

KENILWORTH SIGN CODE

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ARTICLE I. STATEMENT OF PURPOSE

The following finding and purposes are hereby adopted:

- A. It is necessary for the promotion and preservation of the public health, safety and welfare of the Village that the erection, construction, location and maintenance of all signs and lighting be regulated and controlled.
- B. It is intended to encourage a high quality of development and excellence in the design of signs throughout the Village.
- C. It is intended to insure that all signs within the Village are compatible with existing land uses and/or buildings with regard to size, location, color, construction, materials, and manner of display, and to discourage unsightly, inappropriate and excessive numbers of signs.
- D. A multiplicity of signs and animated or moving signs are distracting to motorists and a hazard to vehicular and pedestrian traffic.
- E. A proliferation of off-premises signs obscures the legitimate effort of local business establishments to reasonably identify the location and nature of their businesses.
- F. It is a legitimate public purpose to limit signs in the Village to those reasonably necessary to identify local businesses. Such limitations and all other sign regulations herein are established to accomplish the following purposes:
 1. To protect public safety and welfare.
 2. To ensure adequate and appropriate identification of uses by controlling the size and number of signs.
 3. To create a more attractive economic and business climate within the business district of the Village.

4. To protect the business district from sign clutter.
5. To protect the public's ability to identify uses and premises without confusion.
6. To limit or eliminate unnecessary distractions that may jeopardize pedestrian or vehicular traffic safety.
7. To assure the maintenance of signs.
8. To implement the objectives expressed in the Comprehensive Plan.
9. To preserve and enhance the natural beauty of the landscape and residential and commercial architecture, one of the prime assets of the Village.
10. To control and abate the unsightly use of buildings or land.
11. To protect the property values and economic well-being of the Village.

ARTICLE II. SCOPE

This chapter governs and controls the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs and lighting within the Village visible from any street, sidewalk, or public or private common open space. This chapter relates to the location, type, materials, design and size of signs within the various zoning districts established by the Kenilworth Zoning Ordinance, and is in addition to the provisions of the Kenilworth Building and Construction Regulations applicable to the location, construction, installation, operation, maintenance, and electrical wiring of signs and their sources and/or intensity of illumination.

ARTICLE III. SIGN PERMIT PROCEDURE AND CERTIFICATE OF APPROPRIATENESS

The Architectural Review Commission shall review all Sign Permit applications submitted to them by the Village Manager or his/her designee.

- A. No permanent sign, except those identified as exempt, shall be erected, constructed, altered, relocated or displayed in public view, or any temporary sign, except those identified as exempt, shall be placed or displayed in public view, within the Village of Kenilworth without prior approval and issuance of a Sign Permit and/or Certificate of Appropriateness, as required herein.
- B. Fees shall be charged by the Village for permit(s) in accordance with the schedule of fees established by resolution of the Board of Trustees.
- C. Application for a Sign Permit shall be submitted to the Village Manager or his/her designee on forms provided by the Village and shall contain or have attached thereto the following information:

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, and where applicable, the name, address and telephone number of the electrical contractor;
4. Address or location of building, structure or lot to which, or upon which, the sign is to be attached or erected;
5. Application for Certificate of Appropriateness and, where applicable, Application for Building Permit;
6. Illustrated calculations of the aggregate size of all signs existing on the premises at the time of making such application;
7. Such other information as the Village Manager or his/her designee or the Architectural Review Commission shall require to show full compliance with this Code;
8. Ten (10) copies of the following materials or information:
 - a. Scaled drawings showing the position of a proposed sign in relation to adjacent signs, buildings and structures. The exact position of the sign(s) shall be noted on the drawing.
 - b. Information, drawings, specifications, samples, or other materials regarding the design and size, structural details, materials and colors, and placement on the building of a proposed sign or sign structure,
 - c. Current color photographs showing existing signs on the building and adjacent property, and the date that the photographs were taken.
9. Sign Permit applications shall be examined by the Village Manager or his/her designee to determine whether the application is complete. Additional information or clarification as necessary to complete review of the sign permit application may be requested. Once the application is determined to be complete, it will be referred to the Architectural Review Commission for consideration of the granting or denial of a Certificate of Appropriateness.
10. After issuance of a Certificate of Appropriateness, if applicable, the Village Manager or his/her designee shall review the Sign Permit application for compliance with the Village's Building and Construction Regulations and shall issue a Sign Permit if the proposed work complies with all Village codes and regulations.

ARTICLE IV. VARIATIONS

The Architectural Review Commission shall hear and decide upon requests for variances from the Sign Code.

