

**78-O-13**

**AN ORDINANCE**

**Amending Portions of City Code Section 7-2-6(E), "Commercial Signs on Sidewalks," Relating to Signs Not Adjacent to Business Location**

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

**SECTION 1:** Section 7-2-6(E)(4), "Permit Applications and Insurance Requirements," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

4. *Permit Application And Insurance Requirements.* At the time of making the annual 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" 17") 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 approved by the City.
- e. A certificate of insurance valid for the permit period in question, in the amount of three hundred thousand dollars (\$300,000.00), naming the City as an 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 annual renewal), including any applicable penalties. The entire fee will be refunded if the application is denied.
- h. If the applicant seeks placement of a sign in a location other than directly in front of the applicant's business, the applicant shall petition to the Director of Public Works with evidence of demonstrable hardship in the application submission for an exception from the "Commercial Sidewalk Sign" definition. Examples of hardship include public safety concerns for vehicles and pedestrians

traversing the roadway or the visibility of the business from the roadway, not mere inconvenience to the applicant.

**SECTION 2:** Section 7-2-6(E)(6)(h), "Rules and Regulations," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

h. The permit is revocable by the City. Public safety is of paramount importance and prevails over any private use of public space. If the sign impedes the passage of pedestrians, the disabled, bus passengers boarding or alighting from buses, 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, or when applicable, in an alternative location if approved by the Director of Public Works per Section 7-2-6(E)(4), 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 (E) creates no vested rights in the permittee. A permit may be revoked or denied within the sole discretion of the City, with written notice to the permittee or applicant. No hearing is provided in the event the City revokes a permit or denies a renewal.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 6:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 14, 2013

Approved:

Adopted: October 28, 2013

October 30, 2013

Elizabeth B Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel

