

CHAPTER 20

ADVERTISING

ARTICLE I GENERAL

SECTION 20-1: DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“AREA OF EXPOSURE” The area of a building wall facing in one principal direction, including doors and windows contained in such wall; where such wall is irregular in plan the area of the exposure shall be calculated as the area of the projection of such wall upon a plan parallel with the nearest adjacent street.

“AREA OF SIGN” The area of a sign shall be computed by the customary applicable mathematical formula for the shape of the sign face; or in the case of a sign made up of separate letters or characterizations connected in meaning by computing the area lying within straight line connecting the extreme projections, corners or edges of the letters, character of other figures composing the sign, by computing the total area of all faces, provided that if the distance between sign faces of a multi-faced sign does not exceed twelve inches such distance shall not be considered in computing the area of a sign.

“COURT YARD” An extent of open ground (not including a parking lot or loading area) walled by buildings on three sides which is open to the public and abuts a public street.

“GARAGE SALE” A general sale, open to the public, conducted from or on a residential premise in any residential zone, as defined by Zoning Ordinance, for the purpose of disposing of personal property owned and maintained by an individual or members of his or her immediate family residing on the property and acquired in the normal course of living in or maintaining a residence.

“GROUND SIGNS” Any sign supported by or attached to a ground sign standard, such standard being a free-standing frame, mast or other support not attached to any building.

“ILLUMINATED SIGN” (EXTERNAL) A sign characterized as having its source of artificial light located within the perimeter of such sign.

“PUBLIC PROPERTY” Any area or structure within the defined geographical boundaries of the Village of Lena that is not privately (individual and commercial) or state owned and is generally defined and/or known as Village property.

“PUBLIC STREET” The area lying within the described limits of a dedicated right-of-way or thoroughfare for vehicular traffic (excluding an alley) such right-of-way or thoroughfare being open to the use of the public as a matter of right.

“SIGN” Any symbol, lettering, pictorial representation, or combination thereof readily visible from court yard or public property and used for informational, identification, or directional purposes or to sell or advertise products, services, activities, or events.

“STREET EXPOSURE” The exterior wall (including doors and windows) of a building having its frontage on a public street or a court yard. The street exposure of an occupant is the street exposure of that portion of the building wall included in the space in the building occupied by such occupant,

SECTION 20-2: ADVERTISING UNLAWFUL BUSINESSES AND ARTICLES

It shall be unlawful to advertise any unlawful business or article in the Village.

SECTION 20-3: POSTING BILLS. RESERVED

SECTION 20-4 through 20-14. RESERVED

**ARTICLE II
SIGNS**

SECTION 20-15: COMMITTEE RESPONSIBILITY

(A) *Intent*: It shall be the intent of this Board that the Planning and Zoning Committee shall be the committee responsible for administering the standards and rules contained herein. To accomplish this task, the following guidelines are established:

1. In order that the public locate goods, services and facilities in the Village without difficulty or confusion, and to maintain a high quality of development throughout the Village, it is the intent of this chapter to encourage excellence in the design of signs, to promote signs activity to which they pertain and expressive of the identity of the proprietors of the premises on which such signs are located. This chapter is further intended to reduce visual confusion restrict signs which overload the probability of accidents by distracting attention, obstructing vision or which otherwise adversely affect the public health, safety or welfare.

2. The applications governed by this chapter shall be reviewed by the Planning and Zoning Committee for the Village, who shall act in an advisory capacity.

3. The Planning and Zoning Committee, after review of the applications, shall forward their recommendations to the Village Board, who in turn shall make the final and only binding decision as to each application.

