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Legislation Details (With Text)

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Type: Ordinance **Status:** Failed to Pass

File created: 6/27/2018 **In control:** City Council

Final action:

Title: Amendment of Municipal Code Chapter 10-28 by modifying Section 10-28-064 regarding prohibition of signs on public way, repealing Section 10-28-066 and creating new Article VII entitled "Sidewalk Signs"

Sponsors: Waguespack, Scott, Moreno, Proco Joe, Hairston, Leslie A., Thompson, Patrick D., O'Shea, Matthew J., Hopkins, Brian, Sawyer, Roderick T., Harris, Michelle A., Munoz, Ricardo, Solis, Daniel, Maldonado, Roberto, Taliaferro, Chris, Reboyras, Ariel, Santiago, Milagros, Mell, Deborah, Austin, Carrie M., Ramirez-Rosa, Carlos, Villegas, Gilbert, Mitts, Emma, Sposato, Nicholas, Laurino, Margaret, Smith, Michele, Tunney, Thomas, Arena, John, Cappleman, James, Pawar, Ameya, Moore, Joseph, Napolitano, Anthony V.

Indexes: Ch. 28 Structures On & Under Public Ways

Attachments: 1. O2018-5092.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
6/27/2018	1	City Council	Referred	

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ORDINANCE

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

SECTION 1. Sections 10-28-064 and 10-28-066 of the Municipal Code of Chicago are hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

10-28-064 Advertising signs Signs prohibited in the public way.

Except as specifically permitted by Article VII of Section 10-28 of this Code_A or by a another duly enacted ordinance_A or when authorized by contract entered into by the chief procurement officer in cooperation with the commissioner of transportation pursuant to Section 10-28-045, or by contract entered into by the chief financial officer and approved by the city council pursuant to Section 10-28-046, no person shall place, install or knowingly maintain on the surface ofthe public way any sign or a structure or device to which such a sign is affixed. Any such sign, structure or device that is placed, installed or maintained on the public way in violation of this section is hereby declared a public nuisance and may be removed at any time by the commissioner of business affairs and consumer protection at the expense of the person responsible for the violation.

Any person who violates this section shall be subject to a fine of not less than \$200.00 and not more than \$500.00 for each offense. Each day that such violation occurs shall be considered a separate offense.

10-28-066 Advertising sign-Defined.

An advertising sign is a sign which directs attention to a business, commodity, service or entertainment regardless of where it is conducted, sold or offered.

SECTION 2. Title 10, Chapter 28 of the Municipal Code of Chicago is amended by creating a new Article VII, as follows:

ARTICLE VII. SIDEWALK SIGNS.

10-28-360 Definitions.

"A-frame sign" means a sandwich board style-sign that has two sides, the frame or support structure of which is hinged or connected at the top in such a manner that the sign is easily moved or erected.

"Department" means the Department of Business Affairs and Consumer Protection.

"Commissioner" means the Commissioner of the Department, or his or her designee.

"Sidewalk Sign" means an A-frame, T-frame, or other temporary self-supporting type sign, placed on the public sidewalk. "Sidewalk Sign" does not include a sign placed on private property.

"T-frame sign" means a sign that is supported by posts or other supports that are not attached to the ground or any building or structure, and that can stand on its own and is weighted at the bottom.

10-28-370 Permit required for Sidewalk Sign.

a) It shall be unlawful for any person to place, install or knowingly maintain on the surface of the public way a Sidewalk Sign, or a structure or device to which such a sign is affixed, without a Sidewalk Sign permit.

b) A Sidewalk Sign permit shall be valid for two years from the date of issuance. The fee for a two-year Sidewalk Sign permit shall be \$250.00. If the permittee has an existing license issued under Title 4 for the licensed premises, the Commissioner is authorized to align the expiration date of the Sidewalk Sign permit to the expiration of any existing business license issued under Title 4, and to prorate the fee for the Sidewalk Sign permit.

c) No permittee shall assign or transfer a Sidewalk Sign permit.

10-28-380 Permit application.

Application for a Sidewalk Sign shall be made to the Commissioner, who shall make available forms for this purpose. The applicant shall provide the following information on the application:

a) Proof that the applicant is validly licensed at the premises abutting on the public way where the Sidewalk Sign will be placed, or evidence that the applicant holds a valid license from a governmental entity other than the City of Chicago or is exempt from licensure.

b) A photograph and sketch depicting the proposed site of the Sidewalk Sign, and a description of its relationship to the surrounding public way, showing compliance with applicable rules and demonstrating that the Sidewalk Sign shall not unreasonably interfere with: (1) adequate pedestrian flow, (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.

- c) Plans or a sketch of the proposed Sidewalk Sign, including dimensions and proposed language.
- d) Proof of insurance as required by this Article.
- e) Such other information as the Commissioner may reasonable require by rule.

10-28-390 Insurance required.

Each applicant for a Sidewalk Sign permit shall furnish proof of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days prior written notice to be given to the City of Chicago if coverage is substantially changed, canceled or non-renewed.

