
    3. For freestanding signs, the distance between the property line and the nearest portion of the sign.
    4. Type of sign illumination.
    5. The material of which the sign is constructed.
    6. The building frontage.
- (e) Prior to the events listed in §41-23(d), nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
- (f) Nonconforming signs shall be exempt from the provisions of §41-23(d), under the following conditions:
1. The nonconforming sign possesses documented historic value.

2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the Historic Preservation Commission.
3. When a nonconforming sign is required to be moved because of public right of way improvements.

#### **Section 41-24. Signs on the Premises of Legally Nonconforming Uses.**

Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.

### **Article IX Administration**

#### **Section 41-25. Removal of Unsafe, Unlawful, or Abandoned Signs**

##### **(a) Unsafe or Unlawful Signs.**

1. Upon written notice by the City, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the City to be a nuisance, or it is deemed unsafe by the City, or it is unlawfully erected in violation of any of the provisions of this Ordinance.
2. The City may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the City may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

##### **(b) Abandoned Signs.**

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within thirty (30) days of the sign becoming abandoned as defined in this Chapter. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in thirty (30) days the City may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

#### **Section 41-26. Permits, Licenses & Applications**

##### **(a) Generally**

1. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City without first obtaining a sign permit, (and license if applicable) unless the sign is specifically exempt from the permit requirements as outlined in §41-6, Signs Exempt from Permit Requirements.
2. It shall be the responsibility and duty of the owner or lessee of the premises upon which such sign is to be located, or the sign owner if different therefrom, to secure a proper permit (and license, if necessary) for erection of said sign under the terms of this chapter before commencement of the erection thereof. A copy of such permit (and license, if necessary), shall be kept on the premises where the sign is located for public inspection, if practicable, otherwise at the owner's main place of business.
3. Permit application, license application, and annual licensing fees shall be established from time to time by City Council Resolution or Ordinance.

- (b) A permit is required prior to the erection, construction, relocation, or structural alteration of any sign. Simple face replacements, where there is no change in business ownership or use, as defined in the zoning ordinance, do not require a permit.

#### **Section 41-27. Violations**

- (a) Permits: Violation notices will be issued for signs that do not comply with the regulations of this Chapter, or do not have the appropriate permit or license as defined in this chapter.
- (b) Licenses: Violation notices will be issued for licensed signs (digital message boards and digital billboards) which fail to comply with licensing terms.
- (c) Violation enforcement: All violations will be handled pursuant to Chapter 3, Administrative Adjudication.
- (d) Penalties: Any applicant, owner, and/or licensee violating any provision of this Chapter may be fined not less than \$50.00 nor more than \$500.00, and a separate offense shall be deemed to have been committed each day during which or on which a violation occurs or continues.

## **Article X Severability**

#### **Section 41-28. Severability**

The provisions of this Chapter are severable and if any of its provisions or any word, term, sentence, phrase, part, section, subsection, paragraph, subparagraph, or clause of the provisions of this chapter related to signs is declared unconstitutional by any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other word, term, sentence, phrase, part, section, subsection, paragraph, subparagraph, or clause and all other portions of this chapter shall remain in full force and effect.

To the extent that there is any conflict between the provisions of this section and the with the Federal Highway Beautification Act of 1965, then that portion and only that portion of this chapter shall be considered superseded, and only to the specific extent that said federal law supersedes that portion of this chapter. Further, this Chapter is not intended to preclude any right an owner of a lawfully erected off-premises outdoor advertising sign may have to just compensation under Section 10-5-5 of the Eminent Domain Act (735 ILCS 30/10-5-5).