

ORDINANCE NUMBER 2009-08

An Ordinance to amend the Zoning Ordinance of the City of Petersburg with respect to signs

Be it ordained, by the City Council of the City of Petersburg, Menard County, Illinois, as follows:

Section 1. Article 13, Section 8 of the Zoning Ordinance of the City Code of the City of Petersburg, as amended, is amended by deleting subsection E and inserting in lieu thereof the following:

E. Billboards

1. The following definitions shall apply to this subsection:

(a). **BILLBOARD.** A billboard is an object, device, display, sign, or structure, or part thereof displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images, which are not substantially related to the primary economic activity or use conducted on the zoning lot occupied by it. Billboards do not include commercial signage related to the business conducted on the zoning lot, nor signs temporarily placed in residential lawns by residents, owners, contractors, real estate brokers or agents, or by or on behalf of political candidates or issues.

(b). **BILLBOARD AREA.** The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product. A double-sided billboard, with sign faces parallel to each other, shall be deemed to have the billboard area of the larger sign face.

(c). **ILLUMINATED BILLBOARD.** A billboard having its characters, letters, figures, designs or outlines illuminated by a source of artificial light.

(d). **SPACING.** Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved. Spacing shall be calculated with respect to existing billboards whether or not the existing billboards are within the corporate limits of the city.

2. PURPOSE. The regulations set forth in this ordinance are established in order to promote and protect generally public health, safety, comfort, prosperity and welfare and in order to accomplish the following specific purposes:

- (a) To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's scenic beauty;
- (b) To improve pedestrian and traffic safety;
- (c) To minimize the possible adverse effect of billboards on nearby public and private property; and
- (d) To provide a reasonable amortization period for non-conforming billboards, in order to lessen the economic impact thereof on the owners thereof.

3. GENERAL CONSTRUCTION, MATERIAL, LOCATION AND PERFORMANCE STANDARDS.

- (a). Electrical requirements.
 - (i) The electrical components, connections and installations of all billboards shall conform to the electric code of the city and all regulations promulgated thereunder.
 - (ii) In no case shall electrical wiring be exposed to the view of, or access by, the public.
- (b) Illumination and movement.
 - (i) The light from every illuminated billboard shall be shaded, shielded or directed so that no ray emanating from any light fixture shall directly impinge upon any residential structure or public road, and all light visible from any residential structure or public road is either reflected from, or diffused and filtered through, the sign.

- (ii) Flashing billboards, flashing or moving lights on billboards, and reflective pennants are prohibited, except signs exhibiting time and temperature, date or other similar information.
- (c). Location.
 - (i) Billboards shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which the lot is located.
 - (ii) Billboards shall not be located on the public right-of-way, or
affixed to or upon public property on the public right-of-way, including but not limited to any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, electric light or power, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.
 - (iii) Maintenance. All billboards shall be properly maintained, free of broken or missing parts, rust or oxidation, faded or chipped paint, and similar conditions of disrepair.

4. LOCATION RESTRICTIONS.

Billboards are permitted only in areas of the City which meet all of the following conditions:

- (a) The applicable zoning classification M1;
- (b) No billboard which exceeds 33 square feet of billboard area shall be located on a zoning lot the boundary of which is closer than 800 feet to the nearest residential district or the A1, A2, and A3 districts;
- (c) No billboard which exceeds 33 square feet of billboard area shall be closer than 500 feet from any other billboard;
- (d) No billboard shall have a billboard area exceeding 275 square feet;
- (e) The top of a billboard shall not be more than 45 feet above the lowest point on the surface of the zoning district in which it is located; and

