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O2012-1481

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City Council Document Tracking Sheet

Meeting Date:	3/14/2012
Sponsor(s):	Emanuel, Rahm (Mayor) Solis, Daniel (25)
Type:	Ordinance
Title:	Amendment of Titles 2, 8, 13 and 17 regarding signs
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 14, 2012


TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Buildings Commissioner, I transmit herewith, together with Alderman Solis, an ordinance amending various Municipal Code provisions regarding signs.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,



Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO;

SECTION 1. Section 2-14-155 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-155 Defenses to building code violations.

It shall be a defense to a building code violation adjudicated under this article, if the owner, manager, person exercising control, his attorney, or any other agent or representative proves to the administrative law officer that:

(a) The building code violation alleged in the notice did not in fact exist at the time of the inspection resulting in the notice;

(b) At the time of the hearing on the issue of whether the building code violation does or does not exist, the violation has been remedied or removed. This subsection (b) shall not create a defense to a violation of Section 13-12-135(d)(5)(C), or to a person or entity that is an architect, structural engineer, contractor or builder who has been charged with a violation of Section 13-12-050 or Section 13-12-060 of this Code; nor shall it be a defense for any violation of Section 13-20-550 or Section 17-12-0709 pertaining to any off-premise sign, as that term is defined in section 17-17-02108. However, for violations of Sections 13-196-400 through 13-196-440 of this Code, it shall be a defense under this subsection only where the violation has been remedied or removed within seven days of service of notice of the building code violations as provided under Section 2-14-152;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 8-4-270 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

8-4-270 Advertising and signs on buildings.

No person shall post, stick, stamp, tack, paint, or otherwise fix, or cause the same to be done by another person, any notice, placard, bill, handbill, sign, poster, card advertisement, or other device calculated to attract the attention of the public, upon any building or part thereof, wall or part thereof, or window, without first obtaining the written consent of the owner, agent, lessee, or occupant of such premises or structure; ~~provided, however, that no person shall paste, post, or fasten any handbill, poster, advertisement, or notice of any kind, or cause the same to be done, which exceeds 12 square feet in area without first obtaining a permit so to do from the building commissioner in accordance with the provisions of this Code relating to billboards and signboards; and provided, further, that this section shall not apply to advertising matter upon billboards owned or controlled by private individuals.~~

SECTION 3. Chapter 13-20 of the Municipal Code of Chicago is hereby amended by adding sections 13-20-555, 13-20-630, and 13-20-645, by deleting sections 13-20-600 and 13-20-780, by deleting the language struck through and inserting the language underscored, as follows:

13-20-510 Definitions.

For the purposes of this article, the following additional definitions apply.

Signs. Signs are deemed to be a name, identification, description, display, illustration, or character which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Signs (electrical). Electrical signs are signs that are electrically illuminated.

"Dynamic image display sign" means any sign, or portion thereof, with characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. A "dynamic image display sign" shall include, but not be limited to, a changing-image sign, as that term is defined in section 17-17-0234, a video-display sign, as that term is defined in section 17-17-02190, and a flashing sign, as that term is defined in section 17-17-0256.

(Omitted text is unaffected by this ordinance)

Signboards (billboards, paintboards, and posted panelboards). Signboards are signs which fall into this general classification and are commonly known by this or other titles.

"Static sign" means a sign that does not rotate, move, or have any appearance of changing or movement in the sign, sign components or structure. A "static sign" shall not include any sign that has any characteristics of a dynamic image display sign.

13-20-520 Penalties.

(a) ~~Fines:~~ (1) Any person who violates any of the provisions of section 13-20-550 and such violation pertains to a static sign or its support structure shall be fined not less than \$7,500.00 nor more than \$10,000.00 for each offense, unless the person can show by a preponderance of the evidence, that the square footage of the sign is: (i) from 200 to 499 square feet, per face, a fine of not less than \$2,000.00 nor more than \$5,000.00; (ii) from 100 to 199 square feet, per face, a fine of not less than \$750.00 nor more than \$1,500.00; or (iii) from zero to 99 square feet, per face, a fine of not less than \$350.00 nor more than \$750.00; provided that any person who violates any of the provisions of section 13-20-550 and such violation pertains to a dynamic image display sign, regardless of the size of the sign, or its support structure, the fine shall be not less than \$10,000.00 nor more than \$15,000.00 per offense. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(2) In all other cases where no specific penalty is provided for in this article fixed therein, any person erecting, owning, operating, maintaining or in charge, possession or control of any illuminated or non-illuminated sign, painted wall sign, signboard, ground sign, roof sign or its support structure, within the City of Chicago, that shall neglect or refuse to comply with the who violates any provision provisions of this chapter article shall be fined not more than \$500.00 for each offense. The penalty for other than business I.D. signs, after notification shall be \$500.00 per violation plus \$50.00 a day until the violation is removed. Each sign or structure owned, operated and maintained or controlled by that person that is erected, constructed, or maintained in violation

