

Ordinance No. 16-05

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING THE SIGN ORDINANCES FOR THE VILLAGE

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Village seeks to promote the public health and welfare through a comprehensive system of reasonable and consistent content-neutral sign standards and requirements within its corporate limits; and,

WHEREAS, the Village deems it necessary to adopt this ordinance to protect property values, the local economy and the quality of life for its residents by preserving and enhancing the appearance of the streetscape which enhances the impression of the Village to citizens tourists and visitors; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

Section 2: That the definition of "window sign" contained in Section 156.02(c)(9) of Chapter 156, Title XV, of the Code of Ordinances of the Village of East Dundee is hereby deleted in its entirety and replaced with the following:

WINDOW SIGN: A sign which is applied or attached to the interior or exterior of a window of a building or structure, or which is located within two feet (2') of the interior of a window, which sign may be seen through the window from the exterior of the structure.

Section 3: That Section 156.03(R) of Chapter 156, Title XV, of the Code of Ordinances of the Village of East Dundee is hereby amended by adding the following to the list of "Prohibited Signs":

(11) Signs (other than neon signs) which contain bare, unshielded light or tubes; and

(12) Light strings, festoon lighting, neon tube lighting or light emitting diode (LED) lighting which outlines or illuminates the features of a building or structure, with the exception of Christmas lights or holiday lights, which shall be permitted during the period of November 15 to the following January 15.

Section 4: That Section 156.03(Q)(1) of Chapter 156, Title XV, of the Code of Ordinances of the Village of East Dundee is hereby deleted in its entirety and replaced with the following:

(1) Continuanace of non-conforming signs. Any signs prohibited by Section 156.03(R) shall be considered nonconforming signs. All nonconforming signs which exist as of March 7, 2016, shall be altered, removed or otherwise made to comply with the provisions of this chapter within six (6) months from March 7, 2016. The provisions contained in Sections 153(Q)(2) and 153(Q)(3) of this Chapter shall in no case permit non-conforming signs to be operated or maintained beyond the six (6) month limitation described herein.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.


Passed by the Village President and the Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, this 7th day of March, A.D. 2016, pursuant to a roll call vote, as follows:

AYES: Trustees Gorman, Lynam, Selep and Wood

NAYS: Trustee Hall

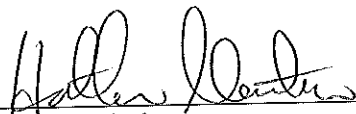
ABSENT: Trustee Skillicorn

APPROVED by me, as Village President of the Village of East Dundee, Cook and Kane Counties, Illinois, this 7th day of March, A.D. 2016.



Village President

Attest:



Village Clerk

Published in pamphlet form:

March 8, 2016

MEMORANDUM

To: Robert Skurla, Village Administrator
Village of East Dundee

From: Shannon V. Condon

Date: February 17, 2016

Subject: East Dundee – Signs / LED light strings

This memorandum is in response to your inquiry about the procedures to amending the Village Code to prohibit displays such as LED lights in retail windows.

A. Scope of sign ordinance

It should first be noted that Village's current definition of a "sign" can indeed encompass, for example, LED string lights used in windows. Per Section 156.02, a "sign" can consist of a "display...which is affixed to...or represented directly upon a building...which directs attention to...[a] place...institution...organization or business; and which is located, on a permanent or temporary basis, on the premises at or on which the...place...institution, organization or business is located, offered or sold."

The LED string lights would mostly likely fall into the category of "window signs," as defined in Section 156.02 of the Village Code. Section 156.02 provides that a window sign consists of a "sign that is posted on the interior or exterior of a window of a building or structure which is intended to be read from the exterior of the building or structure."

On a related note, the Village should amend its definition of a "window sign" to include some dimensional detail about how close to the window the sign/lighting must be in order for it to be considered a window sign. Many municipalities use two (2) feet as the distance that a sign must be in order for it not to be considered a window sign. The definition of window sign in the code could therefore be amended to read as follows:

WINDOW SIGN: A sign which is applied or attached to or located within two feet (2') of the interior of a window, which sign may be seen through the window from the exterior of the structure.

B. Amend list of prohibited signs

In addition to amending the definition of a window sign, the Village should amend Section 156.03 consisting of the "General Regulations" relating to signs. Currently, Section 156.03(R) of the Village Code lists only the following as "Prohibited Signs":

(1) Billboards; (2) Flags shall be prohibited, except to the extent they conform to the requirements as set forth above; (3) Flashing signs, except for those signs permitted to contain an electronic message display as per the provisions of an overlay district

established within this chapter; (4) Off-premises signs; (5) Pennants; (6) Portable signs; (7) Projecting signs; (8) Roof signs; (9) Streamers; and (10) Wall signs.

Section 156.03 therefore must be amended. A review of the codes of other municipalities throughout the state and country demonstrates that the following type of provisions could be added to ensure that signs such as LED string lights are not used in business windows:

Signs (other than neon signs) which contain bare, unshielded light or tubes;

Light strings, festoon lighting, neon tube lighting or light emitting diode (LED) lighting which outlines or illuminates the features of a building or structure, including, but not limited to, windows, with the exception of Christmas lights or holiday lights, which shall be permitted during the period of November 15 to the following January 15.

C. Eliminating nonconforming signs

Currently, Section 156.03(Q) of the code provides that non-confirming signs can generally continue to be in operation, provided that the sign not be changed and the owner continue using the sign.

If the Village wishes to make the any changes to the sign ordinance applicable to not only future business owners, but also to current business owners who possess nonconforming signs, then Section 156.03(Q)(1) must be amended. Many municipalities facing a similar predicament imposed an amortization schedule which grants business owners a period of time to remove their nonconforming signs. Section 156.03(Q)(1) could therefore be repealed and replaced with language such as the following:

Any signs prohibited by Section 156.03(R) shall be considered nonconforming signs. All nonconforming signs which exist as of ____ (date ordinance passed) ____ shall be altered, removed or otherwise made to comply with the provisions of this chapter within six (6) months from ____ (date ordinance passed) ____.

The code provisions surrounding Section 156.03(Q)(1) will also likely need to be modified slightly, unless the Village desires to have the amortization schedule for nonconforming signs only apply to lighting/window signs.