(B) *Statement of Policy*: To assure that the intent of this chapter is realized, it shall be the policy of the Planning and Zoning Committee by way of its review to:

1. Operate, within its jurisdiction and in the interest of the people of the Village of Lena, in a consistent, fair, objective and understanding manner;

2. Encourage and inspire both public and private participation in matters regarding signage and work with other governmental, civic, and other private bodies to enhance communication, understanding, and appreciation between them and the Board;

3. Encourage excellence in the design of signs throughout its acceptance of appropriate innovation and imaginative concepts;

4. Encourage competition toward attractiveness in signs and discourage the type of competition which produces signs that are counterproductive to the intent of this policy and program; and

5. Give appropriate recognition to projects which exhibit outstanding design merit.

SECTION 20-16: STANDARDS AND CRITERIA FOR REVIEW

The following factors and characteristics which relate to the safety and appearance of signage, shall govern the Committee's evaluation of design submittal:

(A) Projects which include a number of signs and graphics shall have an overall plan;

(B) Signs and graphics shall have a harmonious relationship with nearby signs, building and the neighborhood, and shall be designed so as not adversely to affect adjacent structures. In this respect the sign shall be related to its building, structure and neighborhood in terms of size, shape, material, location, lighting, and landscaping if applicable;

(C) In its deliberations the Board shall consider, among other things, the sign area allowances provided herein as the maximum allowance, and if in its determination the size of the proposed sign(s) is out of proportion or scale to the building or to other buildings or signs in the surrounding area, then the Board may reduce the allowable sign area at its discretion;

(D) External lighting shall be arranged/located in such a manner so as to ensure the light source is either screened from view, or that the light source is not distracting or obtrusive.

(E) The additional provisions of this chapter, as specified herein, shall be part of the criteria of the design review process.

SECTION 20-17: SIGN PERMIT

(A) *Permit Required:* A permit shall be necessary to erect, construct or display any temporary or permanent sign. Applications for sign permits shall be submitted to the Village Clerk on forms provided by the Village by any person, firm or corporation erecting or constructing any such sign. Such application shall also be accompanied by a permit fee to be set from time to time by ordinance of the Village Board of Trustees.

(B) *Permit Fees:* The fee for a permit to construct a new or replacement sign less than 300 square feet in total area shall be \$10.00. The fee for the construction of a new or replacement sign 300 square feet or greater of total area shall be \$50.00. There shall be no permit fee required to replace an existing sign with an identical sign as long as there is no other construction associated with the sign replacement. All other permit requirements remain in effect.

(C) *Application for Sign Permit:* Application for sign permit shall at a minimum contain or have attached thereto the following information and material:

1. Name, address and telephone number of the owner of the property;
2. Name, address and telephone number of the applicant (owner of the sign);
3. Name, address and telephone number of the sign contractor, if any;
4. Location of the building, structure or lot to which, or upon which, the sign is to be attached or erected;
5. Two copies of a drawing and other material showing;
 - (a) The position of a proposed sign in relation to adjacent signs, buildings and structures;
 - (b) The design and size, structural details, material, and placement on the premises of a proposed sign or sign structure;
 - (c) Current color photographs showing existing signs on the premises and adjacent property, and the date on which said photographs were taken;

(d) Statement denoting the aggregate size of all signs existing on the premises at the time of making such application;

(e) The information submitted by the applicant shall be of sufficient detail to illustrate clearly the design for which approval is being sought and its relationship to the structure it serves. One set of the submitted drawings and information shall be retained by the Village and the other set shall be returned to the applicant along with the approval permit. Drawings need not be professionally developed, but must be legible and contain the required information.

SECTION 20-18: PROHIBITED SIGNS

No person shall display any sign of the following prohibited types, or in the following prohibited location:

(A) Signs upon, above or attached to the roof of any building that if knocked or blown down could cause additional damage to any adjacent or neighboring private or commercial structures and/or property, or person;

(B) Signs painted directly on a fence;

(C) Signs, or spotlights or floodlights used to illuminate signage, projecting more than 3 inches over or into the right of way of any public street, sidewalk, alley or public place (except that over 8 feet above the adjoining sidewalk they may project a maximum of 13 inches);

(D) Signs which, as determined by the Zoning and Planning Committee may constitute a hazard to traffic or the public be reason of obstruction of view, distraction or danger to the safety of persons using public property.