of any of the provisions of this chapter article shall constitute a separate and distinct violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

(b) In addition to any other fine or penalty provided, if, on three separate occasions in any 12-month period, any registered electrical contractor, a registered sign contractor, or bonded sign erector erects, installs, alters, repairs, enlarges or illuminates any sign, signboard or structure covered by the provisions of this article, without first having obtained any permit required under this code, such person's certificate of registration, bond and all permit privileges may be subject to revocation.

License ineligibility:

(1) ~~No business or occupational license shall be issued to any license applicant erecting, owning, operating, maintaining or in charge, possession or control of any illuminated or non-illuminated sign, painted wall sign, signboard, ground sign, roof sign or its support structure, within the City of Chicago, that shall neglect or refuse to obtain the permit required by this chapter for such sign or structure. The license ineligibility imposed by this subsection (b)(1) shall be in addition to any other fines and penalties as provided in this Code. For purposes of this subsection (b), the term "license" shall mean an initial license and also any renewals of a license previously issued.~~

(2) ~~Upon becoming aware that a licensee or license applicant is lacking a sign permit required by this chapter, the building commissioner or his or her designee shall so notify the department of business affairs and consumer protection or other license-issuing department. At or prior to the time when the applicant applies for a license, the department of business affairs and consumer protection or other license-issuing department shall notify the person in writing that he or she is ineligible for a license under this subsection (b). The notice shall: (i) state that the city has determined that the applicant is responsible for an unpermitted sign; (ii) describe the sign that is unpermitted or inform the applicant that, upon the request of the applicant, a description of the unpermitted sign is available from the department of buildings; and (iii) inform the applicant of his or her right to contest the city's determination of noncompliance under this subsection (b). If notice is provided by mail, it shall be sufficient to mail the notice to the last address the applicant provided to the department of buildings or the department of business affairs and consumer protection. The date of the notice shall be the date the notice to the applicant is deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service if served by any other manner.~~

(3) (i) ~~Upon the written request of the applicant, the department of buildings shall provide the applicant with a written description of the unpermitted sign for which the applicant is responsible. An applicant shall have 30 business days from the date of the notice issued to the applicant pursuant to subsection (b)(2) to petition the department of buildings to reverse its determination that the applicant is responsible for an unpermitted sign, by submitting in person or by mail, a written response to the department of buildings that includes the following materials and information: the full name, address and telephone number of the applicant; a written statement signed by the applicant setting forth facts, law or other information relevant to establishing a defense to the department's determination; a copy of the notice provided to the applicant by the department of business affairs and consumer protection under subsection (b)(2); and any documentary evidence that supports the applicant's written statement.~~

(ii) ~~Within 30 business days of receiving a petition, the department of buildings shall grant or deny the petition. The department's decision regarding a petition shall be in writing and, in the case of a denial, shall inform the applicant of his right to contest the~~

department's decision under this section. The time period for ruling on a petition may be extended only with the consent of the petitioner.

(4) ~~Within ten business days of the date of the department of buildings' decision denying a petition under subsection (b)(3)(ii), the applicant may appeal the department's determination to the department of business affairs and consumer protection by filing a written request for a hearing in person at the office of the department of business affairs and consumer protection. The date of the department's decision shall be the date that it is deposited in the mail, if served by first class mail; the date of delivery, if served by personal service; or the date of service if served by any other manner. A request for a hearing shall include the following materials and information: a copy of the notice provided to the applicant by the department of business affairs and consumer protection under subsection (b)(2); a copy of the applicant's written response submitted to the department of buildings; a copy of the department's decision denying the applicant's petition issued under subsection (b)(3)(ii); and any documentary evidence that supports the applicant's appeal. Upon receipt of a timely and proper request for a hearing, the department of business affairs and consumer protection shall assign a hearing date no later than 15 business days after the date of the request. The hearing shall not be continued without the consent of the applicant. A hearing officer appointed by the department of business affairs and consumer protection shall conduct the hearing to determine whether or not the applicant is ineligible for a license pursuant to this section. The hearing shall comply with the following provisions:~~