- A. It shall be the duty of the Village Manager or his/her designee, after an application for a Sign Permit is submitted, to determine and advise the applicant whether under the provisions of this Code, a sign variance is required.
- B. The Architectural Review Commission, upon written application for a Certificate of Appropriateness for a Sign Permit or for a variation from the regulations contained in this Code to allow for the continued use of an existing sign, and having reviewed the same, may authorize the issuance of a Sign Permit or in the case of an existing sign, the continued use of said sign, for signs that do not fully comply with the requirements of this Code provided that the Architectural Review Commission, prior thereto, makes one or more of the following findings of fact:
 - 1. That the proposed or existing sign is compatible with surrounding land uses and/or building signs;
 - 2. That the granting of approval for this proposed or existing sign is consistent with the overall purpose of the Sign Code;
 - 3. That due to unique circumstances or safety considerations, the proposed or existing sign is aesthetically consistent with the environment and because of these circumstances or considerations, it is necessary that a variation be granted for the erection of the proposed sign or the continued use of an existing sign.
- C. In the event of denial of a variation, the applicant shall have the right to appeal the action in a court of record in the manner provided by the statutes of the State of Illinois.
- D. A sign approved by the Architectural Review Commission shall be considered void if the work covered by the review has not been started within ninety (90) days of the date when the Sign Permit is issued and completed within one (1) year, or if a Sign Permit is not issued for the sign, within one (1) year of Architectural Review Commission approval.

ARTICLE V. DEFINITIONS

- A. A-Frame Sign:**
A temporary advertising device ordinarily in the shape of an "A," or some variation thereof, located on the ground, not permanently attached and easily movable, and usually two sided. Also called a "sandwich board."
- B. Address Sign:**
The numerical address of a structure with or without the corresponding street name.
- C. Animated or Moving Sign:**
A sign or other advertising structure with flashing, moving, revolving or rotating parts, bright color or lights, or visible mechanical movement of any kind, including light and

wind-activated signs. Examples of such signs include pennants, banners, streamers, balloons, search lights, beacons and flashing lights. Analog (non-digital) clocks are not considered signs with moving parts.

D. Awning:

A structure attached to a building, typically made of tubular frame and covered with canvas or canvas-like material(s) extended over a window or door or over a patio, deck, etc. as a protection from the sun or rain.

E. Bulletin Board Sign:

A permanent sign used for posting changeable notices of events, notices, hours, or related information.

F. Changeable Message Sign:

A sign, all or part of which uses characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign, and not a changeable copy sign for purposes of this code.

G. Civic Event Sign:

A temporary sign announcing a noteworthy happening, social occasion or activity taking place at a particular date and time.

H. Construction Sign:

A temporary sign which functions to denote the project name, architect, contractor and/or engineer and their telephone numbers, placed on a lot that is the construction site of such project, architect, contractor and/or engineer.

I. Directory Sign:

A sign which functions to identify the location of occupants of a building or group of buildings which are divided into rooms or suites used as offices or studios.

J. Election Sign:

A temporary sign announcing or supporting political candidates or issues in connection with any national, State or local election. Election signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot that has been certified in accordance with the Illinois Election Code.

K. Freestanding Sign:

A sign erected and maintained on one (1) or more free-standing mast(s) or pole(s) and not attached to any building, but not including a monument sign.

L. Governmental Sign:

A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

M. Holiday Decorations:

Temporary signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

N. Interior Located Illuminated Sign:

A sign located inside a building illuminated by a light source and clearly visible from the exterior of the building through a window.

O. Memorial Sign:

A sign or tablet memorializing a person, event, structure, or the like.

P. Message Sign:

A sign other than an election sign expressing a noncommercial message regarding an issue or a person of political or public concern.

Q. Monument Sign:

Any sign, other than a freestanding sign, placed upon or supported by the ground independently of any other structure. Monument signs are typically mounted on a masonry base. As distinguished from a freestanding sign, the sign base of any monument sign must be a minimum of fifty percent (50%) or more of the width of the sign face that is to be situated upon the base. A sign base less than fifty percent (50%) of the width of the sign face is considered a freestanding sign.

R. Obsolete Sign:

A sign which identifies a use that is no longer on the site.

S. Official Flag or Emblem:

A flag or emblem of a government.

T. On-Site Informational Sign.:

A sign which is incidental to the primary use and is for public information and not for advertising purposes. For example, signs marking entrances and exits, parking areas, one-way drives, rest rooms, pickup and delivery areas, and the like.

U. Open House Sign:

A form of Event Sign directing people to homes that are for sale and open to the public for physical viewing without prior appointment. Such signs may identify the street address and the times for such public viewing.

V. Portable Sign:

Any sign designed to be moved easily and not permanently attached to a building, structure or the ground, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu board and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operation of the business.

W. Private Sale Sign:

A temporary sign advertising private sales of personal property at "house sales," "garage sales," "rummage sales," and the like.

X. Private Warning Sign:

A sign limited in content to messages of warning, caution, or danger.

Y. Projecting Sign:

A sign which is attached to and extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

Z. Real Estate Sign:

A temporary sign pertaining to the sale or lease of the property on which the sign is located.

AA. Roof Sign:

Any sign located on or attached to the roof of a building.

BB. Sign:

Any visual device or representation designed or used for the purpose of communicating a message or identifying a product, service, person, organization, business or event, with the use of words or characters, visible from outside the premises on which such device is located. Murals are not considered to be signs.

CC. Temporary Sign:

A sign not intended, designed, or issued a Sign Permit for permanent display.

DD. Wall Sign:

A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

EE. Window Sign:

A sign, picture, symbol, or combination, applied, attached or in contact with the exterior or interior of a window, glass surface of a door, or located within five feet of the interior side of a window or displayed so that it is visible from the exterior of the window. For purposes of this code, displayed merchandise or products shall not be considered a window sign.