SECTION 20-19: SIGNS NOT REQUIRING PERMIT

(A) The following signs shall be permitted:

1. Real estate signs (non-illuminated), advertising the sale or lease of the lot or premises on which they are maintained, shall be less than 10 square feet in area for residential zoned lots and less than 64 square feet in area for commercial, office, and industrial zoned lots. No one property shall be allowed to have more than one sign on the lot or premises, except, on corner lots, one such sign may face each street. Said signs shall be removed within seven days after the sale or lease of the premises. In addition, signs advertising the sale of residential lots or premises are exempt from paying the established sign application fee.

(a) Real estate signs (non-illuminated), advertising the sale or lease of a residential zoned lot or premises may be posted off the premises to be sold or leased on Sunday (including "open house" signs) only.

(b) Real estate signs (non-illuminated), advertising the sale or lease of a commercial, office, or industrial lot or premises may be attached to the side of said building facing the street. The area of the sign shall not exceed fifteen percent of the total area of the side of the building to which it is attached up to a maximum of 64 square feet.

2. Construction-site signs (non-illuminated) identifying the parties engaged in the design and construction on the lot or premises on which they are displayed, and being less than 10 square feet in area.

3. Decorations displayed in connection with civic, patriotic or religious holidays, except that they shall be removed within 14 days after the appropriate holiday.

4. Flags, emblems, and signs of political, civic, philanthropic, or educational organizations temporarily displayed with respect to an election or event for noncommercial purposes, to be removed 7 days after such election or event.

5. Garage sale signs (non-illuminated) placed on the lot or premises on which such sale is conducted or off premises less than 10 square feet in area and not in excess of one sign on the lot or premises, except that on corner lots one such sign may face each street, and such signs shall be removed within 72 hours after posting.

SECTION 20-20: SIGNS ON RESIDENTIAL PROPERTIES

No sign shall be displayed on building or premises or that portion thereof used for residential purposes regardless of the zoning district in which located, or on any vehicles parked or stored on such residential property where such vehicle is readily visible to the general public, except for the following permitted signs:

(A) One name-plate sign not exceeding 80 square inches in area, which may be combined with a street or house number sign;

(B) Noncommercial signs behind or affixed to windows or doors;

(C) In the case of apartment houses for three or more families, there shall be permitted, in addition to the foregoing and in addition to any other signs hereinafter permitted by reason of any commercial use of the first floor, one identification sign not exceeding 5 square feet in area indicating the name of the building and of the ownership or management thereof.

SECTION 20-21: SIGNS OF RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER SPECIFIED ORGANIZATIONS

(A) No sign shall be displayed on the building or premises of a religious, philanthropic, civic, charitable or private educational institution or organization or any private club except:

1. Identification signs, identifying the name or nature of the institution or organization;

2. Bulletin Board signs being structures of a permanent nature, but having changeable words or figures.

(B) The total area of all signs on the premises of each such institution or organization shall not exceed 50 square feet in area, and no one sign shall exceed 30 square feet in area.

SECTION 20-22: COMMERCIAL SIGNS

(A) *Defined:* All signs not heretofore specified shall be deemed to be commercial signs for the purposes of this chapter, regardless of the zoning district (as established by the Zoning Ordinance) in which the premises are located.

(B) *Regulations:* Commercial signs of any type not otherwise prohibited may be displayed, subject to the specific sign regulations as set forth herein:

1. No awning sign or sign displayed on or attached to a building by an occupant (excluding window signs) shall contain information other than that which identifies the name of the occupant, the nature of the occupant's business and the logo or trademark of such occupant.

2. No sign regulated by paragraphs 7, 8 and 9 below shall exceed 100 square feet in area per face of said sign.

3. No sign shall be attached to any wall of any building unless it is placed substantially parallel to the surface of such wall and is safely and securely fastened thereto.

4. For each side of a building the total area of commercial signs other than exempt signs and signs permitted under Paragraph C, ground signage and window signage of the section, shall not exceed 30 percent of the total area of said side of building, exclusive of any such exposure that is occupied for residential purposes.

5. In cases where a building is occupied by more than one occupant, the total area of the commercial signs of each occupant shall be limited to 15 percent of the area of the street exposure of such occupant.

6. The owner of a building shall be permitted to display on or attach to the building one identification sign not exceeding 15 square feet in area indicating the name of the building or management hereof. The area of such sign shall not be included in the 30 percent over-all limitation contained in subsections B-4 and the 15 percent over-all limitation contained in subsection B-5 of this section.

7. A ground sign, permitted under subsections B-8 and B-9 of this section, shall not together with its stand exceed more than 15 feet in height above the ground level (as measured from the normal level of the sidewalk), except as permitted by subsection B-8. The material for sign bases should be comparable to the materials used for the business building. The area of the sign base shall be no less than 80 percent of the width of the sign and on less than 50 percent of the depth of the sign.

8. If no commercial signs, other than the exempt signs and signs permitted under subsection B-6 of this section, are displayed on or attached to a building occupied by fewer than three commercial occupants, one ground sign may be displayed on the premises on which the building is located, provided that such ground sign together with its stand shall not exceed 15 feet in height (as measured from the nearest sidewalk). The material for sign bases should be comparable to the materials used for the business building. The area of the sign base shall be no less than 80 percent of the width of the sign and no less than 50 percent of the depth of the sign.

9. In addition to other signs displayed on or attached to a building, a building occupied by three or more commercial occupants may display a directory-type sign (subject to the 15 percent limitations contained in subsection B-5 of this section). A directory-type sign may be a ground sign on the premises on which the building is located. The material for sign bases should be comparable to the materials used for the business building. The area of the sign base shall be no less than 80 percent of the width of the sign and on less than 50 percent of the depth of the sign.

10. No sign shall be externally illuminated unless the source of such light shall be so located, shielded and directed as not to be directly visible from any surrounding public street or private residence; and no sign shall be internally illuminated except one having an opaque background and illuminating only letters, trademarks and logos.

11. For safety purposes, neon signs and similar gaseous tube illuminated signs with exposed lighting components shall be located indoors and on the ground floor of any business that employs that type of advertising sign.

12. No illuminated sign shall be located in such a manner as to have any adverse impact on any adjacent residential property. All claims of adversity shall be established by a complaint to the Village President, and investigated and ruled on by the Planning and Zoning Committee.

13. The total area of all signs on an awning shall not exceed 10 percent of the total exterior surface area of the awning. The area of such sign shall be included in the 15 percent overall limitation contained in subsection B-4 and B-5 of this section.

14. All billboards (ground signs having 300 square feet or more of a single face) are prohibited inside the Village's jurisdiction.

15. No non-park advertising sign shall be permitted to be erected within 300 feet of any park entrance within the Village.

16. Setbacks for freestanding business or advertising signs. Freestanding business or advertising signs erected after the adoption of this ordinance shall have a minimum setback for any part of the sign equal to at least one-fourth (1/4) of the required building setback of the zoning district. Existing freestanding signs which do not meet the above requirements may not be altered or changed in any perpetuating manner unless proof is supplied to the Village Board of Trustees that such sign was not legally in existence prior to this ordinance.

(C) *Directional and Instructional Signs*: Directional or instructional signs accessory to parking and driveway areas are permitted, subject to the following regulations:

1. One sign may be erected to designate each entrance to or exit from each parking or driveway area; each sign may not exceed three (3) square feet in area and such signs may be double faced and illuminated.

2. One sign designating the conditions of use shall be permitted for each parking or driveway area; such signs shall not exceed a maximum of 10 square feet in area.

3. In standard traffic marking colors, lane markers, directional arrows and other directional or instructional devices painted on the pavement of parking and driveway areas shall be permitted without limitation. The area of signs permitted under this subsection shall not be included in the fifteen percent overall limitation contained in Subsections B-4 and B-5 of this section.

(D) *Service Stations; Car Washes*: Signs on or accessory to automobile service stations and car washes and the premises thereof shall conform to all regulations contained in the chapter and in addition shall be limited to two double faced signs per establishment; in computing the number of signs displayed, however, the following shall not be deemed to constitute signs on such premises:

1. Matter appearing on gasoline pumps as purchased or installed.

2. Matter appearing on non-illuminated vending machines as purchased or installed (not to exceed three such machines visible to the general public) that dispense or offer for sale any products or services, provided that such machines are grouped together.