~~(i) The case for the city shall be presented by the corporation counsel.~~
~~(ii) The hearing officer shall abide by any prior determination that an unpermitted sign exists and the scope of review shall be limited to whether the violation has been corrected and whether the determination that the unpermitted sign exists was issued against the license applicant. The license applicant shall not be entitled to raise any defenses related to his or her liability for the underlying sign violation.~~

~~(iii) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.~~

~~(iv) At the conclusion of the hearing, the hearing officer shall make a recommendation to the commissioner of the department of consumer protection affairs and licensing affirming or denying the department of buildings' determination that the applicant is not eligible for a license. Upon the issuance of a final order by the department of business affairs and consumer protection that the applicant is not eligible for a license, the applicant's license may not be issued prior to the correction of the underlying sign permit violation and payment of all outstanding fines and penalties. The commissioner of the department of consumer protection affairs and licensing shall issue a final order no more than 15 business days after the conclusion of the hearing.~~

(5) ~~Notwithstanding a pending petition submitted to the department of buildings, pursuant to subsection (b)(3)(i) of this section, or appeal to the department of business affairs and consumer protection pursuant to subsection (b)(4) of this section, no license shall authorize the conduct of any business or occupation from and after the last day of a license term unless the license has been renewed by the department responsible for processing the license. A license may be renewed only upon the correction of the underlying sign permit violation and payment of all outstanding fines and penalties.~~

(6) ~~If the applicant fails to file a timely and proper petition under subsection (b)(3)(i) or an appeal to the department of business affairs and consumer protection under subsection (b)(4), the applicant shall be deemed to have waived his or her right under this section to contest the department of buildings' determination and the applicant's license may not be issued~~

prior to the correction of the underlying sign permit violation and payment of all outstanding fines and penalties determined by the department to be outstanding.

(c) In addition to any other fine or penalty provided, for any sign found not in compliance with the provisions of this article, the building commissioner may compel the cessation of electrical current to any electrical equipment on such sign or structure.

(d) In addition to any other penalty or fine provided in this code, any person who derives profits or revenue from one or more third parties from leasing space on a sign that is maintained, erected, installed, altered, repaired or enlarged in violation of this chapter or section 10-28-010 shall disgorge all profits or revenues derived from such sign upon determination either by an administrative hearing officer or a court of competent jurisdiction that the sign was unlawfully maintained, erected, installed, altered, repaired, or enlarged in violation of this article or section 10-28-010. The provisions of this section apply to the owner of the sign and the owner of the property on which the sign is located.

The disgorgement of profits or revenue shall be remitted to the city.

13-20-550 Permits required.

(a) It shall be unlawful for any person (1) to own, maintain, erect, install, alter, repair or enlarge any sign, signboard or structure covered by the provisions of this article, including but not limited to any illuminated or non-illuminated sign, painted wall sign, ground sign, dynamic image display sign, or roof sign, or any such sign's support structure; or (2) to commence to erect, install, alter, repair or enlarge any sign, signboard or structure covered by the provisions of this article, including but not limited to any illuminated or non-illuminated sign, painted wall sign, ground sign, dynamic image display sign, or roof sign, or any such sign's support structure; or (3) to cause any sign, signboard or structure covered by the provisions of this article, including but not limited to any illuminated or non-illuminated sign, painted wall sign, ground sign, dynamic image display sign, or roof sign, or any such sign's support structure, to be erected, installed, altered, repaired or enlarged; or to change a sign from a static image display sign to a dynamic image display sign, unless a valid permit has been obtained from the department of buildings. ~~Any person who violates any of the requirements of this subsection shall be fined \$10,000.00 for each offense, unless such person can show by a preponderance of the evidence, that the square footage of such sign, signboard or structure is: (i) from 200 to 499 square feet, per face, in which case the penalty for violation shall be \$3,000; or (ii) from 100 to 199 square feet, per face, in which case the penalty for violation shall be \$1,000; or (iii) from 50 to 99 square feet, per face, in which case the penalty for violation shall be \$500; or (iv) from over zero to 49 square feet per face, in which case the penalty for violation shall be \$100. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.~~

