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127-O-94
AN ORDINANCE

Amending Section 7-2-6 of the Evanston City Code
Regarding Sidewalk Signs

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Code of the City of Evanston, 1979, as amended, be, and it hereby is, further amended, by revising the catchline of Section 7-2-6, to read as follows:

7-2-6: OCCUPATION OF PUBLIC WAYS FOR BUSINESS PURPOSES; PERMITS

SECTION 2: That a new subsection (E) be added to Section 7-2-6, to read as follows:

(E) Commercial Signs on Sidewalks

1. Purpose:

The purpose of this subsection is to allow certain private signs to be placed on public sidewalks, providing the signs and the sidewalks on which they are to be placed meet certain standards. These signs are known as "commercial sidewalk signs" and each one is intended to direct the attention of pedestrians and low-speed vehicular traffic to a particular place of business. Further, they are intended to meet the objectives of healthy economy, effective communication, and public welfare, which are described in detail in Title 4, Chapter 12, of the City Code.

2. Definitions:

Commercial Sidewalk Sign: A portable sign no more than four feet high and occupying an area no more than four feet square, placed on the sidewalk in front of a place of business. The commercial sidewalk sign may also be referred to as the "sign" in this subsection.

Sidewalk: The paved portion of the public right-of-way located between the property line and the street curb.

Clear Width: A completely unobstructed portion of the sidewalk, measured from the property line to the nearest obstruction. (If there is an obstruction at the property line, then the measurement is from that obstruction to the next closest obstruction.)

Obstruction: Any object on the right-of-way which prevents the use of a portion of the sidewalk by pedestrians, including but not limited to: trees, parking meters, utility poles, bicycle racks, planter boxes and planting areas, newspaper vending boxes, fire hydrants, traffic signs, and bus shelters.

3. Permits, Fees, Penalties, and Fines

No one shall place or have placed a commercial sidewalk sign on the sidewalk without first having been issued a permit for it by the Director of Public Works or his or her designee. The fee for the initial permit for the sign shall be \$200.00, with an annual renewal fee of \$200.00. The permit shall be valid only through December 31 of the year in which it is issued and must be renewed in subsequent years prior to placement of the sign.

A penalty of \$100.00 shall be added to the initial fee or the renewal fee should the sign be placed prior to obtaining the required permit. Further, any sign found on the sidewalk without the necessary permit or in a location other than that specified by the permit may be removed without notice at the owner's expense by either the Director of Public Works or the Police Chief, under Section 7-3-12 of the City Code.

Should the business operator, owner or his or her agent fail to apply for a permit after placing a commercial sidewalk sign on the right-of-way, a fine of up to \$500.00 may be assessed for each day the sign remains on the right-of-way.

4. Permit Application and Insurance Requirements

At the time of making application for a permit for a sign, the business owner or his or her agent shall furnish the following information:

- a. Name, address, and phone number of the applicant.
- b. A detailed drawing to scale (no larger than 11 inches by 17 inches) showing the storefront, including all doors to the business, the sidewalk area including all obstructions, the proposed location of the sign, and the location of any parking stalls near the proposed sign. A survey of the area is not required, but may be submitted as a means of accurately establishing the location of pertinent features. If permission to place the sidewalk sign is subsequently granted, this drawing will become a part of the permit and will have the approved location of the sign marked clearly on it.
- c. A drawing to scale of the proposed sign, including all sides if they are different. All legends, logos, wording and any other graphical features must be shown as they will appear on the finished sign.

- d. An indemnification and a hold harmless statement in a form specified by the City.
- e. A certificate of insurance valid for the permit period in question, in the amount of \$1,000,000, naming the City of Evanston as additional insured.
- f. A copy of a valid business license issued by the City, if one is required.
- g. The appropriate fee (initial application or renewal), including any applicable penalties. The entire fee will be refunded if the application is denied.

5. Sign Specifications

- a. The sign shall be constructed of durable, weather-proof materials.
- b. The entire sign assembly, including all structural components, shall be no more than four feet high. The sign shall occupy an area of no more than four square feet of sidewalk space, defined as a square with sides two feet in length.
- c. The sign shall not have sharp edges, or any protrusions or other features which may be a hazard to pedestrians.
- d. The sign shall be of sufficient weight and design to withstand typical wind loads without tipping over, rocking, or sliding along the pavement.
- e. The sign shall contain no more than seven items of information, as defined in Sections 4-12-3 and 4-12-9 of the City Code.
- f. The sign shall not contain facsimiles of official traffic signs or sign legends which may cause it to be confused with any official traffic control device.
- g. The sign shall not have any moving parts or electrical devices, including lights of any kind.

6. Rules and Regulations

- a. Only one sign shall be allowed per place of business.
- b. The sign shall only be displayed during daylight hours when the business is open. It must be placed at the location specified on the permit, or it will be subject to removal by the City. It must be removed after a snowfall of two inches or more and may be replaced only after the sidewalk on the entire side of the block where the business is located is clear of snow and ice.

- c. The sign may not be affixed to any tree, light pole, traffic sign, or other obstruction on the sidewalk.
- d. The minimum sidewalk width where signs can be installed shall be ten feet.
- e. The minimum clear width which remains after the sign is in place shall be nine feet.
- f. The sign shall not obstruct access to parking meters, bicycle racks, and other features which legally exist on the right-of-way.
- g. The sign shall not interfere with the opening of doors of cars in legal parking spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones, or bus stops.
- h. The permit is revocable by the City. The public safety and convenience are of paramount importance and prevail over any private use of public space. If the sign impedes the passage of pedestrians, the disabled, bus passengers boarding or alighting from busses, or other uses of the sidewalk, then the permit is subject to revocation if no location acceptable to the City can be found for the sign in front of the business which holds the permit. In the event of revocation, the permit fee will be prorated based on the length of time the permit was in effect and a refund will be issued accordingly. The occupation of public ways provided for in this subsection 7-2-6(E) creates no vested rights in the permittee. A permit may be revoked or denied within the sole discretion of the City. No hearing is provided in the event the City revokes a permit or denies a renewal.

SECTION 3: That ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law and shall expire December 31, 1995, unless the City Council shall have voted affirmatively to continue it.

Introduced: January 23, 1995.
Adopted: February 27, 1995.

Approved: March 1, 1995
Lucretia H. Norton
Mayor

ATTEST:

Krista Davis
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