3. Signs required by state law displayed in connection with the operation of automobile service stations or pump islands; provided, that:

(a) Minimum state standards shall constitute that maximum permissible standards within the Village for the display of such required signs;

(b) No items of information other than those specifically required by state law shall be displayed on such required signs; and

(c) The size of each such required sign shall be related to the state mandated letter size (the size of sign, in each case, to be approved by the Board of Trustees).

SECTION 20-23: SAFETY AND MAINTENANCE

(A) All signs shall be designed and constructed adequately and safely to support their weight and to withstand wind and other stresses to which they may be subjected.

(B) All signs in which there is an electrical service greater than 115 volts shall be in some manner permanently and conspicuously marked as to the amount used therewith.

(C) No sign shall be erected, relocated, maintained or otherwise permitted to obstruct or prevent free ingress or egress from any window, door, fire escape or stairway of any building or structure. No sign shall be attached to a fire escape.

(D) No sign shall be erected, constructed or maintained where by reason of its position, shape, color or wording, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; nor shall it otherwise cause a safety hazard.

(E) All signs located within the Village shall be maintained in a safe and neat condition at all times. It shall be the responsibility of the sign owner (and property owner, if applicable) to ensure that signs are properly maintained. Owners of signs cited and/or declared to be in non-compliance by the Planning and Zoning Committee shall be given 30 days from the date of declaration to effect any and all necessary repairs.

(F) Whenever any business, service or other use moves from or vacates premises previously occupied by it, or for any reason renders a sign not applicable to the premises (an abandoned sign), all signs relating to such business, service or use shall be removed from such premises within ten days from the date of such event. In the event that such signs are not removed, the owner of the premises upon which such sign is displayed shall be liable for such removal within 10 days.

SECTION 20-24: REVIEW OF EXISTING PERMANENT SIGNS

All signs existing on the effective date of this Ordinance shall be exempt from compliance of the terms of this Ordinance with the exception of Section 20-31, Maintenance.

SECTION 20-25: UNLAWFUL DISPLAY DEEMED NUISANCE

It shall be unlawful to display any sign in violation of the provisions of this chapter. Any sign displayed in violation of this chapter shall be deemed a public nuisance.

SECTION 20-26: ENFORCEMENT, PENALTIES AND REVOCATION OF PERMIT

(A) The Village President is hereby authorized and empowered to enforce this chapter.

(B) Before any use may be made of a sign authorized under the provisions of this chapter, a final inspection of the premises must be obtained from the Village building inspector to assure compliance with the evidence upon which the sign permit was issued.

(C) The Village building inspector may make inspections and tests necessary to obtain compliance with the provisions of this chapter and shall have right of entry upon any premises for inspection whenever the premises are open to the general public. If entry is refused, the Village of Lena Police Department, showing reasonable cause to believe the existence of a violation, may apply to the appropriate court for a warrant authorizing entry.

(D) Any person who displays a sign shall comply with the provisions of this chapter.

SECTION 20-27: VIOLATION OF REGULATIONS

(A) The Village Clerk shall give a registered and certified written notice of the violation to any person displaying a sign in violation of this chapter. Such notice shall demand compliance with the requirements of this chapter within 48 hours from the time of the receipt of such notice (weekends and holidays excluded) for temporary and window signs, and within ten days from other signs.

(B) Any person displaying a sign in violation of this chapter after such 48 hours of the ten day period, as the case may be, shall be subject to a penalty not less than \$50.00 or more than \$100.00 per offense. Each day of such violation shall constitute a separate offense with respect to the computation of fines.

(C) If a sign shall be found to be unsafe or insecure, or constructed, erected or maintained in violation of this chapter, and if the owner of such sign fails to remove or alter the sign (following proper notice), such sign may be removed or altered by the Village at the expense of the owner of the sign.

(D) In the event that any sign presents an immediate peril to persons or property, such sign may be removed by the Village summarily and without notice. Such removal without notice shall not preclude the Village from recouping the costs of such removal.

(E) In addition to other remedies as specified in this chapter, the Village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this chapter, including such actions as may be necessary for the Village to recoup costs incurred in pursuance of the removal or alteration of signs as may be required in this chapter.