5. ENFORCEMENT.

From and after the effective date of this amendatory ordinance, it shall be unlawful to erect, or to structurally or electrically alter, any billboard within the city unless a permit therefore has been issued by the Zoning Administrator in accordance with the provisions of

this ordinance. A written application for such permit shall be filed with the Zoning Administrator, and the application shall contain, as a minimum, a site plan; a plan of the proposed billboard; a map showing spacing with respect to existing billboards and the nearest residential zoning districts; and evidence of any federal or state permits which the applicant has obtained with respect to the billboard. The application shall be signed by the owner of record of the zoning lot on which the billboard will be located. Prior to or concurrently with the filing of such application, the applicant shall pay to the city a permit fee in the amount of \$ 200.00 for each sign, plus \$1.00 for each square foot of surface area of such sign in excess of 33 square feet. If the application shows that the proposed billboard would be in conformance with this ordinance, the Zoning Administrator shall grant the application and issue a permit. If the application shows that the proposed billboard would not be in conformance with this ordinance, the Zoning Administrator shall deny the application in writing. The Zoning Administrator shall have ten business days to grant or deny the permit application; his decision shall be reviewable by the Zoning Board of Appeals in accordance with the appeal provisions in the Zoning Ordinance. Compliance with state law. No billboard permit shall be issued by the Zoning Administrator unless the applicant has obtained all necessary state or federal permits, if any. The issuance of such state or federal permits shall not entitle the applicant to issuance of a city permit, unless the applicant is in compliance with all applicable city, state and federal laws.

6. MAINTENANCE OF BILLBOARDS.

Billboards shall be maintained in a safe condition. If the Zoning Administrator shall find that any billboard has not been properly maintained, as evidenced by damaged, dented, cracked, broken or missing parts; the presence of rust or oxidation; faded or chipped paint; or similar conditions of disrepair, he or she shall give written notice of such violation to the owner or occupant of the premises upon which such sign is located, stating the condition noted and providing not less than 15 days within which to remedy the deficiency, unless the billboard presents an immediate threat to life or property, in which case the notice shall provide that the deficiency shall be remedied immediately.

7. NON-CONFORMING BILLBOARDS.

- (a). Billboards which were lawfully erected prior to the adoption of this ordinance, but which do not conform to the requirements of this ordinance, may continue in existence; however, they may not be enlarged, nor may the illumination thereof be increased.
- (b). This section shall not be construed as permitting any billboard which was not in conformity with all city ordinances as in effect prior to the effective date of his amendatory ordinance, or which do not conform to all safety, electrical and maintenance requirements of this ordinance or other law or regulation.
- (c). The city may in its discretion order the alteration or removal of any non-conforming billboard, subject to any right of the owner thereof, and the owner of the property on which the billboard is located, to just compensation pursuant to Illinois eminent domain law.
- (d). This amendatory ordinance shall not affect any right which has vested pursuant to any annexation agreement executed prior to the effective date hereof.

8. NUISANCE DECLARED.

- (a) The city hereby declares that any billboard which does not conform to the requirements of this amendatory ordinance, and is not allowed pursuant to the non-conforming sign provisions provided herein is a nuisance. In addition to any other remedies available to the city, the city may sue the owner of any land on which a non-conforming billboard is located, to abate such a nuisance.

9. EXCLUSION.

Billboards of less than 33 square feet of billboard area, not exceeding 7 feet in height to the top of the billboard area from ground level, which are used solely to advertise directions to the location of a person, instruction, organization, business or event located within Menard County may be permitted. A no cost permit will be required. Billboards of less than 33 square feet of billboard area, not exceeding 7 feet in height to the top of the billboard area from ground level, which are placed within the baseball or softball fields and located on the fences will be permitted during the season only.

10. PENALTY.

- (a). Any person, firm or corporation who or which owns, leases (as lessor or lessee) or controls a billboard which violates any provision of this ordinance, or owns a zoning lot on which such a billboard is located, or fails to remedy a deficiency as to which notice has been sent by the Zoning Administrator as set forth this amendatory ordinance, shall be subject to a fine of not less than \$250.00 nor more than \$750.00 for each violation. Each day a violation continues shall be deemed a separate offense.

Section 2. This ordinance shall become effective upon its passage and publication as provided by law.

Passed: 09/01/2009
Date

John Stiltz
Mayor

Attest: Suzanne Freeland
Clerk

First Reading: 09/01/2009
Second Reading: _____

Ayes: 5
Nays 0
Abstaining 0