The City of Chicago shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the use of a Sidewalk Sign. Apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold harmless the City from any and all losses, damages, claims, and suits that result directly or indirectly from the presence of the Sidewalk Sign on the public way.

Each Sidewalk Sign permittee shall maintain the insurance coverage required under this section for the duration of the Sidewalk Sign permit. Proof of insurance shall be presented to the Commissioner prior to the issuance of a permit under this Article. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the Sidewalk Sign permit.

10-28-400 Review of application.

a) The Department shall review a submitted application and provide written notification to the alderman in whose ward the applicant intends to place a Sidewalk Sign. The Chicago Department of Transportation shall review, and the Mayor's Office for People with Disabilities may review, the Applicant's proposed location for the Sidewalk Sign to determine whether the location meets placement requirements. The Department shall not issue a permit unless the applicant is in compliance with this Article and any rules promulgated thereunder. The Department shall issue the permit in the form of a certificate or decal to be affixed to the Sidewalk Sign.

b) For purposes of this section, "renewal application" means an application for a Sidewalk Sign at the same location and by the same person approved by the Commissioner within the previous 24 months.

If the Department finds that a renewal application meets the requirements of this Article and any rules promulgated hereunder, and the applicant has not received two or more notices of violation concerning a Sidewalk Sign that were finally adjudicated and sustained during the term of the current Sidewalk Sign permit, the Department shall approve the renewal application and issue a Sidewalk Sign permit to the applicant.

10-28-405 Denial of application or renewal application.

a) If the Commissioner finds that the applicant failed to meet the requirements of this Article or any rules promulgated thereunder, the Commissioner shall deny the application or renewal application.

b) If the Commissioner finds that an applicant who submitted a renewal application was issued

two or more notices of violation of this Article that have been finally adjudicated and sustained during the term of the current Sidewalk Sign permit, the Commissioner may: (i) deny that renewal application; or (ii) conditionally approve the renewal application subject to a written plan of operation or other set of conditions that the Commissioner determines is necessary to ensure compliance with this Article.

c) If the Commissioner denies an application or renewal application, the Commissioner shall notify the applicant in writing of the denial and the reasons therefor within ten business days after the denial by sending notice to the applicant, by first class mail addressed to the applicant at the address identified in the application. Within ten days after such notice is mailed, the applicant may make a written request to the Commissioner for a hearing on the disapproved application or renewal application. Within ten days after such written request for a hearing is made, a public hearing shall be authorized before a hearing officer appointed by the Commissioner. Such public hearing shall be commenced within thirty days after such hearing is authorized. Within 14 days after completion of such hearing, the hearing officer shall report his or her findings to the Commissioner. If the Commissioner determines after such hearing that the application or renewal application should be denied, the Commissioner shall, within 60 days after

such hearing has been concluded, state the reasons for the Commissioner's determination in a written finding and shall serve a copy of such written finding upon the applicant. The Commissioner's determination shall be final and may be appealed in the manner provided by law.

10-28-410 Operational conditions.

a) Only one Sidewalk Sign shall be allowed per street address. A business that operates at an expanded address shall be allowed only one sign.

b) A Sidewalk Sign shall be placed on the sidewalk in front of the licensed business, and shall comply in all respects with the approved specifications set out in the application.

c) A Sidewalk Sign shall not be placed in a street or alley, and shall not be placed on a vehicle or vehicle trailer in a street or alley.

d) A Sidewalk Sign shall be no larger than six square feet in area per face and no greater than four feet in height.

e) A Sidewalk Sign shall contain information only for goods and services provided on the premises by the permittee pursuant to the permittee's licensing and may not contain any information or reference for goods or services not provided on the premises by the permittee.

f) A Sidewalk Sign shall be professionally printed, or handwritten using clean lettering on a dark surface.

g) A Sidewalk Sign shall not be directly illuminated.

(h) A Sidewalk Sign shall not be displayed when weather creates a potential hazard, including during high wind or heavy rain or snow conditions.

(i) A Sidewalk Sign shall not be bolted, chained, tied, or otherwise affixed to the public way or any object thereon.

0) A Sidewalk Sign shall be displayed only during hours that the permittee's business is open to the public, and shall be removed from the public way when the permittee's business has closed to the public for

the day.

(k) An uninterrupted six-foot clear pedestrian path shall remain after placement of a Sidewalk Sign. This path shall be as straight as possible on a block.

(l) A Sidewalk Sign shall be constructed to allow a ten-inch cane detection.

(m) No Sidewalk Sign shall be allowed within the Central Business District, as such district is defined in Section 9-4-130.

(n) There shall be no less than a two-foot uninterrupted setback from the face of the curb to a Sidewalk Sign.

(o) A Sidewalk Sign shall not be allowed within 30 feet of an intersection, 20 feet of a crosswalk ramp, or 12 feet of a driveway or alley.

(p) A Sidewalk Sign shall be placed at least 6 feet from any bicycle rack.

(q) A Sidewalk Sign shall not be placed in front of a Loading Zone, Standing Zone, Taxi Cab Stand, Bus Stop, Handicapped Parking Zone, or Curb Cut.