(F) All rights and privileges acquired under the provisions of this chapter are mere licenses, revocable at any time by order of the Village Board of Trustees.

SECTION 20-28: VARIATIONS

(A) Any person may apply to the Planning and Zoning Committee for a variation from the terms of this chapter and a permit to construct or alter or maintain any sign which does not conform to the requirements of this chapter.

(B) Request for variations shall be filed with the Village Clerk who shall refer them to the Planning and Zoning Committee for advisory purposes who will present the request to the Village Board for a decision.

(C) Variations shall be permitted only if:

1. They are in harmony with the general purpose and intent of the ordinance; and
2. The plight of the petitioner is due to unusual circumstances; and
3. There are practical difficulties or particular hardship in the way of carrying out the strict requirements of this chapter; and

4. The variation will not alter the essential character of the locality.

(D) Every variation granted by the Village Board of Trustees shall be accompanied by findings and facts specifying the reasons for granting the variation.

SECTION 20-29: LIABILITY FOR DAMAGES

Neither the provisions of this chapter nor the issuance of any sign permit or certificate of appropriateness shall be construed as relieving any person erecting, owning or maintaining any sign from liability arising by reason of personal injury or property damage resulting therefrom or work relating thereto, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. The provisions of this chapter shall not be construed as imposing upon the Village or its officials or employees any liability by reason of the approval of any sign under any of the provisions of this chapter.

SECTION 20-30: REIMBURSEMENT FOR EXPENSES

The applicant for a sign permit shall reimburse the Village for all engineering and legal costs incurred by the Village in processing the application. These expenses must be paid to the Village prior to the Village issuing its sign permit. If three days has expired from the date of notice of expenses referred to herein, and payment in full has not been made to the Village, the applicant for the sign permit shall be deemed rejected by the Village irrespective of how the Board of Trustees has previously ruled.

SECTION 20-31: MAINTENANCE

Every sign including but not limited to those for which permits or for which no permits are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and all other acts required for the maintenance of said signs. All signs in existence as of the effective date of this ordinance shall also be required to maintain, repair, and keep their signs in good structural condition and in the event, that any sign face support structure is not maintained so as to prohibit the formation of rust on said base, the Village, after thirty days notice of the violation of this section, shall cause the removal of said sign. Any owner of said sign being in violation of the section, shall be served with a notice of their violation to continue to maintain said sign in a proper fashion, and in the event that said sign is not repaired within thirty days from receiving notice of the violation, said owner of said sign shall be deemed in violation of this section. Each day, after the thirty day notice to repair, that the sign remains unrepaired, the owner of said sign shall be liable to the Village for a fine of \$100.00 per day. In addition to the fine, as set forth herein, if the sign which is in violation of this section is not made to comply with the adequate safety standards, the Village of Lena shall require its removal in accordance with this section.

SECTION 20-32: REMOVAL OF SIGNS BY THE VILLAGE

(A) The Village shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign or a sign for which no permit has been issued other than those signs exempt. The Village Clerk shall prepare a notice, which shall describe the sign and specifically the violation involved and which states that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this section.

(B) All notices mailed by the Village Clerk shall be sent by certified mail. Any time periods provided in this ordinance shall be deemed to be commenced on the date of the receipt of the certified mail.

(C) The notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll. If known, or if reasonable care should be known, the notice shall be made to or delivered to the owner of the sign and the occupant of the property.

(D) In case of emergencies, the Village of Lena, may cause the immediate removal of the dangerous or defective sign without notice.

(E) Any sign removed by the Village shall become the property of same and may be disposed of or in any manner deemed appropriate by the Village Board. The cost of removal shall be considered to be a debt owed to the Village by the owner of the sign and by the owner of the property on which the sign was located. The debt may be recovered by the Village through appropriate civil litigation or by assessment against the property if so appropriate. The cost of removal shall include any and all incidental expenses incurred by the Village in connection with the sign removal.

SECTION 20-33: CONFLICT OF STATUTE

In cases where Village of Lena ordinances are considered to be in conflict with state statutes regarding signage with the legal boundaries of the Village, the state statutes shall prevail.