(b) It shall be the duty of every owner of any real property on which a sign is located to ensure that each sign maintained on the owner's property has a valid permit and is in compliance with the provisions of this section. It shall be a violation of this article for the owner of any real property to have or permit to remain on the property, any sign which does not have a valid permit. ~~Attachments. No attachment shall be made to any sign, signboard, or structure covered by this article unless all applicable provisions of this chapter have been complied with.~~

(c) The owner or lessee of the real property and the sign erector shall be jointly and severally liable for any violation of this section. ~~Rehang. A previously approved sign which has been removed for any reason shall be permitted to be rehung within six months of removal in the same location upon the issuance of a rehang permit. If a sign is moved to a new location, a new~~

~~sign permit shall be obtained.~~

(d) ~~In addition to any permit required by this section, any sign which is on or over the public way shall require a public way use permit pursuant to Section 10-28-010.~~

13-20-555 Public way use permits-required.

In addition to any permit required by this article, a public way use permit is required for any sign which is on or over the public way pursuant to Section 10-28-010.

13-20-560 Permit application.

For all permits issued after the effective date of the 2012 amendatory ordinance, applications, Applications for permits to erect, install or alter signs, illuminate signboards, or to maintain the electrical components of electrical signs shall be made by the owner or lessee of the real property on which the sign will be located. The application shall be signed by the applicant and a bonded sign erector. If the sign is a dynamic image display sign or a static sign which has direct or indirect lighting, the application shall also be signed by a licensed electrical contractor. a bonded sign erector. Where applicable, such applications shall be counter signed by a licensed electrical contractor. All such applications shall be made in such form as is prescribed by the building commissioner.

13-20-590 Construction contrary to permit.

~~It shall be unlawful for any person, company, or corporation engaged in the erection, alteration, or repair of illuminated or non-illuminated signs or signboards, to erect, alter, maintain or repair any sign or signboard contrary to the approved permit. Where a sign or signboard has been erected, altered, or repaired contrary to the approved permit, the permit shall be invalidated by this action.~~

Where a bonded sign erector, a registered sign contractor, or a registered electrical contractor installs, alters, erects, or repairs a sign, signboard, or illuminates a signboard without a permit first being issued, the permit privileges of such bonded sign erector, a registered sign contractor, or registered electrical contractor ~~shall~~ may be suspended ~~forthwith~~ and shall not be reinstated until such time as all the provisions of this chapter have been complied with.

Where a bonded sign erector, a registered sign contractor, ~~and (or) or a~~ registered electrical contractor performs defective work in the erection, alteration, or repair of a sign, signboard, or the illumination of a signboard, or when a permit is invalidated, the contractor shall be notified in writing of such defective work or invalidation. If at the end of ten days the ~~mentioned~~ defective work has not been corrected, the permit privileges of such contractor shall be suspended and shall not be reinstated until such defective work has been corrected.

~~The building commissioner is hereby empowered to shut off the electric current to any sign or signboard which is erected, altered, or repaired contrary to any of the provisions of this chapter.~~

~~In addition to the provisions of this section, anyone who violates the provisions of this section shall be liable to the penalties as set forth in this article.~~

13-20-630 Reserved Permit rescission.

The commissioner shall have the power to rescind any sign permit required by this article that was erroneously issued by the department.

13-20-640 Revoking of permit.

The building commissioner ~~shall~~ may revoke the permit for any sign ~~being~~ constructed,

altered or erected in violation of any of the provisions of this chapter.

13-20-645 Procedure for revoking or rescinding a permit.

(a) If the commissioner revokes or rescinds a sign permit, he shall notify the permittee, in writing, of the such revocation or rescission. The notice shall:

(1) set forth the basis of the revocation or rescission;

(2) include a statement that within ten days of the notice of revocation or rescission, the permittee is entitled to request a hearing, in person and in writing, at the department of administrative hearings;

(3) include a statement that the permittee is entitled to appear at the hearing to testify, present documents, including affidavits, and any other evidence to contest the revocation or rescission;

(4) include a statement that if the permittee fails to request a hearing within ten days, the permittee is deemed to have conceded the validity of the reason stated in the notice and the revocation or rescission shall become final;

(5) include a certificate of service;

(6) include an oath or affirmation by the commissioner certifying the correctness of the facts set forth in the notice of revocation or rescission; and

(7) be served by first class mail.