(r) A Sidewalk Sign shall not block or cover a parking payment device, fire hydrant, or grate.

(s) A permittee holding a permit for a sidewalk cafe pursuant to Article XII of this chapter shall not be allowed a permit for a Sidewalk Sign.

(t) A Sidewalk Sign shall not contain any decorations, accessories, or appendages, including but not limited to: balloons, streamers, pennants, flags, banners, lights, audio or video device, or other items.

(u) A Sidewalk Sign shall contain only a static copy and sign faces, and in no event may a Sidewalk Sign display a dynamic image copy or sign face including, but not limited to, characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the copy or sign face. Dynamic image copy and sign face includes, but is not limited to, any rotating, revolving, moving, 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.

(v) A Sidewalk Sign shall be constructed of sufficiently sturdy material so that it remains upright on its own and may not be weighted down or supported by any other means, including, but not limited to, sandbags, bricks, cinder blocks, planks, dead weights, concrete molds, or other similar separate means.

(w) The permittee shall temporarily remove a Sidewalk Sign from the public way upon the order of the Police Department, Fire Department, or other authorized city personnel for public safety reasons.

10-28-420 Exemption.

This Article shall not apply to a sign specifically allowed by another provision of this Code, by a duly enacted ordinance, when authorized by contract entered into by the Chief Procurement Officer in cooperation with the Commissioner of Transportation pursuant to Section 10-28-045, or by contract entered into by the Chief Financial Officer and approved by the City Council pursuant to Section 10-28-046.

10-28-430 Enforcement.

The Department, Chicago Department of Transportation, and the Department of Streets and Sanitation shall have authority to enforce this Article and rules promulgated thereunder. Any Sidewalk Sign found to be in violation shall subject the licensee to a fine and/or revocation of Sidewalk Sign permit. Any Sidewalk Sign found to be unsafe, to present a hazard, or to impair a clear walkway shall be subject to removal.

10-28-440 Permit revocation.

a) The Commissioner shall have the power to fine a permittee, and/or to suspend or revoke a Sidewalk Sign permit for good and sufficient cause if the Commissioner determines that the permittee or its employee or agent has violated any provision of this article, or any rule promulgated thereunder. Provided, however, that no permit shall be suspended or revoked unless the permittee is first given five days' written notice of a public hearing, which shall provide the licensee with an opportunity to appear and defend. Such public hearing shall be held before a hearing officer, who shall report his or her findings to the Commissioner. If, after such hearing, the Commissioner imposes a fine or suspends or revokes the Sidewalk Sign permit, the Commissioner shall, within 60 calendar days after the hearing is completed, (1) state the reason for such determination in a written order, and (2) serve a copy of such order upon the permittee.

b) A permittee who wishes to appeal the Commissioner's written order may appeal to the Department of Administrative Hearings as follows:

1) The permittee shall file an appeal with the Department of Administrative hearings within five business days after the date of the notice of the Commissioner's written order. If no appeal is filed within five business days of the date of the Commissioner's written order, that written order shall be deemed final.

2) Upon the filing of such appeal, the Department of Administrative Hearings shall cause a hearing to be held within five business days, and based upon the evidence contained in the record of such hearing, either affirm or reverse the Commissioner's written order.

3) Any final decision of the Department of Administrative Hearings shall be subject to judicial review in accordance with applicable law.

10-28-450 Violation - Penalties.

a) Any person who violates any of the provisions of this Article or rules promulgated thereunder shall be subject to a fine of not less than [\$200.00] nor more than [\$500.00] for each offense, and each day such a violation continues shall be deemed a separate and distinct offense.

b) In addition to any other fine or penalty provided, any person who knowingly interferes with or impedes the Commissioner, Chicago Department of Transportation, or the Department of Streets and Sanitation in the enforcement of this article may be subject to incarceration for a term not to exceed six months.

c) In addition to any other penalty provided herein, any Sidewalk Sign placed without a valid permit is subject to removal from the public way by the Commissioner, Chicago Department of Transportation, or the Department of Streets and Sanitation.

SECTION 3. This ordinance shall take full force and effect 120 days following due passage and publication.

Scott Waguesp 32nd Ward AlderWian
Joe Proc© Moreno 1st Ward Klderman

Michael Jr. Scott 24th Ward Alderman
Roberto Maldonado 26th Ward Alderman

Walter Jr. Burnett 27th Ward Alderman

Chris Taliaferro 29th Ward/Clderman
Milagros Santiago 31st Ward Alderman

Deborah Mell

WJL.

33rd Ward Alderman
Emma Mitts 37th Ward Alderman
Jason C. Ervin 28th Ward
Ariel Reboyra 30th Ward Alderman

Scott Wagj/espack 32nd Ward Alderman

Carrie M. Austin 34th, Ward Alderman

Gilbert Villegas 36th Ward Alderman
Jicifbras'Sposato 38th Ward Alderman

Margaret Laurino 39th Ward Alderman
Patrick O'Connor 40th Ward Alderman

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Brendan Reilly