

CHAPTER 42

BILLBOARDS

42-1-1 **DEFINITIONS.** The following term used in this Chapter shall have the following meanings:

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. "Billboard" does not include commercial signage related to the business conducted on the zoning lot, nor signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

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-sized billboard, with sign faces parallel to each other, shall be deemed to have the billboard area of the larger sign face.

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 Village.

Illuminated Billboard: A billboard having its characters, letters, figures, designs or outlines illuminated by a source of artificial light.

Electronic Billboard: A billboard that displays its characters, letters, figures and designs electronically, e.g., with light emitting diodes.

Old Route 54 Corridor: An area including all land located within **two hundred (200) feet** of the north and south boundaries of the Old Route 54 right-of-way and within the corporate limits of the Village.

Highway 10 Corridor: An area including all land located within **two hundred (200) feet** of the east and west boundaries of the Sangamon County 10 right-of-way and within the corporate limits of the Village.

Zoning Code: **Chapter 40** of this Code of Ordinances.

42-1-2 **PURPOSE.** The regulations set forth in this Chapter 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 Village'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.
- (D) To provide a reasonable amortization period for nonconforming billboards, in order to lessen the economic impact thereof on the owners thereof.

42-1-3 **GENERAL CONSTRUCTION, MATERIAL, LOCATION AND PERFORMANCE STANDARDS.**

- (A) **Electrical Requirements.**
 - (1) The electrical components, connections, and installations of all billboards shall conform to the Electric Code of the Village and all regulations promulgated thereunder.
 - (2) In no case shall electrical wiring be exposed to the view of, or access by, the public.
- (B) **Illumination and Movement.**
 - (1) 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.
 - (2) Flashing billboards, flashing or moving lights on billboards, and reflective pennants are prohibited, except signs exhibiting time and temperature, date or other similar information.
 - (3) Electronic billboards shall change their display not more frequently than every **ten (10) seconds.**
- (C) **Location.**
 - (1) Billboards shall be located within the zoning lot in accordance with the applicable setback and yard provisions of the zoning district in which such lot is located.
 - (2) 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.
- (D) **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.

42-1-4 **LOCATION RESTRICTIONS.**

(A) Billboards are permitted only in areas of the Village which meet all of the following conditions:

- (1) The applicable zoning classification is Business.
- (2) The billboard is located within the Highway 10 Corridor or the Old Route 54 Corridor.
- (3) The zoning lot on which the billboard is located borders directly on the right-of-way of County Highway 10 or Old Route 54.
- (4) The base of the billboard shall not be less than **seven hundred fifty (750) feet** from the exterior wall of the nearest residence.

(B) Billboards are subject to the following additional regulations:

- (1) Spacing between billboards shall be at least **five hundred (500) feet**.
- (2) A billboard shall be single face, with an area not exceeding **one hundred seventy-five (175) square feet**, or back-to-back double face, with an area not exceeding **one hundred seventy-five (175) square feet** per face.
- (3) The top of the billboard shall not be more than **thirty (30) feet** above the surface of the lot.
- (4) The billboard shall be so designed and located such that its primary audience is the traveling public on Sangamon County Highway 10 or Old Route 54.

42-1-5 **ENFORCEMENT.**

(A) From and after the effective date of this Chapter, it shall be unlawful to erect, or to structurally or electronically alter, any billboard within the Village unless a permit therefore has been issued by the Building Inspector in accordance with the provisions of this Chapter. A written application for such permit shall be filed with the Building Inspector, 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 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 Village a permit fee in the amount of **Ten Dollars (\$10.00)** for each sign, plus **Twenty-Five Cents (\$0.25)** for each square foot of surface area of such sign in excess of **twenty (20) square feet**. If the application shows that the proposed billboard would be in conformance with this Chapter, the Building Inspector shall grant the application and issue a permit. If the application shows that the proposed billboard would not be in conformance with this Chapter, the Building Inspector shall deny the application in writing. The Building Inspector shall have **five (5) 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 Code.

(B) **Compliance with State Law.** No billboard permit shall be issued by the Building Inspector 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 Village permit, unless the applicant is in compliance with all applicable Village, state and federal laws.

(C) **Maintenance of Billboards.** Billboards shall be maintained in a safe condition. If the Building Inspector 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 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 **fifteen (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.

42-1-6 NONCONFORMING BILLBOARDS.

(A) Billboards which were lawfully erected prior to the adoption of this Chapter, but which do not conform to the requirements of this Chapter, may continue in existence; however, they may not be enlarged, nor may the illumination thereof be increased, nor may a nonconforming, non-illuminated sign be converted to an electronic sign. This Section shall not be construed as permitting any billboard which was not in conformity with all Village ordinances prior to the effective date of this Chapter, or which do not conform to all safety, electrical and maintenance requirements of this chapter.

(B) The Village may in its discretion order the alteration or removal of any nonconforming 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.

(C) This Chapter shall not affect any right which has vested pursuant to any annexation agreement executed prior to the effective date hereof.

42-1-7 NUISANCES DECLARED. The Village hereby declares that any billboard which does not conform to the requirements of this Chapter, and is not allowed pursuant to the nonconforming sign provisions of **Section 42-1-6**, is a nuisance. In addition to any other remedies available to the Village, the Village may sue the owner of any land on which a such a billboard is located, to abate such a nuisance.

42-1-8 PENALTY. Any person, firm or corporation who or which owns, leases (as lessor or lessee) or controls a billboard which violates any provision of this Chapter, 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 Building Inspector as set forth in **Section 42-1-5(C)**, shall be subject to a fine of not less than **Two Hundred Fifty Dollars (\$250.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day a violation continues shall be deemed a separate offense.

(Ord. No. 2011-09; 10-19-11)

[ED. NOTE: This Chapter is an extension of the Zoning Code.]