ARTICLE VI. GENERAL REGULATIONS AND STANDARDS

The following general regulations and standards shall apply to all signs.

A. Illumination:

1. Location and Design of Light Source:

The use of unshielded lights, including incandescent bulbs on or strung on poles, wires, or any other type of support to illuminate buildings, outdoor sales areas or outdoor storage areas is prohibited. A sign and/or building may be illuminated when approved by the Architectural Review Commission, but all lights used for this purpose shall be located, shielded, and directed in such a manner that the light source is not directly visible from any surrounding public or private property.

All receptacles or devices used to provide external illumination for wall and free standing signs shall not protrude more than nine (9) inches from the face of the sign except for ground lighting.

2. **Hours of Illumination:**
Any sign that uses illumination shall be turned off while the related business is not open to the public for regular distribution of goods or services. Illumination is allowed from 7 a.m. to 9 p.m., except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance and in no case later than 11 p.m.
3. **Level of Illumination:**
The lighting intensity of any sign, whether resulting from internal or external illumination, shall not exceed 25 foot candles when measured with a standard light meter at four (4) feet from the center of the face of the sign. The lighting intensity of all signs is subject to further review following installation.
4. **Materials:**
The use of neon lighting is not permitted. Blinking, flashing, fluttering, rotating lights or other illuminating devices, or any illumination which has a change in light intensity, brightness or color shall be prohibited.
5. **Interior Located Illuminated Sign:**
Signs located inside a building illuminated by a light source and clearly visible from the exterior of the building through a window are prohibited.

B. Building Code & Construction Requirements:

1. All signs shall comply with Kenilworth's Building and Construction Regulations and 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.
2. The primary support of a freestanding sign must be erected in such a manner that at least forty-two (42) inches of the length of the support is underground. The Village Manager or his/her designee may require proper documentation from a structural engineer or manufacturer that indicates proper installation instructions for the sign, as well as the sign's ability to withstand wind pressures. All signs shall be attached, anchored and/or fastened so as to withstand wind pressure of not less than 35 lbs. per square foot, unless otherwise approved by the Village Manager or his/her designee.
3. No projecting sign may be secured with external wire, chains, cables, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any removable part of a projecting sign, such as the cover of a service opening, must be securely fastened internally by chains or hinges.
4. Wall signs must be safely and securely attached to the building wall. Wall signs must be affixed flat against the building wall and must not project more than six (6) inches from the building wall. No aesthetic sign elements may be affixed or painted directly on a building's exterior façade. All signs must be mounted in such a way that they may be removed with minimal impact on the building's exterior wall.
5. Supports and braces shall be an integral part of the sign design. Supports or braces shall be hidden from public view to the extent technically feasible. All signs attached

to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials. All fasteners used to attach signs to a structure or building shall be properly sized for the design loads and material of the support, have a minimum cross-section diameter of one-quarter inch, and be made of corrosion resistant material.

C. Minimum Elevation of Certain Signs:

1. All awnings or canopies must maintain a minimum seven feet six inches (7'-6") clearance above the sidewalk or ground at all points along the awning. Awnings and supports for canopies must not extend beyond a point two (2) feet from the front of the curb line. The preferred minimum awning projection is 36 inches.
2. Wall signs should be installed above the top of first floor glazing and below the second floor windows. The bottom of the sign must be located eight (8) feet or more above the sidewalk or ground.
3. Projecting signs must maintain a minimum seven feet six inches (7'-6") clearance above the sidewalk or ground.

D. Obstruction of Access Ways:

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

E. Obstruction of Window Surface:

1. No wall sign mounted on the exterior of a building shall cover any windows, doors or any architectural features.
2. A window sign is a sign, picture, symbol, or combination, applied, attached or in contact with the exterior or interior of a window, glass surface or a door, or located within five feet of the interior side of a window and displayed so that it is visible from the exterior of the window. For purposes of this code, displayed merchandise or products shall not be considered a window sign.
3. Permanent window signs affixed to or painted on the inside of a window shall be subject to all window sign regulations and shall occupy no more than ten percent (10%) of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.

The total area of all temporary and permanent window signs must not occupy more than thirty percent (30%) of the total window area.

F. Traffic Safety:

1. No sign shall be erected, illuminated, 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.
2. On a corner lot, no sign shall be erected or placed in the view triangle in such a manner as to impede sight lines. Specifically, so sign may be between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the lot lines of such corner lot, and a line joining points along such lot lines 20 feet from the point of their intersection.

G. Signs in Rights-of-Way:

1. Only signs placed by federal, state and/or local government may be erected upon public property, unless a sign's placement has been authorized by the Village. Any sign placed on public property without authorization may be removed by the Village without notice.
2. Signs projecting from the wall may project a maximum of 5 feet over a public way or public sidewalk

H. Sign Condition and Maintenance:

1. The owner of a sign and the owner of the premises shall be jointly and severally liable to keep and maintain all signs in a safe, neat and orderly condition and appearance.
2. Signs shall be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by the weather, age or any other condition, and to keep the same in a safe, neat and orderly condition and appearance. Faded, peeling, and broken lettering will not be permitted and must be brought to standard requirements as soon as reasonably possible.
3. All signs must be maintained to prevent any kind of safety hazard, including faulty sign structures, a fire hazard or an electrical shock hazard. Notice of sign condition deficiency must be remedied within fourteen (14) days and is subject to violation and penalty provisions of this Code.

