

CHAPTER 53

SIGN CODE

ARTICLE I

PURPOSES AND DEFINITIONS

**53-1-1**      **PURPOSE AND INTENT.** The purpose and intent of this Chapter is to establish comprehensive regulations for the control of street graphics in order to preserve, protect, and promote the public health, safety, and welfare; to eliminate pedestrian and vehicular traffic hazards; and to enhance the economic vitality and aesthetic appeal of this community. More specifically, this Chapter is intended to assist in achieving the following objectives:

- (A)            To authorize the use of street graphics which are:
  - (1)        compatible with their surroundings and zoning district in which they are located;
  - (2)        expressive of the image this community is striving to project;
  - (3)        appropriate to the type of establishment or activity to which they pertain; and
  - (4)        legible in the circumstances in which they are seen.
- (B)            To foster high quality commercial and industrial development, and to enhance the economic vitality of the existing businesses and industries by promoting the reasonable, orderly and effective display of street graphics.
- (C)            To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.
- (D)            To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of street graphics within the City.
- (E)            To protect pedestrians and motorists from damage or injury caused by the distractions, obstructions and hazards created by certain street graphics.
- (F)            To protect the public investment in streets and highways by reducing distractions which may increase traffic accidents.
- (G)            To preserve the value of private property by assuring the compatibility of street graphics with surrounding land uses.
- (H)            To encourage sound practices and lessen the objectionable effects of competition in respect to the size and placement of street graphics.
- (I)            To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment. **(53.01)**

**53-1-2 DEFINITIONS.** As used in this Chapter, the following terms shall have the meanings indicated below:

Adjacent: As applied to real property, adjacent means having a common lot line or located directly across a street or alley.

Area: The total exposed surface devoted to the street graphic's message, including all ornamentation, embellishment and symbols, but excluding the supporting structure which does not form part of the sign proper or of the display. The area of a street graphic composed of characters or words shall be the smallest rectangle which encloses the whole group. In the case of a free-standing graphic designed with more than one exterior surface containing a message, the area shall be computed as including only the maximum single display surface which is visible from any one ground position.

Awning: Any structure made of cloth, metal, or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

Billboard: A single or double faced street graphic, permanently fixed or placed on the premises, which may have "change-copy", or a street graphic used for the display of messages or advertising not associated with the establishment located on the same premises as the street graphic.

Canopy: A structure, other than an awning, made of cloth, metal or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

Changeable Copy Sign: A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

Establishment: Any one of the following:

- (A) A single-family residential living unit.
- (B) A multiple-family building or residential development having a frontage on a public street or roadway.
- (C) An institutional, business, commercial or industrial activity that is the sole occupant of **one (1)** or more buildings having at least **one (1) frontage** on a public street or roadway.
- (D) An institutional, business, commercial or industrial activity that occupies a portion of a building such that:
  - (1) The activity is a logical and separate entity from the other activities within the building and not a department of the whole.

- (2) The portion of the building that is occupied by the activity has a clearly defined frontage on a public street or roadway or to the common parking area of a commercial center.
- (3) The activity has either:
  - aa. A separate entrance from the exterior of the building, or
  - bb. a separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.
- (4) The activity is located on the first or second floor of the building.

Exempt Graphics: Street graphics not subject to the regulations of this Chapter as per **Section 53-2-9**.

Flush-Mounted Graphics: Any street graphic attached to, erected against, or painted on a wall of a building or structure with the exposed face of the graphic in a plane approximately parallel to the plane of the wall and not projecting more than **eighteen (18) inches**.

Free-Standing Graphic: A street graphic supported by **one (1)** or more uprights, poles or braces placed in or upon the ground; or a street graphic supported by any structure erected primarily for the display and support of the street graphic.

Frontage: The linear extent of a lot abutting a street or public roadway, or the linear extent of an establishment abutting a public parking area if said establishment has no street frontage.

Lot: A tract of land intended as a unit for the purpose of transfer of ownership or development.

Lot Line: Any boundary (front, side, or rear) of any lot.

Graphic: See "Street Graphic".

Marquee: Any hood of permanent construction projecting from the wall of a building but not supported by the ground or sidewalk, serving the purpose of providing shelter and protection from the weather.

Message: A communication of identification or advertising information visually perceived, which may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

Mobile or Portable Marquee: A term commonly used to mean any street graphic not designed to be permanently attached to a building or anchored to the ground and designed to be moved from place to place. These signs primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas

signs wrapped around supporting poles. A gasoline service station price-per-gallon sign shall not be considered a mobile or portable marquee.

Neon Tube Illumination: A light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

Off-Premise Graphic: A graphic which contains a message unrelated to the business or activity conducted upon the premises where such graphic is located.

Projecting Graphic: Any street graphic, other than a flush-mounted graphic, which is suspended from or supported by a building or wall, and which projects. Any such street graphic suspended under a marquee, porch, walkway covering, or similar covering structure and in a place approximately perpendicular to the wall of the adjoining building, shall not be deemed to be a "projecting graphic".

Roof Line: Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the street graphic is located.

Roof-Mounted Graphic: Any street graphic erected, maintained, or displayed on the roof of any building.

Sign: A sign is any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service or event related to the premises on which the sign is situated, by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to every projecting sign; free-standing sign; window sign; awning, canopy, marquee sign; changeable copy sign; illuminated sign; moving sign; temporary sign; portable sign; pennants, banners, streamers or any other attention-getting device; or other display whether affixed to a building or erected elsewhere on the premises.

Street Banner: A street graphic made of cloth, canvas, vinyl or other material placed or hung on a streetlight or other public utility pole. **(Ord. No. 5642; 10-21-96)**

Street Graphic: Any on-premises identification or advertising sign and any billboard or off-premise advertising or identification sign, visible from the public right-of-way of any street or roadway or from any parking area used by the general public.

Temporary Street Graphic: Any street graphic, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, for use for a limited period of time.

Time and Temperature Sign: A sign whereon the time and/or temperature is indicated by intermittent lighting and limited to the numerals indicating the time and/or temperature.

Unusually Shaped Street Graphics: Street graphics of unusual shapes such as globes, cylinders or pyramids, shall be considered double-faced street graphics, and the area of the street graphic shall be computed as **one-half (1/2)** of the total of the exposed surfaces.

Window: An opening in the wall of a building containing transparent or translucent material such as glass.

Window Graphic - Permanent: Any graphic visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on or hung immediately behind the window or displayed from a window for the specific purpose of informing the passer-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises. **(53.02)**

## ARTICLE II - GENERAL REGULATIONS

**53-2-1**        **GENERAL PROHIBITION.** The area of any street graphic shall be calculated as follows:

(A)            If the graphic is enclosed by a box or outline, the total area contained within that outline, including the background, shall be deemed the graphic area.

(B)            If the graphic consists of individual letters, parts or symbols, only the area of the one imaginary square or rectangle which would completely enclose all the letters, parts or symbols shall be deemed the graphic area.

(C)            Only **one (1) side** of any double facing graphic shall be considered for purposes of area calculation.

(D)            The area of street graphics of unusual shapes such as globes, cylinders, or pyramids shall be computed as **one-half (1/2)** of the total of the exposed surfaces. **(53.06)**

### **53-2-2**        **GRAPHIC AREA ALLOWANCE.**

(A)            Within the limitations and restrictions as further provided in this Chapter, the total of the areas of all street graphics which an establishment is permitted to display shall be computed according to the following formula:

1.5 square feet of graphics area per 1 foot of lineal street frontage for the first 100 feet of such frontage plus 1.0 square feet of graphics area per 1 foot of frontage in excess of 100 feet of such frontage.

(B)            Provided, the permitted total of the areas of all street graphics which any establishment may display on each street on which it has frontage shall not exceed **three hundred (300) square feet**, even in the least restrictive zoning districts.

(C)            If an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Chapter.

(1)            If an establishment has multiple frontages, the area allowances for street graphics shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of graphics than would otherwise be permitted under paragraphs (A) or (B) above.

(2)            For purposes of computing the permitted total graphics area allowances, the side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage. **(53.07)**

**53-2-3**      **ILLUMINATION.** Illumination of street graphics is permitted, subject to the following requirements:

- (A)            Only white light is permitted in residential zoning districts.
- (B)            No red, yellow, orange, green, or other colored light shall be used at any location in such a manner as to interfere with, mislead or confuse traffic.
- (C)            No graphic, other than those providing time and temperature information or other electronically changing messages, shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights and illumination by flame or prohibited.
- (D)            The light from any illuminated graphic shall be shaded, shielded or directed so that the light intensity or brightness avoids the creation or continuation of any nuisance or traffic hazard.
- (E)            No exposed reflective type bulb and no strobe light or incandescent lamp which exceeds **fifteen (15) watts** shall be used on the exterior surface of any graphic in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property. **(53.08)**

**53-2-4**      **MOVEMENT PROHIBITED.** No street graphic which mechanically revolves, rotates, or moves in any manner shall be permitted anywhere in the City. **(53.09)**

**53-2-5**      **STRUCTURAL AND MAINTENANCE REQUIREMENTS.**

- (A)            Every street graphic structure shall be designed and constructed in a safe manner, and shall be free of any exposed extra bracing, angle iron, guywires, cables, etc.
- (B)            Every street graphic shall be designed and constructed to withstand a wind pressure of not less than **thirty (30) pounds** per square foot of net surface area and to receive dead loads as required in the Building Code.
- (C)            All street graphics in which electrical wiring and connections are installed shall conform to the applicable provisions of the Electrical Code.
- (D)            The owner of a street graphic shall maintain it in a neat and attractive condition. The street graphic and supports shall be kept painted to prevent rust, rot or deterioration. **(53.10)**

**53-2-6**      **OBSTRUCTIONS PROHIBITED.** No street graphic shall be erected, relocated or maintained so as to prevent free access to, or egress from any door, window, fire escape, ladder, driveway or opening intended to provide light, air, access or egress for any building or premises. No street graphic of any kind shall be attached to a standpipe or fire escape. **(53.11)**

**53-2-7**      **GRAPHICS NOT TO CONSTITUTE TRAFFIC HAZARDS.** No street graphic shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device as

determined by the City Engineer. Accordingly, no street graphic shall contain the words "stop", "go", "caution", "danger", "warning", or similar words. **(53.12)**

**53-2-8**      **OTHER PROHIBITED GRAPHICS.** The following street graphics are prohibited everywhere in the City:

(A)            Street graphics of the type commonly referred to as mobile or portable marquees.

(B)            Graphics which contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices.

(C)            Graphics which are attached to any tree, fence, or public utility pole, other than warning signs issued by public utilities.

(D)            Graphics (includes the posts or other supports therefor) which advertise or identify an activity, business, product, or service no longer conducted on the premises on which the graphic is located. **(53.14)**

(E)            **Sandwich Boards.** Sandwich boards shall be permitted use in Commercial zoned districts\* when the following criteria are met:

- (1) shall not exceed a maximum of **two (2) foot** by **three (3) foot (2' x 3')** (each side); **one (1)** sandwich board per business shall be allowed for each frontage.
- (2) shall not block pedestrian movement on sidewalk.
- (3) shall be secured to be immobile during high winds.
- (4) shall be removed from sidewalk upon closing and placed within locked confines of establishment.
- (5) shall not include offensive or obscene text or graphics.
- (6) shall advertise merchandise and/or services directly related to abutting establishment.

Above items 1-6 shall be strictly enforced by the Building and Zoning Officials to the City.

\*Within the Special Services District Boundaries (CBD) a conditional use shall be required by the Street Graphics Review Board and City Council. **(Ord. No. 6382; 02-04-02)**

**53-2-9**      **EXEMPTED GRAPHICS.** The provisions of this Chapter shall not apply to the following street graphics, and the area of such graphics shall not be debited against the total graphics area allowance for any establishment:

(A)            Traffic or Other Municipal Street Graphics such as railroad crossing signs, legal notices, and such temporary emergency signs as may be authorized by the City Council.

(B)            Signs of Public Utility Companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.

(C)            Directional, Informational or Public Service Signs not exceeding **two (2) square feet** in area, erected for the convenience of the public, such as signs identifying

entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways and similar features or facilities.

(D) House Numbers and/or Name of Occupant Signs located on the lot to which the sign is appurtenant and not exceeding **three (3) square feet**.

(E) Signs Located in the Interior of Any Building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by the patrons of such buildings.

(F) No Trespassing Signs or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than **two (2) square feet** in area.

(G) Graphics Advertising a Public Entertainment or Event. Such graphics shall be displayed only at locations and only during the time period approved by the City Council. Said time period shall not be longer than **fourteen (14) days** before and **two (2) days** after the event.

(H) On Premise Signs of a Professional such as a physician, dentist, lawyer, accountant, architect, engineer, minister, etc., which sign shall be limited to **two (2) square feet** in area and have no commercial advertising.

(I) Flags of any country, state or unit of local government.

(J) Real Estate signs not extending outside the property line and not more than **six (6) square feet** per face in area which indicate the sale, rental or lease of the premises upon which said signs are located. No more than **one (1) real estate sign** per street side shall be placed on any lot.

(K) Residential Development Identification structures at major entrances designed to identify a residential subdivision or planned unit development and containing no commercial advertising.

(L) Construction Signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character of the building enterprise, or the purpose for which the building is intended, but not advertising any product. Such signs shall not exceed **twenty (20) square feet** in area, shall be confined to the site of the construction, and shall be removed within **ten (10) days** after the beginning of the intended use of the project.

(M) Memorial Signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(N) Signs of Historical Societies containing no advertising and not more than **five (5) square feet** in area.

(O) Bulletin Board not over **twenty (20) square feet** in area for a public, charitable or religious institution, when located on the premises of such institution and not obstructing the vision of motorists.

(P) Holiday Decorations such as Christmas lights and ornaments, provided that such decorations shall be removed within a reasonable time after the holiday.

(Q) Reserved.

(R) Temporary Graphics advertising a sale or similar temporary activity provided that said graphics shall not be displayed longer than **seven (7) days** at any one time, nor more than **four (4) times** in any calendar year. **(53.15)**

ARTICLE III

REGULATIONS PERTAINING TO  
CERTAIN TYPES OF GRAPHICS

**53-3-1**        **SCOPE.** Every street graphic which an establishment displays shall, at a minimum, conform to the applicable requirements of this Article. Provided, that whenever more stringent regulations based on the type of establishment to which such graphic is appurtenant or the zoning district in which the establishment is located (**See Article IV**), are applicable, such regulations shall prevail. **(53.20)**

**53-3-2**        **FLUSH-MOUNTED GRAPHICS.** Flush-mounted graphics are the preferred type in the City of Belleville. No flush-mounted graphic shall:

(A)            Project more than **eighteen (18) inches** from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the street graphic; or

(B)            Extend more than **twenty (20) feet** above the ground or pavement, except in an industrial district. **(53.21)**

**53-3-3**        **PROJECTING GRAPHICS.** No establishment in any zoning district shall have more than **one (1)** projecting graphic per street front. No projecting graphic shall:

(A)            Project over a street, alley, or driveway, or closer than **two (2) feet** to the curb or edge of such roadway; or

(B)            Project more than **four (4) feet** from the building to which it is attached; or

(C)            Extend below a point **eight (8) feet** above the ground or pavement; or

(D)            Extend above a point **twenty (20) feet** above the ground or pavement; or

(E)            Exceed **sixteen (16) square feet** in area. **(53.22)**

**53-3-4**        **FREE-STANDING GRAPHICS.** In any zoning district, no establishment or group of establishments constituting a shopping center shall have more than **two (2)** free-standing graphics per street front. Free-standing graphics shall comply with all of the following regulations:

(A)            No free-standing graphic shall project into the public right-of-way.

(B)            No free-standing graphic shall be closer than **five (5) feet** to any side lot line.

(C)            No free-standing graphic, not including the posts or supports, shall exceed **twelve (12) feet** in any dimension.

(D)            When attached to a post or other supporting structure, no free-standing graphic shall extend more than **twenty (20) feet** above the ground or pavement.

(E)            No free-standing graphic shall exceed **one hundred (100) square feet** in area. **(53.23)**

**53-3-5**        **WINDOW GRAPHICS.** Any industrial, commercial, or institutional establishment may display permanent window graphics shall cover no more than **one hundred (100) square feet** of the window area. Permanent window graphics shall be debited against the total area of all graphics permitted the particular establishment. **(53.24)**

**53-3-6**        **AWNING, CANOPY, AND MARQUEE GRAPHICS.** No establishment shall have more than **one (1)** awning, canopy, or marquee graphic per street front. An awning, canopy, or marquee graphic may be painted on or affixed directly to such structure, or may be suspended below it. No awning, canopy, or marquee graphic shall:

- (A)            Extend below a point **eight (8) feet** above the ground or pavement; or
- (B)            Exceed **sixteen (16) square feet** in area; or
- (C)            Extend more than **four (4) feet** from the building to which it is attached. **(53.25)**

**53-3-7**        **ROOF-MOUNTED GRAPHICS.** Roof-mounted graphics are permitted only in industrial districts. No roof-mounted graphic shall:

- (A)            Extend more than **twenty-five (25) feet** above the roof level; or
- (B)            Exceed **twenty-five (25) feet** in any dimension; or
- (C)            Exceed **three hundred (300) square feet** in area. **(53.26)**

**53-3-8**        **BILLBOARDS.**

(A)            No billboard or other off-premises advertising graphics shall be erected or maintained in the City after the effective date of this Code.

(B)            Any lawful billboard which exists on the effective date of this Code may lawfully remain subject to the following conditions:

- (1)            **Enlargement or Alterations.** No such billboard shall be enlarged or altered in any way which increases its nonconformity.
- (2)            **Relocation.** No such billboard shall be relocated.
- (3)            **Reconstruction.** Nothing in this Code shall prevent the reconstruction, repairing, rebuilding, or continuing use of nonconforming billboard or off-street graphic damaged by fire, collapse, explosion or act of God subsequent to the date of this Code.

**(Ord. No. 4782; 10-29-90) (53.27)**

**53-3-9**        **STREET BANNERS.** Street banners shall be permitted only on public streetlight or other public utility poles in Commercial zoned districts and only upon approval by the Street Graphics Review Board upon filing of a formal application per **Section 53-5-5** and review at a Public Hearing in accordance with **Section 53-6-6** of this Code.

(A)            **Criteria for Approval.** The following criteria shall be considered in granting approval of any application for a street banner:

- (1) Only street banners requests shall be considered. All posters, pennants, ribbons, streamers, strings of light bulbs, or other similar devices shall strictly be prohibited as per **Section 53-2-8** of this Code.
- (2) If request includes Downtown Area location along East and West Main Streets and North and South Illinois Streets, banners shall be hung by City Street Department employees using the City's banner brackets and hardware.
- (3) If request includes location outside Downtown Area, the requestee shall have qualified personnel display banners and must include the display procedure to be used in the application.
- (4) Banners to be displayed shall measure **thirty inches by sixty inches (30" x 60")**, the "standard" banner dimensions.
- (5) City shall permit no more than **two (2) banners** on any streetlight or utility poles.
- (6) City shall not be held liable for any damages to banners.
- (7) Requests shall include a specified display period of no more than **one (1) year**.
- (8) A copy of the banner to be displayed shall accompany the request.
- (9) Only banners commemorating anniversaries or significant events of public institutions or like organizations shall be considered. Banner requests for sales or other similar advertising medium shall not be considered.
- (10) Costs assumed by the City to display banners shall be considered with each request and may be assessed to the requestee. (**Ord. No. 5642; 10-21-96**)

#### ARTICLE IV

##### GRAPHICS CONTROLS BASED ON TYPE OF ESTABLISHMENT OR ZONING DISTRICT

**53-4-1**      **SCOPE AND APPLICABILITY.** No street graphic shall be erected in any zoning district of the City in violation of the provisions of this Article.

(A)            Whenever, after the enactment of this Chapter, any zoning district is created or modified with respect to boundaries or permitted uses, the Graphics Review Board, subject to the approval of the City Council, shall determine what existing zoning district is most similar to the new or modified district, and shall so inform the Building Commissioner.

(B)            Thereafter, the Building Commissioner shall enforce the provisions of the section of this Article pertaining to that most similar district. (**53.31**)

**53-4-2**      **INTERPRETATION. IMPORTANT:** Whenever any establishment or use is permitted in more than **one (1) zoning district**, the provisions of the section of this Article applicable to such establishment or use in the most restrictive district in which it is permitted shall apply. (**53.32**)

**53-4-3**        **A-1 DISTRICT REGULATIONS.** In any A-1 (single-family residence) zoning district only those street graphics exempted from the provisions of this Chapter (**See Section 53-2-9**) shall be permitted. **(53.33)**

**53-4-4**        **A-2, B-1 DISTRICT REGULATIONS.** In any A-2 (two-family residence) or B-1 (multi-family residence) zoning district street graphics may contain only identification information, not commercial advertising. Non-exempt street graphics in these districts shall be either window graphics or flush-mounted. Furthermore:

(A)            On any building or premises used solely as a residence by more than **one (1) family**, the total of the areas of all street graphics shall not exceed **six (6) square feet**.

(B)            On all other permitted establishments, the total of the area of all street graphics shall not exceed **thirty (30) square feet**. (But see provision in **Section 53-5-10**) **(53.34)**

**53-4-5**        **C-1, C-2 DISTRICT REGULATIONS.** No roof-mounted graphics are permitted in any commercial zoning district. All permitted graphics shall conform to every applicable requirement of this Chapter. Additionally, special graphics controls are applicable in the downtown business area. **(53.35)**

**53-4-6**        **RATIONALE FOR DOWNTOWN AREA OF SPECIAL CONTROL.** In recent years, Belleville's downtown business area has suffered from a variety of problems. These problems include poor vehicular traffic circulation, improper location of parking space, lack of amenities such as landscaping and benches, deteriorating commercial structures, and increased competition from suburban shopping centers. Another significant factor contributing to the ill-health of the downtown area is the proliferation of oversize and garish signs.

