ORDINANCE NO. 7749

AN ORDINANCE AMENDING CHAPTER 53 (SIGN CODE) OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS, AS AMENDED, BY AMENDING PORTIONS OF SECTIONS THEREOF

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. That **Section 53-2-9** is hereby amended by adding the following Exempted Graphics:

(S) Political Campaign Signs that announce or support political candidates or issues in connection with any national, state, or local election, including 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.

(T) Political Message Signs, other than a Political Campaign Sign, that express a noncommercial message regarding an issue of political or public concern.

Section 2. That **Section 53-4-9** is hereby by repealing said Section 53-4-9 in its entirety, and substituting in lieu thereof the following:

53-4-9 CRITERIA FOR DETERMINING COMPATIBILITY. In determining whether a street graphic is compatible with the theme and overall character to be achieved in the downtown business area, the following criteria shall be considered:
(A) Relationship of the graphic to the building or premises, particularly in terms of scale. In no case shall a graphic cover or interrupt major architectural details such as columns, friezes, and door and window heads.
(B) Similarity or dissimilarity of the graphic's size and shape to that of other graphics in the area.

(C) Compatibility of the type of illumination (if any) with the "period look" to be achieved. For example, neon tube lighting except in very unusual cases would not be compatible with a "Gay 90's period" look.
(D) Compatibility of the materials used in constructing the graphic with the materials of other graphics in the area. For example, an aluminum graphic might not be compatible with a wooden graphic.
(E) Compatibility of the graphic's mode of erection with that of other graphics in the area. For example, a free-standing graphic would likely be a jarring note if the vast majority of the other graphics were flush-mounted.
(F) Any other reasonable criteria which the Board may devise, subject to the approval of the City Council. **(53.39)**

Section 3. That **Section 53-5-2** is hereby by repealing said Section 53-5-2 in its entirety, and substituting in lieu thereof the following:

53-5-2 INSPECTION. The Building Commissioner (or his agents) shall, upon complaint, inspect a street graphic in order to ascertain whether it complies with the provisions of this Chapter.

Section 4. That **Section 53-5-11** is hereby by repealing said Section 53-5-11 in its entirety, and substituting in lieu thereof the following:

53-5-11 UNSAFE OR UNLAWFUL STREET GRAPHICS. Whenever the Building Commissioner reasonably believes that any street graphic or supporting structure in the City is unsafe or unlawful (either because the time limits for removal specified in **Section 53-5-10** have been exceeded or for any other reason), he shall cause written notice to be served upon the owner of such graphic by certified or registered mail or by personal service.
(A) The notice shall state the street graphic has been declared unsafe or unlawful and that it must be altered, removed or repaired at once.
(B) Such notice may be in the following term:
"To , owner of the street graphic located at (here insert general location of street graphic) and generally described as (here insert sufficient information to identify particular street graphic). You are hereby notified that the above mentioned street graphic has been declared unsafe or unlawful after inspection by. The reasons for this decision are (here insert the facts as to the unsafe or unlawful condition).
You must remedy this condition or remove the street graphic or the City will proceed to do so."

Section 5. That **Section 53-5-12** is hereby by repealing said Section 53-5-12 in its entirety, and substituting in lieu thereof the following:

53-5-12 REMOVAL BY CITY, REIMBURSEMENT FOR COSTS. If, after **thirty (30) days** from the date of service, the person receiving the notice required by **Section 53-5-11** has not complied therewith or appealed the decision that an

unsafe or unlawful condition exists, the Building Commissioner may, upon approval by the Mayor proceed to remedy the condition.
(A) Any expense incurred by the City pursuant to such remedial action shall be billed by first class mail to the owner, agent or person having the beneficial use of the building, structure or premises upon which the street graphic is located.
(B) If the bill has not been paid within **thirty (30) days**, the unpaid charge shall constitute a lien upon the real estate. The City Attorney is hereby authorized to file a Notice of Lien in the office of the Recorder of Deeds of St. Clair County, Illinois, to foreclose this lien and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses incurred pursuant to collection efforts including litigation expenses, plus reasonable attorney's fees to be fixed by the court. Any judgment shall be enforced in accordance with law. (53.57)

Section 6. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 7. Should any portion of this Ordinance be declared void or unenforceable by any court of competent jurisdiction, such ruling shall not affect the validity of the surviving portions of this section.

Section 8. This Ordinance shall be in full force and effect ten (10 days from and after its passage, approval and publication, in pamphlet form, as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 18TH day of February, 2014 on the following roll call vote:

	AYE	NAY
Michael Heisler	X	
Ken Kinsella	ABSENT	
Janet Schmidt	X	
Melinda Hult	X	
Kent Randle	X	
Arnold "Gabby" Rujawitz	X	
Johnnie Anthony	X	
James Davidson	X	
Joseph W. Hayden	X	
Phillip Silsby	X	
Paul Seibert	X	
Bob White	X	
Lillian Schneider	X	
Trent Galetti	ABSENT	
Joe Orlet	X	
James Musgrove	X	

APPROVED by the Mayor of the City of Belleville, Illinois this 18TH day of February, 2014.

Mark W. Eckert

MAYOR

ATTEST:

Dallas B. Cook

CITY CLERK