I. Design Criteria:

The following criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the Village, preserve property values and promote the public health, safety and welfare.

1. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Sign materials, size, color, lettering, location, texture, shape, and arrangement shall be an integral part of site and building design.

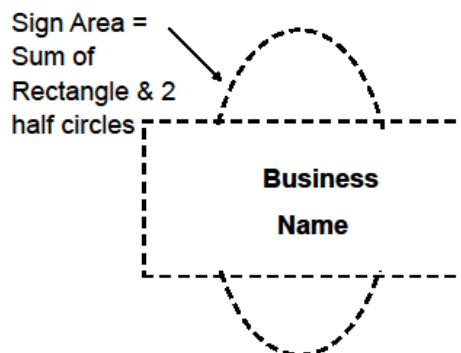
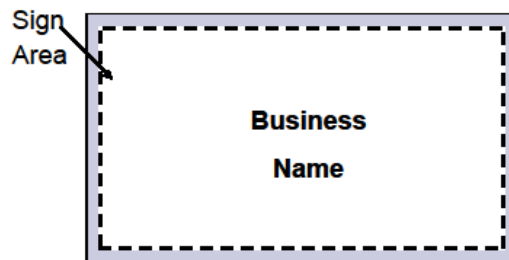
3. The colors, materials and lighting of every sign shall be restrained and harmonious. Excessive brightness shall be avoided.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message, and shall be composed in proportion to the area of the sign face. Text should be kept to a minimum so that it results in a clear and readable design.
5. The use of trademarks or graphics that contain logos, images or symbols should be avoided and in no case shall the graphic, logo, image or symbol occupy more than fifteen percent (15%) of the total area of the sign.
6. Buildings with multiple tenants where more than one sign is proposed shall have a master sign plan for review and approval.
7. The additional provisions of this chapter, as specified in this chapter, shall be part of the criteria of the design review process.

J. Sign Measurement:

1. Computation of Sign Area:

Sign area is calculated as described in the Section.

- a. For signs on a background, the entire area of the background shall be calculated for sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

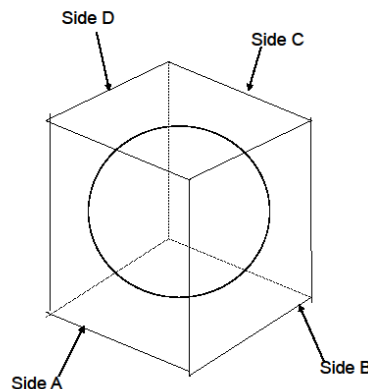


- b. For signs consisting of freestanding letters, graphics, logos, images or symbols, the area of a sign face ("sign area") is calculated by means of the smallest square, circle, rectangle or triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face. Window signs printed on a transparent film and affixed to a window pane shall be considered freestanding letters, graphics, logos, images or symbols, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.



- c. No sign wording, illustration or element that is less than two feet from any other sign wording, illustration or element shall be considered a separate sign for purposes of calculating sign area.
- d. When a sign has more than one display face, all faces shall be included in determining the area of the sign; provided that, if the distance between the sign faces of a two-faced sign does not exceed twelve (12) inches, the area of the sign shall be measured as the area of one face
- e. The sign area of free-form or sculptural (non-planar) signs is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.

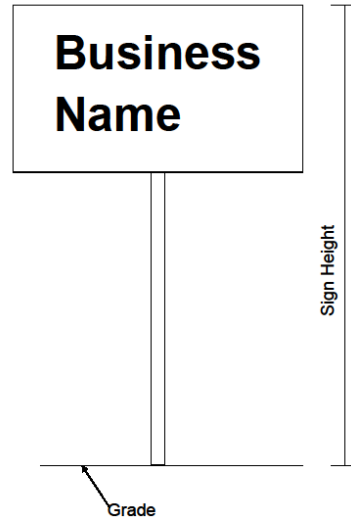
$$\text{Sign Area} = 1/2 (\text{Side A} + \text{Side B} + \text{Side C} + \text{Side D})$$



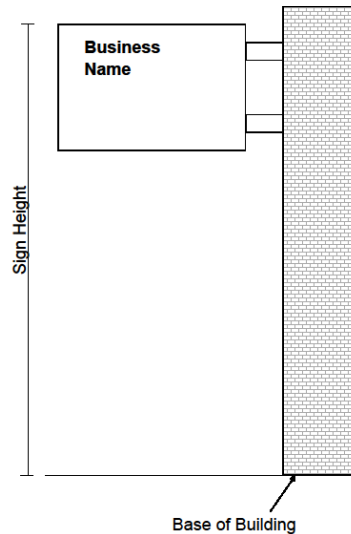
2. Measurement of Sign Height:

Sign height is measured as described below. When measuring sign height, the height of the entire structure, including decorative elements, must be included. Sign height is measured from the elevation of the grade to the top of the sign. For this code, grade is measured at the sidewalk adjacent to the zoning lot on which the sign is located.