In order to remedy these problems so as to create an esthetically pleasing and thriving downtown business area, the City and private citizens are undertaking several major downtown revitalization projects involving the expenditure of substantial sums of money. The City Council has determined that it is essential to the success of those efforts that additional controls, supplemental to the other applicable provisions of this Chapter be imposed on all street graphics in the downtown business area. **(53.36)**

**53-4-7**        **DESIGNATION AS AREA OF SPECIAL CONTROL.** The downtown business area of the City is hereby designated an "Area of Special Control" for purposes of regulating all street graphics now or hereafter located therein. As used in this Chapter, the term "downtown business area" shall mean the area bounded by extending an imaginary line connecting Sixth Street on the west, "B" Street on the north, Oak Street on the east, and Lincoln Street on the south. **(53.37)**

**53-4-8**        **SPECIAL GRAPHICS REGULATIONS IN DOWNTOWN AREA.** After the date of the enactment of this Chapter, no street graphic shall be erected, and no existing street graphic shall be permitted to remain for more than **five (5) years**, unless such graphic has been approved by the City Council upon the recommendation of the Graphics Review Board. The City Council shall approve only those street graphics which:

- (A) Conform to every pertinent regulation of this Chapter; and
- (B) are compatible with the theme and overall character to be achieved in the downtown area. **(53.38)**

**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) Relationship of the colors of the graphic to the colors of adjacent buildings and nearby graphics.
- (C) Similarity or dissimilarity of the graphic's size and shape to that of other graphics in the area.
- (D) Similarity or dissimilarity of the style of lettering to that of other nearby graphics.
- (E) 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.
- (F) 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.
- (G) 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.
- (H) Any other reasonable criteria which the Board may devise, subject to the approval of the City Council. **(53.39)**

**ARTICLE V - ADMINISTRATION**

**53-5-1**        **ENFORCEMENT.**     The Building Commissioner is hereby authorized and directed to diligently enforce every provision of this Chapter, except those provisions which specifically delegate certain duties to other City officers or boards. No order for correction of any violation under this Chapter shall be issued other than by the Building Commissioner. Before any graphics-related order is issued, the Building Commissioner shall determine that such order has the concurrence of any other officer or board concerned with any matter pertinent to the case in question. **(53.46)**

**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.

(A)            The Building Commissioner is authorized to enter in or upon any establishment, building, or premises at any reasonable time for the purpose of discharging his duties under this Chapter.

(B)            The owner, occupant, or person in charge of every establishment, building, or premises shall give the Building Commissioner free access thereto at any reasonable time upon display of proper identification in order to allow him to perform his duties under this Chapter. **(53.47)**

**53-5-3**        **REGISTRATION OF EXISTING STREET GRAPHICS.**     Every existing street graphic located in the "Area of Special Control" shall be registered by the owner within **one hundred eighty (180) days** of the enactment of this Chapter. Registration shall be on forms provided by the Building Commissioner. **(53.48)**

**53-5-4**        **PERMIT REQUIRED.**     No street graphic, except those exempted from the provisions of this Chapter, shall hereafter be erected, altered, or relocated without a permit issued by the Building Commissioner. **(53.49)**

**53-5-5**        **APPLICATION FOR PERMIT.**     Application for a street graphic permit shall be made on forms provided by the Building Commissioner, and shall include the following information:

- (A)            Name, address and telephone number of the applicant;
- (B)            Location of the building, structure or lot upon which the street graphic is to be erected;
- (C)            Type of establishment which will display the graphic;

- (D) Position of street graphic in relation to nearby building, street grade, and traffic control devices;
- (E) **Two (2) copies** of plans and specifications showing method of construction, location and support;
- (F) Sketch showing street graphic faces, exposed surfaces and proposed message accurately represented in scale as to size, proportion and color;
- (G) Name of person, corporation or firm erecting the street graphic;
- (H) A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any amount required by this and all other laws and City ordinances, if required by the Building Commissioner; and
- (I) Such other information as the Building Commissioner shall require to determine full compliance with this and all other laws and City ordinances. **(53.50)**

**53-5-6**      **ISSUANCE OF PERMITS.** Upon the filing of an application for a street graphic permit, the Building Commissioner shall examine the plans and specifications, the premises upon which it is proposed to erect the street graphic and other data. If it appears that the proposed graphic is in compliance with all applicable requirements of this Chapter, he shall issue the permit; if not, he shall state in writing his reason(s) for denial within **fourteen (14) days** of the date of application. If the work authorized under the permit has not been completed within **one (1) year** after the date of issuance, the permit shall become null and void. **(53.51)**

**53-5-7**      **PERMIT FEES.** Before being granted a permit, every applicant shall pay to the Building and Zoning Commissioner the following permit fee for each street graphic to be erected:  
**\$.50** per square foot of graphic area, but not less than **\$15.00** for each street graphic. **(Ord. No. 5329: 11-07-94)**  
**(53.52)**