(b) The permittee, within ten days after notice is sent, may file with the department of administrative hearings a request for a hearing. Such hearing request shall be made in person, and in writing, at the department of administrative hearings. An administrative law officer of the department of administrative hearings shall conduct such hearing within 14 days of the request, excluding Saturdays, Sundays, and legal holidays.

For purposes of this subsection, the ten-day period shall begin to run on the date that the notice was deposited in the mail.

(c) Based upon the evidence contained in the record, an administrative law officer of the department of administrative hearings shall issue written findings and enter an order either affirming or reversing the revocation or rescission. A copy of the findings and order shall be served upon the permittee and all parties appearing or represented at the hearing either by personal service or first class mail.

(d) If the permittee does not request a hearing within ten days after the notification of the revocation or rescission is sent, the permittee shall be deemed to have conceded the validity of the reason stated in the notice and the revocation or rescission shall become final.

13-20-680 Council approval.

A city council order approving a sign shall be required in addition to the normal permit for any sign which exceeds 100 feet² (9.3 m²) in area or any roof or ground sign, structure or signboard over 24 feet (7.32 m) in height. Before the application for a permit for such sign is filed with the building commissioner, the applicant shall submit a duplicate of the application to the

alderman of the ward in which the sign is to be located. At the time the duplicate is submitted to the alderman, the applicant shall submit to the city clerk an order for the approval or disapproval of the sign for introduction at the next regular meeting of the city council, and proof that the public notice provided for in this section has been given and a list of all persons who have been given such notice. The council order, upon being introduced to the council, shall be forwarded to the appropriate committee for hearing. Prior to filing its application, the applicant for the permit shall give notice to all voters registered at addresses within 250 feet (76.2 m) of the proposed sign location.

Any change to a sign for which a city council order was issued or required to be issued that changes the sign from a static image display sign to a dynamic image display sign shall require an additional city council order in compliance with the requirements of this section and a new sign permit in compliance with the requirements of this code. ~~For purposes of this section only, "dynamic image display sign" means any sign, or portion thereof, with characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays. A "dynamic image display sign" shall include, but not be limited to, a changing image sign, as that term is defined in section 17-17-0234, a video display sign, as that term is defined in section 17-17-02190, and a flashing sign, as that term is defined in section 17-17-0256.~~

(Omitted text is unaffected by this ordinance)

13-20-700 Posting of bonds.

(a) Bond required. Every person in the business of erecting, maintaining, or removing electric display signs, signboards, or structures shall submit to the building commissioner, a bond, with surety to be approved by the building commissioner in the penal sum of \$25,000.00 conditioned that such person shall faithfully comply with all provisions and requirements of this chapter with respect to the alteration, location and safety and for the payment of the original permit fees required by this article; and conditioned further to indemnify, save and keep the City of Chicago, its officials, and employees harmless from any claims, damages, liabilities, losses, actions, suits, or judgments which may be presented, sustained, brought, or obtained against the City of Chicago, any of its officials, or employees because of the maintenance, alteration, or removal of any electric sign, signboards, or structure, or by reason of any accident, caused by or resulting therefrom.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 17-16-0511 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and be deleting the language struck through, as follows:

17-16-0511 Penalties. ~~Except as otherwise provided in subsection (a) of Section 13-20-550, Any violation of section 17-12-0709 is subject to a fine in the same amount set forth in section 13-20-520; except that if the violation is for failing to have a public way use permit, the fine shall be in the same amount set forth in section 10-28-010(h).~~ In all other cases where no specific fine or penalty is provided, any violation of this Zoning Ordinance is punishable by a civil penalty of not less than

\$500.00 and not more than \$1,000.00. Each day such a violation or failure to comply exists after notice constitutes a separate and distinct offense.

SECTION 5. The deletion of sections 13-20-600 and 13-20-780 and the deletion of the language pertaining to penalties from section 13-20-550 (the Deleted Language) and the replacement of the Deleted Language within different sections of Article XIII, are not intended to invalidate, alter, or otherwise affect in any way any action taken, or could have been taken, based upon the Deleted Language.

SECTION 6. This ordinance takes effect ten days after its passage and publication.