- a. Freestanding Signs: The vertical distance measured from the grade to the highest point of the sign.



- b. Signs attached to buildings: The vertical distance from the base of the building to which a sign is attached to the highest point of the sign.



K. Signs on Lots With Multiple Users:

For new buildings with multiple tenants, where more than one (1) wall sign, awning or canopy is proposed, the applicant must submit a Master Sign Plan for review and approval by the Architectural Review Commission. The purpose of a Master Sign Plan is to coordinate signs on multi-tenant buildings, and create a plan that establishes a building or site's overall sign design, which then provides direction to future tenants. A Master Sign Plan must include, at a minimum, criteria and specifications for general appearance, location, lighting, and approved construction materials.

L. Sign Spacing:

No sign shall be nearer than two feet to any other sign or structure, other than a structure to which it is lawfully attached.

M. Location:

Except as otherwise expressly authorized in this Section, no sign shall be located on any lot other than the same zoning lot as the principal use to which it is accessory.

N. Unsafe Signs:

If the Village shall find that any sign is unsafe or insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Code, or is a menace to the public, the Village may require the occupant and property owner to repair or remove the sign, or the Village may, at its own discretion, remove or repair the sign immediately, with written notice to the occupant/property owner at the expense of the property owner. A lien may be placed on the property for the full cost of such action including administrative, legal and overhead charges in accordance with violation and penalty provisions of this Code.

O. Cease of Business / Sign Removal:

Any sign, whether existing on or erected after the effective date of this Code, which advertises a business, service or other use no longer being conducted or a product no longer being sold in or from the premises to which the sign relates, shall be taken down and removed by the owner or agent of the building, structure or premises upon which such sign is found. If such signs and related mounting hardware and electrical service are not removed within thirty (30) days, the Village may have such signs removed at the expense of the owner of the property. A lien may be placed on the property for the full cost of such action, including administrative, legal and overhead charges in accordance with violation and penalty provisions of this Code.

ARTICLE VII. EXEMPT SIGNS

The following signs are permitted in any zoning district and shall be exempt from the requirement to obtain a Sign Permit and/or a Certificate of Appropriateness and from the limitation on items of information, but shall be subject to other provisions of this Section:

A. Address Signs:

Address numerals and other sign information required by law or government order, rule, or regulation. Such address information cannot exceed two (2) square feet per officially assigned address, or the size required by the law, order, rule or regulation, whichever is greater.

B. Construction Signs:

Such signs shall be permitted in the B Business District only and only in connection with the construction of a new building. Such signs shall be non-illuminated and limited to no more than one wall or freestanding sign per zoning lot frontage. No such sign shall be larger than 12 square feet in area or more than five feet in height. Such signs shall be removed within seven days after the completion of construction and expiration of the building permit. Such signs shall denote the project name, architect, contractor and/or engineer and their telephone numbers, placed on a lot that is the construction site of such project, architect, contractor and/or engineer.

C. Election Signs and Message Signs:

Election signs and message signs shall be permitted as follows:

1. Election signs and message signs of less than six square feet and four feet in height per sign may be located within the lot lines of any lot pursuant to the consent of the lot's owner.
2. Unless an election sign or message sign includes on the sign face the name of the person responsible for the sign, the owner of the lot on which the sign is located shall be deemed responsible for the sign.
3. Election signs and message signs shall not be illuminated.
4. Message signs are permitted at all times.
5. Not more than one (1) election sign shall be permitted on any lot per candidate or referendum position in an election contest. There shall be no limit on the number of message signs, but no lot may display more than 30 square feet of message signs.
6. Message signs and election signs are permitted in a required yard but not in the public right-of-way.
7. An election sign must be removed immediately, but in no event later than seven days, following the election to which it applies.

D. Governmental Signs:

A sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, or governmental regulation.

E. Holiday Decorations:

Temporary signs in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

F. Memorial Signs:

Commemorative plaques, memorial tablets, or emblems of official historical bodies, provided that no such marker shall exceed two (2) square feet and provided further that all such markers shall be placed flat against a building, monument stone, or other permanent surface. Such signs shall be made of durable materials such as bronze, stone, or concrete, and shall not be illuminated.

G. Official Flags and Emblems:

Flags, standards, emblems and insignia of a government having a size less than twenty-four (24) square feet, and displayed for non-commercial purposes and not more than one flag pole.

H. On-Site Informational Signs:

Non-illuminated signs of no more than two (2) square feet which, without including an advertising reference of any kind, provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to those signs identifying rest rooms, public telephones, walkways, traffic flow, parking restrictions, and features of a similar nature.

I. Private Sale Signs:

Such signs shall be non-illuminated and limited to no more than one temporary window, freestanding, or wall sign per zoning lot frontage. Such signs shall be no more than six square feet in area and five feet in height, shall be located entirely on the premises where such sale is to be conducted, shall be clearly marked with the name, address, and telephone number of the person responsible for the removal of such sign, shall be erected not more than 24 hours before such sale, and shall be removed within 24 hours following the conclusion of such sale.