**53-5-8**      **INFORMATION TO BE PLACED ON GRAPHIC.** Every street graphic hereafter erected shall have painted in a conspicuous place thereon, or printed on a metal plate affixed thereto, in legible letters, the following information:  
(A) Date of erection of the graphic;  
(B) Name of the permittee;  
(C) Permit number; and  
(D) Voltage of any electrical apparatus used in connection with the graphic. **(53.53)**

**53-5-9      NON-CONFORMING STREET GRAPHICS.**

(A) Non-conforming street graphics may be continued except as otherwise provided in this Chapter. A street graphic previously constructed in compliance with existing ordinances or regulations is or becomes "non-conforming" if it is not in conformance with the provisions of this Chapter on either of the following dates:

- (1) The date of the original enactment; or
- (2) Any date on which this Chapter is amended.

(B) A non-conforming street graphic shall not be:

- (1) Changed to another non-conforming street graphic (provided that changing the message on a changeable copy sign shall not be deemed a violation of this provision).
- (2) Structurally altered so as to prolong the life of the street graphic;
- (3) Expanded;
- (4) Re-established after its discontinuance for **thirty (30) days**;
- (5) Moved in whole or in part to another location unless said street graphic, and the use thereof, is made to conform to every applicable provision of this Chapter; or
- (6) Re-established after damage or destruction in an amount exceeding **fifty percent (50%)** of the initial value of the street graphic as determined by the Building Commissioner.

Provided, that whenever any street graphic is non-conforming solely because it is appurtenant to a non-conforming commercial/industrial use located in any residential district, the Building Commissioner shall enforce the restrictions enumerated above only to the extent necessary to achieve compliance with the regulations applicable to street graphics appurtenant to commercial/industrial uses located in any commercial or industrial district. **(53.54)**

**53-5-10      DISCONTINUANCE OF NON-CONFORMING STREET GRAPHICS.**

Any street graphic which is "non-conforming" on the date of the enactment of this Chapter, because such graphic is prohibited by or in violation of any of the following section(s) shall either be altered or removed to bring such street graphic into compliance with such section(s) within the time period indicated below:

<u>Section Number</u>	<u>Time Period</u> (commencing on date of Chapter Enactment)
§§ 53-2-3; 53-2-4; 53-2-5; 53-2-6; 53-2-7; 53-2-8	One Hundred Eighty (180) Days
§ 53-4-8	Five (5) Years

(A) Existing free-standing and flush-mounted graphics not extending more than **thirty (30) feet** above the ground or pavement shall be exempt from this Section provided they meet all the other requirements of this Chapter.

(B) Existing billboards and other off-premises advertising graphics located in the C-1 and C-2 zoning district (excluding the downtown "Area of Special Control") shall be exempt from this Section provided they meet all the other requirements of this Chapter.

(C) Any street graphic previously constructed in compliance with existing regulations which becomes non-conforming because of any amendment to this Chapter shall be removed, altered or replaced so as to conform with the provisions of this Chapter within **five (5) years** after the effective date of the amendment. **(53.55)**

**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."

(C) Whenever any street graphic poses an immediate peril to persons or property, the Building Commissioner may remove it summarily and without notice. **(53.56)**

**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 or remove the street graphic.

(A)            Any expense incurred by the City pursuant to such remedial action or removal 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)**

**53-5-13**      **PENALTIES FOR VIOLATION.** Any person who violates the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense. Each day that such violation continues shall be deemed a separate and distinct offense.

The owner or tenant of any building, structure, premises or part thereof and any architect, building, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. **(53.58)**

**53-5-14**      **DISCLAIMER OF ADMINISTRATIVE LIABILITY.**

(A)            Except as may be provided otherwise by statute or ordinance, no officer, Board member, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter.

(B)            Any suit brought against any officer, Board member, agent, or employee of the City, as a result of any act required or permitted in the discharge of his duties under this Chapter, shall be defended by the City Attorney until the final determination of the legal proceedings. **(53.59)**

ARTICLE VI

GRAPHICS REVIEW BOARD - APPEALS

**53-6-1**        **CREATION OF GRAPHICS REVIEW BOARD.** The Board of Zoning Appeals of the City of Belleville shall serve as the Street Graphics Review Board which shall hear all appeals in matters arising under this Chapter and shall perform such other duties as the City Council may prescribe. **(Ord. No. 6408; 04-01-02)**

