

ORDINANCE NO. _____
Date Passed: January 28, 2013

AN ORDINANCE AMENDING SECTION 110-661 AND SECTION 110-667 OF THE MUNICIPAL CODE OF THE CITY OF ROCHELLE TO ELIMINATE A FEE FOR CERTAIN SIGN ALTERATIONS AND CORRECT A DEFINITION

WHEREAS, Article XIII ("Signs") of Chapter 110 ("Zoning") of the Rochelle Municipal Code provides, in section 110-667, for fees to be assessed for alterations to signs, and, in section 110-661, defines alterations to include changes of copy; and

WHEREAS, the City Council deems it appropriate to dispense with the assessment of a fee for sign alterations which include only a change of copy and which do not otherwise violate the City's sign ordinance; and

WHEREAS, the City Attorney has also suggested that the definition of "*Alteration*" and "*alter*" contained in section 110-661 be modified by deleting therefrom the last sentence, which provides that "a change of information which changes an on premises sign to an off premises sign shall not be allowed", for the reason that the sentence is regulatory rather than definitional, and the substance of the regulation is contained elsewhere in the sign ordinance (see section 110-674(5)) and section 110-678);

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, that Article XIII ("Signs") of Chapter 110 ("Zoning") of the Municipal Code of the City of Rochelle be amended by amending Section 110-661 and Section 110-667 as shown in **Exhibit A** (additions shown by underline and deletions by strikethrough).

This ordinance shall become effective after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 28th day of January, 2013.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

EXHIBIT A

Sec. 110-661. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration and *alter* mean to change size, shape, materials or painting. The change of copy shall be considered alteration. *Area* means the total exposed surface devoted to the sign's message (i.e., a ten-foot by ten-foot freestanding sign with copy on both sides would have a total area of 200 square feet). The area shall be measured by the smallest area which encloses the entire message, including any air space between portions of the sign. The supporting structure which does not contain a message shall not be used in determining a sign's area. The area of a sign composed of characters or words attached directly to a building surface shall be the smallest rectangle which encloses the whole group.

Building code means the building code as adopted by the city.

Canopy sign means a sign meant to be suspended beneath a canopy, or on the canopy material, over a public walkway.

Copy means any message or thought reduced to printed or visible form, including words, numbers, shapes, trademarks, names, symbols and pictures.

Enforcement official means the building official of the city, or his representative.

Erect means to build, construct, attach, hang, place, suspend or affix.

Existing sign means any permanently mounted, attached or painted sign in existence at the time of passage of this chapter, if said sign has been registered with the building division of the city.

Fixed canopy and *fixed awning* mean any hood, canopy or awning made of cloth, metal or wood, attached to a building, and/or carried by a frame supported by the ground or sidewalk.

Flashing sign means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever.

Frontage.

(1) When referring to a building, the term "frontage" means the side of a building oriented toward an open space containing the entrance used by general public.

(2) When referring to land, the term "frontage" means the length which the land shares a common border with a public highway or street.

Ground sign means any sign supported by uprights or braces placed in the ground and not attached to any building.

Holiday decorations means signs in the nature of decorations, customarily associated with any national, local or religious holiday. Such decorations shall be displayed for not more than 60 days in any calendar year and shall not be used for advertising purposes.

Illegal signs means signs installed, erected, painted or altered without permit, whether or not it is conforming to locations allowed in this chapter.

Illuminated sign means any sign which has characters, letters, figures, designs or outline illuminated by owner.

Information sign means any sign directing and guiding automotive or pedestrian traffic or parking. Including signs identifying restrooms, public telephones, walkways and similar features or facilities.

Interior sign means any sign located in the interior of any building, or within an enclosed mall or court, which are designed and located to be viewed exclusively by patrons of such use or uses.

Memorial signs means tablets, names of buildings and the date of erection, cut into any masonry surface or constructed of metal and affixed flat against a structure.

Moving or rotating sign means any sign or other advertising structure which physically moves in any manner whatsoever.

Nameplate means a sign which is affixed to the side of a building and contains the name, occupation, hour of business, address and/or telephone number of the occupant.

Nonconforming sign means any sign that does not conform to this article, but was in conformance with provisions of whichever ordinance existed at the time it was erected.

Off-premises sign means a sign, the copy thereon not necessarily related to activities, goods or services conducted or available on the premises whereon the sign is located.

On-premises sign means a sign, the copy thereon relating to activities, goods or services, conducted or available on the premises whereon the sign is located.

Person means any natural person, partnership, trust, corporation or association. The term "person," as applied to partnerships or associations, means the partners or members thereof, and as applied to trusts or corporations, shall mean the trustees or officers thereof.

Portable sign means any sign, upon which the copy can be changed by movable

or removable letters, numbers or symbols, not permanently affixed to a building or the ground and designed to be moved from place to place.

Prohibited sign means any sign prohibited by this article.

Projecting sign means any sign supported by a building or other structure which projects over any street, sidewalk, alley, public way or public easement.

Public utility signs means signs indicating danger or which serve as an aid to public safety or which show the location of underground facilities.

Real estate signs means signs which advertise the sale or rental of the real property upon which said sign is located.

Roof sign means any sign erected, constructed, placed or maintained in whole or in part upon or over the roof of a building.

Sign means any display, device, notice, figure, painting, drawing, message, placard, poster, symbol, letter, word, numeral, emblem, trademark, banner, pennant or other thing which is designed, intended or used to advertise, inform or direct attention, which is visible to the general public from a street, highway, alley, sidewalk or other public way, whether such sign is placed out of doors or in windows.

Temporary sign means a sign which is not permanently affixed to the ground or a structure and which is designed to promote or advertise a particular event or purpose.

Wall signs means any flat signs mounted, attached to or painted, in a professional manner, on the exterior wall of a building or structure. Wall signs shall not project more than 12 inches from the wall to which they are affixed.

Window signs means any flat signs mounted, attached to or painted, in a professional manner, on the interior window surface of a building or structure. Window signs shall not project more than six inches from the window to which they are affixed. A window sign shall not cover more than 50 percent of the window area. The area of window signage shall be included in the total signage area allowed by this Code.

Zoning ordinance means this chapter.

(Code 1996, § 17.72.010)

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Sec. 110-667. - Permit fee.

Every applicant before being granted a permit hereunder shall pay to the enforcement official for each sign regulated by this article a fee as shall be established and modified from time to time by city council resolution; provided, however, that no fee shall be required for an alteration which consists solely of a change of copy and does not otherwise violate any provision of this Article.

(Code 1996, § 17.72.050)