J. Private Warning Signs:

Such non-illuminated signs shall be no more than two square feet in area each, shall be limited to the number necessary to accomplish the intended purpose, shall be located at such locations on the premises to achieve their intended purpose.

K. Real Estate Signs:

Such signs shall be limited to one non-illuminated wall, window or freestanding sign and shall be no more than twelve (12) square feet in area per residential or commercial unit in the B Business District. Every such sign shall be removed within seven days following the execution of a sales contract or rental lease of the property or, for multi-unit developments or structures, within 14 days following the date upon which such development or structure is 90 percent sold or leased. The name, address, and

telephone number of the person responsible for such removal shall be clearly marked on the sign. Real estate "sold by" signs shall not be permitted.

L. Temporary Window Signs:

Temporary window signs shall be permitted in the B Business District, shall not be illuminated, and shall be exempted from any regulations regarding sign colors. No such sign shall be more than ten (10) square feet in sign area and the total area of all window signs, both temporary and permanent, shall not exceed ten (10%) percent of the window area. If the signs relate to a special sale, promotion, or event, they shall be maintained for a period of not more than 30 days before, and not more than three days after, such sale, promotion, or event.

ARTICLE VIII. PROHIBITED SIGNS IN BUSINESS DISTRICT

It is unlawful to erect or maintain any of the following signs in the B Business District:

- A. Animated or Moving Signs: No sign or part of any sign shall move or give the illusion of movement in any manner. It shall be unlawful to place or maintain any undulating, swinging, rotating, or otherwise moving signs, pennants, banners, flags, balloons, ribbons, streamers and, spinners or similar devices in view of any street.
- B. Blinking, flashing, fluttering, rotating lights or other illuminating devices or any illumination which has a change in light intensity, brightness or color, and is internally illuminated shall be prohibited, except as provided on a temporary basis as indicated in Article VII(5): Holiday Decorations.
- C. Signs with colored lights or lights used in any manner where they may be confused or construed as traffic control devices.
- D. Portable signs.
- E. A-frame signs.
- F. Changeable message signs.
- G. Monument signs.
- H. Freestanding signs above eight (8) feet in height.
- I. Roof signs.
- J. Signs painted directly on the wall of a building, fence, or similar structure.
- K. Signs placed or painted on parked vehicles where the primary purpose is to advertise a product or service, or to direct the public to a business or activity located on or off the premises are prohibited. Signs displayed on trucks, buses or other vehicles, which are being operated and stored in the normal course of a business, such as signs indicating the owner or business that are located on delivery trucks, moving vans and rental trucks,

are permitted, provided that the primary purpose of such vehicles is not the display of signs, and that they are parked or stored in areas appropriate to their use as vehicles.

- L. Signs on trees or utility poles.
- M. Internally illuminated awnings.
- N. Under awning and under canopy signs.
- O. Internally illuminated signs.
- P. Interior located illuminated signs.
- Q. Signs with neon lighting.
- R. Real estate "sold by" signs.
- S. Signs of an obscene nature.

ARTICLE IX. DISTRICT REGULATIONS: BUSINESS DISTRICT

Signs in the B Business District shall be subject to review and approval by the Architectural Review Commission in accordance with Article III and shall be permitted as follows:

A. Freestanding Signs:

1. One (1) freestanding sign not exceeding a total area of twenty-four (24) square feet per side shall be permitted on each zoning lot which is developed with a principal building. Said sign shall not exceed eight (8) feet in height from grade.
2. No freestanding sign shall contain information other than the name of the occupant or business, a maximum of three words containing a generic description of the types of products or services, and numerical address.

B. Wall Signs:

1. One (1) wall and/or window sign may be permitted on the front façade, not exceeding five percent (5%) of the first floor wall area parallel or most nearly parallel to the public way or twenty-five (25) square feet, whichever is lesser.
2. In multi-tenant buildings, the total area of wall or window sign permitted for each tenant shall be limited to five percent (5%) of the first floor street exposure of the tenant space.
3. A wall sign should be installed above the top of first floor glazing, shall not be placed higher than the second floor window sill of a building and shall not be higher than twelve (12) feet above grade if there is no second floor window sill.

4. The bottom of a wall sign must be located eight (8) feet or more above the sidewalk or ground.
5. An additional wall sign on a corner building with frontage on two (2) public streets may be permitted by the Architectural Review Commission provided that said sign shall be deducted from the total maximum sign area allowed for the total area of all first floor wall areas parallel or most nearly parallel to the public way and provided the nearest property is not in a residential district.
6. The information contained on a wall or window sign shall be limited to the regular name of business and a maximum of three (3) words describing products or services.
7. Wall signs shall be no more than six (6) inches in depth and placed flush to the face of the building on which they are attached
8. If there is a secondary entrance, an additional wall sign is permitted but shall be limited to no more than nine (9) square feet and shall only indicate the name of the business and the words "entrance," "enter" or similar term.
9. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall to which it is attached. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to unreinforced masonry parapets. Wall signs shall not cover windows, doors or architectural features.

C. Window Signs:

1. One (1) wall and/or window sign may be permitted on the front façade, not exceeding five percent (5%) of the first floor wall area parallel or most nearly parallel to the public way or twenty-five (25) square feet, whichever is lesser.
2. In multi-tenant buildings, the total area of wall or window sign permitted for each tenant shall be limited to five percent (5%) of the first floor street exposure of the tenant space.
3. An additional window sign on a corner building with frontage on two (2) public streets may be permitted by the Architectural Review Commission provided that said sign shall be deducted from the total maximum sign area allowed for the total area of all first floor wall areas parallel or most nearly parallel to the public way and provided the nearest property is not in a residential district.
4. Window signs consisting of painted or transfer letters are permitted in second floor windows on the front façade and may not exceed ten percent (10%) of the area of the single window pane or single section of window on which it is located.

5. The information contained on a wall or window sign shall be limited to the regular name of business and a maximum of three (3) words describing products or services.
6. Window signs may be displayed on the street exposure or non-street exposure windows of an occupant; provided that, the total area of window signs in any single window pane or any single section of window shall not exceed ten percent (10%) of the area of the single window pane or single section of window on which it is located.

D. Projecting Signs:

1. Projecting signs may be permitted on the front façade and shall be considered part of the total area permitted for wall and window signs of five percent (5%) of the wall area parallel or most nearly parallel to the public way.
2. The total sign area of a projecting sign on a one-story building should be no more than four (4) square feet per sign face. The total sign area of a projecting sign on a building with a street front exceeding one (1) story should be no more than six (6) square feet per sign face.
3. Signs projecting from the wall may project a maximum of five (5) feet and the maximum width of the sign is four (4) feet.
4. The top of the projecting sign should be between nine (9) feet and twelve (12) feet above the sidewalk or ground. No projecting sign may be placed higher than the second floor window sill of a building. The lowest point of a projecting sign should not be less than seven feet six inches (7'-6") above the sidewalk.
5. A projecting sign should be located at or near the public entrance to the storefront or building.
6. No projecting sign shall contain information other than the name of the occupant or business and a maximum of three words containing a generic description of the types of products or services.

E. Awning Signs:

1. Sign(s) on awning(s) may be permitted, provided however, that the size of letters on such awnings shall not exceed six (6) inches in height and shall be placed on the descending skirt only. Awnings shall be constructed and erected so that the lowest portion of the projecting frame and descending skirt shall not be less than 7'6" above the level of the sidewalk or ground. The area of signs on awnings shall be included in the 5% or 25 square foot calculation and deducted from the total.

2. Awning signs shall be limited to only the commonly used name of the business and the street address numbers of the premises. No awning shall include the telephone number, email or web address of a business.
3. Awnings and canopies that are considered an architectural feature of a building and are not used for identifying the premises or the goods and/or services sold are not considered a sign.
4. Awnings and supports for canopies must not extend beyond a point two (2) feet from the curb line. The preferred minimum awning projection is 36 inches.
5. Awnings and canopies shall be constructed out of canvas or canvas-like material treated for fire resistance. Back-lit and metal awnings and canopies are prohibited. Awnings and awning signs may not be illuminated.
6. Awnings and canopies must be securely attached to and supported by a building. All frames and supports must be made of metal or similar material. Frames and supports may not be made of wood or plastics.
7. Under-awning and under-canopy signs are not permitted.
8. All awnings or canopies shall comply with the following:
 - a. Awnings and canopies shall be compatible in material and construction to the style and character of the building. The color of the awning or canopy shall be compatible with the overall color scheme of the façade.
 - b. When feasible, awnings and canopies shall be generally aligned with others nearby in order to maintain a sense of visual continuity.
 - c. Awnings and canopies shall fit the façade of the building and positioned so that distinctive architectural features remain visible.

ARTICLE X. NONCONFORMING SIGNS

A. Nonconforming Signs:

Nonconforming signs are subject to the amortization provisions of Subsection 7 and may be maintained subject to the regulations contained in Subsections 2 through 6 of this Section. The burden of establishing a sign to be a legal nonconforming sign under this Section shall rest on the person asserting the legal nonconforming status of such a sign.

B. Ordinary Repair and Maintenance:

Normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures may be performed on any sign; provided, however, that the repair or replacement does not exceed 35% or more of its replacement cost new, provided further that any repair or replacement shall, whenever possible, eliminate or reduce any non conformity in the element of being repaired or replaced, and provided further that this Subsection 2 shall not be deemed to authorize any violation of Subsections 3 through 6 of this Section.

C. Alteration; Enlargement; Moving:

A nonconforming sign shall not be changed or altered in any matter that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part unless, when relocated, it conforms to all of the provisions of this Code. A change in sign message which does not otherwise violate the provisions of this Code shall not be deemed to be prohibited by this Subsection.

D. Change of Sign:

A nonconforming sign that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.

E. Damage or Destruction:

A nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed by any means to the extent of 35 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.

F. Termination of Certain Signs:

1. Immediate Termination:

The following nonconforming signs or sign features shall be terminated within 30 days after the effective date of this Code by removal of the sign or by alteration of the sign to eliminate the specified feature:

- a. Attention getting devices
- b. Animated or moving signs, except public service signs when expressly permitted by this Code.
- c. Temporary signs, except as expressly permitted this Code.
- d. Any sign on a tree or utility pole, whether on public or private property except governmental signs authorized in this Code.

