

# Village of Itasca

550 W. Irving Park Rd., Itasca, Illinois 60143-2018

## Committee of the Whole Meeting Agenda September 20, 2016

**(Immediately following Village Board Meeting)  
(Upstairs Board Room)**

President: Jeffery J. Pruyn  
Trustees: Jeff Aiani  
Marty Hower  
Michael J. Latoria  
Ellen Leahy  
Frank J. Madaras  
Lucy Santorsola  
Clerk: Melody J. Craven  
Administrator: Evan Teich

Phone: 630.773.0835  
FAX: 630.773.2505

1. Call to Order; Roll Call
2. Pledge of Allegiance
3. Audience Participation
4. Presentation of Committee of the Whole Meeting Minutes of September 6th, 2016

Documents:

[20160906 COW MTG MINUTES.PDF](#)

5. President's Comments
6. Community Development Committee  
Trustee Latoria, Chairperson
  - a. Discussion and possible action concerning Ordinance #1818-16, "An Ordinance Amending Chapters 110 and 155 of the Itasca Municipal Code and Chapter 3 and 13 of the Itasca Zoning Ordinance"

Documents:

[SIGN ORDINANCE MEMO.PDF](#)  
[ORD 1818-16.PDF](#)

7. Administration Committee  
Trustee Santorsola, Chairperson
8. Environmental Committee  
Trustee Leahy, Chairperson
9. Finance Committee  
Trustee Hower, Chairperson

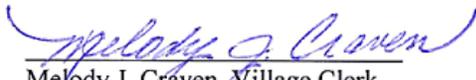
10. Public Safety Committee  
Trustee Madaras, Chairperson
11. Public Works/Infrastructure Committee  
Trustee Aiani, Chairperson
  - a. Call for a Public Works/Infrastructure Committee Meeting on Tuesday, October 18th, 2016 at 6:00PM
  - b. Discussion and possible action concerning Resolution #906-16, "A Resolution Authorizing Task Order 13-426 between the Village of Itasca and Robinson Engineering, Ltd. for Services Related to Design Engineering for Rohlwing Road (West) Reservoir Rehabilitation"

Documents:

[ROHLWING ROAD RESERVOIR MEMO.PDF](#)  
[RES 906-16.PDF](#)

12. Department Head Reports
13. Executive Session
14. Adjournment

  
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Evan Teich, Village Administrator

  
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Melody J. Craven, Village Clerk

## VILLAGE OF ITASCA COMMITTEE OF THE WHOLE MEETING MINUTES

### September 6, 2016 – Immediately Following Village Board Meeting

- Call to Order:** Mayor Jeff Pruyn called the meeting to order at 8:01 PM.
- Roll Call:** Present: Trustees – Frank Madaras, Marty Hower, Jeff Aiani, Lucy Santorsola, Michael Latoria.
- Also present: Village Administrator – Evan Teich; Village Attorney – Charles Hervas; Community Development Director – Nancy Hill; Village Engineering Consultant – Aaron Fundich; Director of Public Works – Ross Hitchcock; Finance Director – Julie Ciesla; Chief of Police – Robert O’Connor; Deputy Village Clerk – Jacob Lawrence; Community Development Intern – Chris Strom.
- Absent: Trustee Ellen Leahy; Village Clerk – Melody Craven.
- Pledge of Allegiance:** Recited at the preceding Village Board Meeting.
- Audience Participation:** None.
- Minutes:** Mayor Pruyn asked if there were any questions regarding or corrections to the Committee of the Whole Meeting minutes of August 16, 2016 as presented. Hearing none, Trustee Hower made a motion to approve said minutes; Trustee Santorsola seconded the motion. Motion carried by a unanimous voice vote.
- President’s Comments:** Mayor Pruyn reported that he and Chief Robert O’Connor attended a symposium on the devastating effects of opiate addiction and heroin use.  
(Report of Symposium)
- Community Development Committee:** Trustee Latoria presented discussion and possible action concerning Ordinance #1814-16, "An Ordinance Granting Variances for 900 N. Arlington Heights Road (Arlington Thorndale, LLC)." Hearing no objections, Trustee Latoria made a motion to recommend approval of Ordinance #1814-16; Trustee Madaras seconded the motion. Motion carried by a unanimous voice vote.  
Trustee Latoria, Chairperson  
(Ordinance #1814-16)
- Administration Committee:** Trustee Santorsola had no report.  
Trustee Santorsola, Chairperson
- Environment Committee:** Trustee Leahy was absent. There was no report.  
Trustee Leahy, Chairperson

**Finance Committee:**  
Trustee Hower, Chairperson

Trustee Hower had no report.

**Public Safety Committee:**  
Trustee Madaras, Chairperson

Trustee Madaras had no report.

**Public Works/Infrastructure Committee:**  
Trustee Aiani, Chairperson  
(Pierce Road Sidewalk Project)

Trustee Aiani presented discussion concerning the Pierce Road Sidewalk Project. Trustee Aiani reported the project consists of constructing an 8-foot wide sidewalk along the north side of Pierce Road from Hamilton Lakes Drive to the parking lot access drive across from the Hyatt Place. The sidewalk will be constructed of exposed pea gravel aggregate concrete to match the existing paths throughout Hamilton Lakes. The project is being funded through the Hamilton Lakes SSA. No action was taken regarding this agenda item.

(Wastewater Treatment Plant Centrifuge Procurement Bid Preliminary Recommendation)

Trustee Aiani presented discussion and possible action concerning Wastewater Treatment Plant (WWTP) Centrifuge Procurement Bid Preliminary Recommendation. Trustee Aiani noted that the Village Engineers, upon successful negotiation regarding several exceptions and clarifications of the bid, concur with the recommendation of Stanley Consultants, that the lowest cost centrifuge provider is Andritz. Trustee Aiani further noted there are some boilerplate contract language staff is investigating regarding warranty and insurance liability limitations. The consensus is to pursue Andritz's bid once there is legal counsel agreement; this item is informational only.

Trustee Aiani asked if the intent of the Board was to have Stanley Consultants design the WWTP, a separate contractor to build the WWTP, and Robinson Engineering to watch the engineering and payouts. There was Board consensus that this was the intent.

Trustee Santorsola asked a general question regarding retention pond signage. Community Development Director Nancy Hill responded that the Village's subdivision regulations do not have standards for this topic, but it something staff can look into during the next update.

**Department Heads:**

Chief Robert O'Connor reported on a traffic signal time-syncing lag on Frontage and Prospect. Staff will work to resolve this issue. Chief O'Connor noted once the Sergeant's Room is complete in six to seven weeks, the Police Department will host an Open House to show off the facility. Chief O'Connor also reported on police activity from the previous weekend, including two cases involving an armed robbery at the Speedway gas station, and two cases involving weapons taken out of cars from a DUI and a routine traffic stop.

Community Development Director Nancy Hill reported the Village Planner III Shannon Malik and herself attended a DuPage Mayors and Managers Conference meeting regarding telecommunications facilities wanting to locate in the right of

way. She noted that based on this meeting it does look like the Village needs to make changes to the current right of way regulations. In addition, Ms. Hill reported staff has been hard at work with the planning of Oktoberfest.

Community Development Intern Chris Strom had no report.

Village Engineering Consultant Aaron Fundich reported on an Elgin O'Hare meeting on August 23<sup>rd</sup> in which the Tollway presented to stakeholders regarding the major changeovers taking place this Friday evening. At Arlington Heights and Park Boulevard there will be no westbound access; residents will need to go to Prospect Avenue and Ketter Drive. In addition, Mr. Fundich reported on a notice from the Illinois Department of Transportation regarding preconstruction occurring Wednesday, September 14<sup>th</sup> for the Pedestrian Improvement Project. The fine details regarding costs between the Village and the Park District are being discussed. Staff is coordinating hard between this project and the Street Resurfacing of Irving Park Road.

Public Works Director Ross Hitchcock reported there will be Street Resurfacing on Irving Park Road for the next two months. He warned the audience to stay on the south side of town.

Finance Director Julie Ciesla reported the auditors finished up two weeks ago. Staff was able to take off many of the auditor's comments from last year. In order for the quarterly report to be issued, Ms. Ciesla noted there are only a couple of outstanding items. In addition, Ms. Ciesla reported new Human Resources Manager Ioana Ardelean has helped get the new Paylocity Time Clocks system up and running. Once that is complete the next focus will be long-term financial planning. Ms. Ciesla reported she would like to get in front of the Board in early October regarding financial policies.

Village Administrator Evan Teich reported the Oktoberfest tent went up and we are all looking forward to the big event this weekend due to the tremendous work of staff. In addition, the International Craft Beer Tasting event will be held on October 7<sup>th</sup> from 6-9pm at the Itasca Holiday Inn.

**Adjournment:**

Trustee Latoria made a motion to adjourn the Committee of the Whole Meeting at 8:37PM; Trustee Hower seconded the motion. Motion carried by a unanimous voice vote.

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Minutes by: Jacob A. Lawrence, Deputy Village Clerk



**Village of Itasca**  
**Community Development Department**

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**MEMORANDUM**

**TO:** President Jeff Pruyn  
Village Board of Trustees

**RE:** PC 16-012  
Zoning and Municipal Code  
Text Amendments- Signage

**FROM:** Shannon L. Malik, AICP  
Planner III

**COTW:** September 20, 2016

**CC:** File

**ENCL:** Plan Commission staff report

**Background**

Based on direction provided by Village legal counsel, text amendments to the Zoning Ordinance and Municipal Code are necessary in order to comply with a recent Supreme Court ruling pertaining to the case commonly referred to as Reed V. Town of Gilbert. Please see the attached staff report for additional background and the attached draft ordinance which is red-lined with proposed changes.

**Plan Commission Recommendation**

A public hearing was conducted by the Plan Commission on August 17, 2016. There was no public comment.

After hearing a presentation from staff, the Plan Commission recommended *approval* of the proposed text amendments by a unanimous vote of 6-0.

At the conclusion of the discussion on the proposed text amendments, staff discussed plans to move forward with a more comprehensive rewrite of the sign ordinance in the future. This will be a longer term effort to streamline the document in order to make it easier to administer while considering the place of emerging technology.



**Village of Itasca  
Community Development Department  
Plan Commission  
Agenda Item**

**FILE COPY**

**PUBLIC HEARING: August 17, 2016**

**PC 16-012**

**TITLE: Text Amendments to Section 13 of the Itasca Zoning Ordinance**  
**ADDRESS: Village Wide**

The Village of Itasca for the following:

- A. Zoning Code Text Amendments pertaining to signage

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**BACKGROUND**

In 2015, the Supreme Court of the United States (SCOTUS) made a ruling pertaining to the case of Reed V. Town of Gilbert which has implications for local sign ordinances across the country. Based upon the advice of the Village Attorney, text amendments to the Village of Itasca Zoning Ordinance are immediately necessary in order to avoid potential legal challenge.

In this specific court case, Gilbert, Arizona, cited Good News Community Church for violating temporary sign regulations with its temporary directional signage intended to guide congregation members to church services in various temporary locations throughout the community.

The church sued the town claiming that the ordinance was not constitutional because it was not content-neutral, and therefore violated the church's right to free speech.

When the case came before the 9<sup>th</sup> Circuit Court in Arizona, the Circuit Court upheld Gilbert's zoning ordinance and found that the ordinance was content neutral and satisfied intermediate judicial scrutiny.

To follow, the case eventually found its way to the SCOTUS and the Supreme Court reversed the Circuit Court decision, finding Gilbert's ordinance to be content based. According to the Illinois Municipal League, such content-based ordinances which categorize signs for the purpose of regulating them are subject to strict judicial scrutiny.

Municipalities across the country are being charged with reviewing their local sign ordinances and associated codes to ensure that they are content neutral within a reasonable period of time.

The Village Attorney has reviewed the Village of Itasca's ordinances and is recommending several amendments in order to avoid potential litigation and comply

with the spirit of the recent SCOTUS decision. Copies of the proposed changes are attached.

The Plan Commission will notice that generally speaking, any places in the Code which previously referenced the type of information that may appear on a sign have been eliminated. This includes references to advertising, political messages, construction and leasing information, sales or grand openings, and more.

The Village will be able to continue to promote the public health, safety, and welfare and may still regulate where signs may be placed, what size they can be, and what materials they are constructed from.

The proposed Code changes are intended to eliminate any situations where the sign has to be read in order to apply the Code, as the mere necessity of reading what appears on the sign in order to determine if it is compliant makes the ordinance unconstitutional and not content neutral.

Complete copies of the United States Supreme Court Decision can be found at:  
[https://www.supremecourt.gov/opinions/14pdf/13-502\\_9olb.pdf](https://www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf)

#### **STAFF RECOMMENDATION**

Staff believes it is in the best interests of the Village to immediately adopt the proposed text amendments to avoid the potential for litigation and ensure that the sign ordinance reflects the recent SCOTUS decision.

