

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~~ 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 3. Chapter 10-28 of the Municipal Code of Chicago is hereby amended by inserting 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 the Commissioner’s designee.

“Renewal application” means an application for a Sidewalk Sign permit at the same location and by the same person approved by the Commissioner within the previous five years.

“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.

10-28-365 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 five years from the date of issuance. The fee for a five-year Sidewalk Sign permit shall be \$100.00 per annum.

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

(d) A permittee holding a permit for a sidewalk café pursuant to Article XII of this chapter shall not be issued a permit for a Sidewalk Sign.

(e) Any Sidewalk Sign on the public way authorized pursuant to this article shall not require the issuance of a public way use permit pursuant to Section 10-28-010.

10-28-375 Permit application.

An application for a Sidewalk Sign permit 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 reasonably require by rule.

10-28-380 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.

10-28-385 Review of application and issuance.

(a) The Commissioner shall review a submitted application and, if the Commissioner determines that the application is complete, shall provide written notification and a copy of the application to the alderman in whose ward the applicant intends to place a Sidewalk Sign. The alderman shall provide a recommendation to the Commissioner regarding the permit application within 30 days after receiving the permit application, unless the Commissioner determines that good cause exists for a reasonable extension, not to exceed 30 days. The recommendation regarding the permit application shall be based on the alderman's analysis of the factors for denial or revocation, as set forth in subsection (b) of this section. The alderman shall not unreasonably withhold such recommendation. 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.

(b) A Sidewalk Sign permit shall be denied or revoked if:

(i) the proposed Sidewalk Sign cannot meet the operational conditions set forth in Section 10-28-395;

(ii) the granting of the Sidewalk Sign permit is not in the best interest of the public, would have a deleterious impact on the neighborhood, or would create a nuisance either on the public way or the surrounding area;

(iii) the design of, or materials used in, the Sidewalk Sign does not comport with the quality or character of the existing streetscape; or

(iv) the applicant makes any false statements, submits any false information, or misrepresents any information required by this article.

(c) If the Commissioner 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 Commissioner shall approve the renewal application and issue a Sidewalk Sign permit to the applicant.

(d) After due consideration of any recommendation timely received from the alderman in whose ward the applicant intends to place a Sidewalk Sign, and of any reviews received from the Chicago Department of Transportation and the Mayor's Office for People with Disabilities, the Commissioner shall issue the Sidewalk Sign permit if the Commissioner finds the applicant meets the applicable requirements. The Commissioner shall issue the permit in the form of a certificate or decal to be affixed to the Sidewalk Sign.

10-28-390 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.

10-28-395 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.
- (j) 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) A Sidewalk Sign shall not be allowed within the Central Business District, as such district is defined in Section 9-4-010.
- (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 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.
- (t) 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.

(u) 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.

(v) 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.

(w) A certificate or decal issued pursuant to Section 10-28-385(d) shall be affixed to a Sidewalk Sign and made visible and unobstructed at all times.

(x) A Sidewalk Sign shall comply with any other operational conditions reasonably required by this article and any rules promulgated thereunder.

10-28-400 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.

10-28-405 Promulgation of rules.

The Commissioner is authorized to promulgate rules to carry out the purposes of this article. A permittee shall comply with the rules promulgated pursuant to this article, which shall have the force and effect of law.

10-28-410 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 permittee to a fine and/or revocation of the permittee's 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.

10-28-415 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 permittee 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.

10-28-420 Surrender of decal

In the event of suspension, revocation, or other cancelation of a Sidewalk Sign permit, the permittee shall surrender to the Department any certificate or decal associated with such permit.

10-28-425 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.

ARTICLE IX. IMPROVE NEIGHBORHOOD SAFETY AND QUALITY OF LIFE

SECTION 1.