- e. Any sign on public property, except governmental signs and civic event signs authorized in this Code.
- f. Any sign constructed or erected without a valid Sign Permit and/or Certificate of Appropriateness.

2. Termination by Abandonment:

Any nonconforming sign the use of which is discontinued for a period of 60 consecutive days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be reestablished or resumed. Every such sign, including all of its structural elements, shall be immediately removed or brought into conformity with the provisions of this Code. Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

3. Termination by Change of Business:

Any nonconforming sign advertising, identifying, or pertaining to a business on the premises on which it is located shall be terminated upon any change in the use of the property on which the sign is located. Every such sign, including all of its structural elements, shall be immediately removed or brought into conformity with the provisions of this Code.

G. Amortization of Nonconforming Signs:

Nonconforming signs shall be removed or made to conform within ten (10) years from the effective date of the adoption of these amortization provisions [_____].

ARTICLE XI. ENFORCEMENT, VIOLATIONS, PENALTIES, AND REVOCATION OF PERMIT

A. Enforcement:

- 1. The Village Manager or his/her designee is authorized and empowered to enforce this Code.
- 2. The Village Manager or his/her designee may inspect, at such times as deemed appropriate, signs regulated by this Code. The purpose of the inspection is to ascertain whether the structure is secure or not secure, whether in need of repair or removal, or in conformance with the original Sign Permit and/or Certificate of Appropriateness application as well as all provisions of this Code.
- 3. Enforcement actions shall include, but are not be limited to, the issuance of a stop work order, permit revocation, prosecution for violations, the bringing of a civil action

to recover any penalty or fine, or the institution of the appropriate action at law or in equity to restrain, correct or abate such violation or to require the removal of the unlawful use or act.

Prior written notice of a violation shall not be required for the initiation of enforcement actions under this section if the violation creates an emergency or unsafe condition, if the violation is the resumption of an activity that was the subject of a written notice of violation issued within the previous thirty (30) days, or if the Village Manager or his/her designee determines that the violation is part of a pattern of behavior at the site which discloses a disregard for the requirements of this Code.

4. If the work authorized under a Sign Permit is not completed within one (1) year after the date of issuance, the Sign Permit becomes null and void.

B. Violations, Penalties and Revocation of Permit:

1. If any **permanent sign** has been constructed or erected or is being maintained in violation of the provisions of this Code, written notice shall be given to the occupant or property owner thereof. If the occupant or property owner fails to remove or alter the sign so as to comply with the standards herein set forth within fourteen (14) days of receipt of notice from the Village, such failure shall constitute a violation of this Code and penalty provisions set forth in this Code shall apply. In addition, such sign may be removed or altered by the Village and a lien placed on the property for the full cost of such action, including administration, legal and overhead charges.
2. If any **temporary sign** has been constructed or erected, altered or is being maintained in violation of the provisions of this Code, written notice shall be given to the occupant or property owner thereof. If the occupant or property owner fails to remove or alter the sign so as to comply with the standards herein set forth within twenty-four (24) hours of receipt of notice from the Village, such failure shall constitute a violation of this Code and penalty provisions set forth in this Code shall apply. In addition, such sign may be removed or altered by the Village and a lien placed on the property for the full cost of such action, including administrative, legal and overhead charges.
3. Any person, firm or corporation that shall violate any provision of this Code shall be subject to fines not more than \$750.00 for each offense. Each day that a violation continues shall be deemed a separate offense.
4. If a sign shall be found to be unsafe or insecure, or constructed, erected or maintained in violation of this Code, and if the owner of the sign fails to remove or alter the sign (following proper notice), the sign may be removed or altered by the Village at the expense of the owner of the sign, including administrative, legal and overhead charges.
5. In the event that any sign presents an immediate peril to persons or property, the 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.

6. In addition to other remedies as specified in this Code, the Village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this Code, 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 by this Code.
7. Any Sign Permit shall be a license to proceed with the permit work and shall not be construed as authority to violate, cancel or set aside any provision of this code or any other applicable law. All rights and privileges acquired under the provisions of this Code are licenses revocable at any time by the Village. Upon the termination or revocation of the Sign Permit, the licensee shall remove the sign or other sign structure without cost or expense to the Village. In the event of the failure, neglect or refusal on the part of the licensee to do so the Village may assess penalties, fines and liens as provided in this Code.
8. Neither the provisions of this Code 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 or personal injury or property damage resulting from such sign or work relating to such sign, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. The provisions of this Code 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 Code.

C. Separability:

In accordance with the following, it is hereby declared that the several provisions of this Code are separable:

1. Provisions of Code: If any court of competent jurisdiction determines any provision of this Code to be invalid, such determination shall not affect any other provision of this Code not specifically included in the court's judgment order.
2. Any Particular Sign: If any court of competent jurisdiction determines any provisions of this Code to be invalid as applied to any particular sign, such determination shall not affect the application of such provision to any other sign not specifically included in the court's judgment order.