**53-6-2**        **BOARD MEETINGS.**  
(A)            Meetings of the Graphics Review Board shall be held at the call of the Chairman or any **two (2) members**, or at such times as the Board may determine. **Three (3) members** of the Board shall constitute a quorum, and an affirmative vote of at least **three (3) members** shall be necessary to authorize any action of the Board. All hearings and deliberations of the Board shall be open to the public. **(53.62)**

**53-6-3**        **VARIANCES.** A variance is a relaxation of the requirements of this Chapter that are applicable to a particular street graphic. **(#3468; 11-08-77) (53.63)**

**53-6-4**        **APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Street Graphics Review Board. The application shall contain sufficient information to allow the Board to make an informed recommendation, and shall include, at a minimum, the following:

- (A)            Name and address of the applicant;
  - (B)            location of the street graphic for which the variance is sought;
  - (C)            full and detailed explanation of the grounds for the variance request;
  - (D)            specific section(s) of this Chapter containing the regulations which, if strictly applied, would cause a serious problem; and
  - (E)            any other pertinent information that the Administrator may require.
- (#3468; 11-08-77) (53.64)**

**53-6-5**        **FEE.** The fee for filing a variance request shall be **Seventy-Five Dollars (\$75.00)**. **(#3468; 11-08-77) (53.65)**

**53-6-6**        **PUBLIC HEARING NOTICE.** The Street Graphics Review Board shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed

variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within the City of Belleville. **(#3468; 11-08-77) (53.66)**

**53-6-7**        **ADVISORY REPORT.** Within a reasonable time after the public hearing, the Street Graphics Review Board shall submit an advisory report on the requested variance to the City Council. **(#3468; 11-08-77) (53.67)**

**53-6-8**        **CRITERIA FOR VARIANCE DETERMINATION.** The Street Graphics Review Board shall not recommend nor shall the City Council grant a variance unless it finds:

(A)            that the street graphic for which the variance is sought, or the building or premises on which such graphic is situated is subject to special conditions or circumstances peculiar to such graphic, building, or premises; and

(B)            that the special conditions or circumstances are such that a variance is essential to prevent great practical difficulty and/or hardship, and to make possible the reasonable use of the building or premises; and

(C)            that the proposed street graphic variance is the minimum variance which will permit such reasonable use; and

(D)            in the case of the downtown business "Area of Special Control", that granting the variance will not result in the maintenance or erection of a street graphic which is not harmonious with the theme and character of the mall and other redevelopment projects; and

(E)            that the granting of the variance will be consistent with the purposes and intent of this Chapter, and will not be injurious to the area in which the graphic will be located or otherwise detrimental to the public welfare; and

(F)            that a variance rather than an amendment to this Chapter is the more appropriate mechanism to handle the situation; the primary criterion for this determination shall be the degree of peculiarity of the conditions or circumstances engendering the variance request.

**(#3468; 11-08-77) (53.68)**

**53-6-9**        **DECISION BY CITY COUNCIL.** The City Council shall act on every request for a street graphic variance at their next regularly scheduled meeting following submission of the Review Board's advisory report. The Council may grant a street graphic variance by simple majority vote of all the members then holding office. In a separate statement, the Council shall state their findings of fact, and indicate their reasons for granting or denying the requested variance. **(#3468; 11-08-77) (53.69)**

**53-6-10**       **APPEALS.** Any person aggrieved by any decision or order of the Building Commissioner in any matter related to the interpretation or enforcement of any provision of this Chapter may appeal to the Street Graphics Review Board. Every appeal shall be taken within **thirty (30) days** after such decision or order by filing with the

Building Commissioner and the Board, a written notice which specifies the grounds of appeal. The fee for filing an appeal shall be **Fifty Dollars (\$50.00)**.

(A) Within **five (5) days** after the filing of an appeal, the Building Commissioner shall transmit to the Board all records pertinent to the case. He shall take no further action on the matter pending the Board's decision, except for unsafe graphics which present an immediate and serious danger to the public.

(B) The Board shall hold a public hearing on the case no later than **forty-five (45) days** after the filing of the appeal notice. A notice of the time and date of the hearing, and a brief description of the subject matter to be reviewed, shall be sent by registered mail to the petitioner and to the owners of all property located not more than **one hundred (100) feet** from any lot line of the petitioner's property. Substantially, similar notice shall be published in a newspaper of general circulation within the City at least **fifteen (15) days**, but not more than **thirty (30) days** before the hearing date.

(C) Any interested party may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Following the public hearing, the Street Graphics Review Board shall transmit its recommendations to the City Council. The City Council shall act upon the recommendations at its next regularly scheduled meeting. **(53.70)**

**[Unless Otherwise Noted; #3427; 03-07-77]**