#### **LOOKING FORWARD**

From an enforcement perspective, difficulties may result from the proposed changes to the ordinance regulating signage. For example, most sign ordinances, including the Village of Itasca's, include specific requirements on what can be indicated on signs termed directional under earlier ordinances.

Typically, these requirements mandate that a sign of this nature must primarily include information guiding visitors to particular areas of the property and place limits on the size of any logo or symbols placed on them. Reed V. Town of Gilbert invalidates such requirements since, by default, signs that must be read to determine their classification are no longer constitutional.

Because of this, future work will need to be done to explore whether a total allowable square footage for all signs on a property based on the zoning district/land use would be appropriate, or whether changes to the way the code is written, such as replacing "directional signage" with "signs placed at entrances" will suffice over the long term.

For the time being, the text amendments before you are intended to be a starting point to avoid legal challenges. Municipal staff and attorneys, the American Planning Association, and sign industry professionals acknowledge that this case has left several unanswered questions and there may be more work to do in the future as the courts continue to apply this decision.

Professor Alan Weinstein, of the Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs states:

*In light of these uncertainties, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more guidance.*

Staff must concur with this opinion for the time being, especially given that the general consensus regarding the extreme limits of this legislative decision have expanded from temporary signage to include all signage since the time that the case was heard. To a certain extent, this decision may continue to be a moving target.

Staff is separately working toward a complete overhaul of the Village of Itasca sign ordinance and expects that there may be additional guidance on the Reed V. Town of Gilbert decision which may come out over the next 6-12 months.

That guidance is useful to the extent that it helps municipalities ensure that this decision does not result in a free-for-all which has the potential to change the character of municipalities throughout the country.

The future sign ordinance re-write will result in a stream-lined and easier to administer document, which continues to withstand legal scrutiny while considering the place of ever-evolving and outmoded technology.

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#### **DOCUMENTS ATTACHED**

1. Proposed text amendments to Section 13.
2. Proposed text amendments to Definitions.
3. Memo from Village Attorney Chuck Hervas, dated May 9, 2016.
4. Memo from Community Development Director Nancy Hill, dated March 9, 2016.
5. Drafting and Enforcing Sign Codes after Reed v. Town of Gilbert, prepared by Professor Alan Weinstein of Cleveland State University for The Signage Foundation, Inc.
6. Supreme Court Decision Strikes Down Arizona Sign Law, prepared by Emily Pasi, for the American Planning Association, dated June 18, 2015

7. Sign, Sign, Everywhere a Sign (Ordinance): Reed v. Town of Gilbert, the First Amendment and Signs, prepared by Attorney Matthew Roberts, for Bean, Kinney & Korman Attorneys, dated September 2015.
8. Municipal Sign Ordinances after Reed v. Town of Gilbert, prepared by the New Hampshire Municipal Association, dated November 2015.
9. Supreme Court Ruling Questions Answered, prepared by McKenna Associates with Dalton Tomich and the International Sign Association.
10. Challenging Laws: 3 Levels of Scrutiny Explained, prepared by Brett Snider for FindLaw, dated January 27, 2014.

## MEMORANDUM

To: Nancy Hill  
From: Chuck Hervas  
Date: March 9, 2016

Re: Memorandum for Village Board explaining *Reed* decision

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On June 18, 2015, the United States Supreme Court decided the case of *Reed v. Town of Gilbert, Arizona*. The Supreme Court found Gilbert's sign code unconstitutional, and issued an opinion that makes sweeping changes to almost every sign ordinance in the United States. The issue has been discussed at numerous legal conferences that I have attended over the past several months. While legal experts do not agree on much, they all agree that every municipality must review its sign code after the *Reed* decision.

The Town of Gilbert took issue with a temporary directional sign utilized by the Good News Community Church. The Church placed directional signs to the services (the Church used temporary locations) on late Saturday and removed the directional signs on Sunday afternoon. The Town of Gilbert cited the Church for exceeding the time limits for displaying a temporary directional sign and for failing to include an event date on the sign. The battle between the Church and the Town lasted several years and ended up in the United States Supreme Court. The Town won the case in the District Court and in the Court of Appeals. In a rather unusual move, the Supreme Court voted 9-0 in favor of the Good News Community Church. One constitutional expert stated that the Church was very clever in reproducing two photographs at the beginning of their brief before the Supreme Court. One photograph showed a small directional sign in a neatly manicured parkway area of the Town. Another photograph showed multiple political signs stacked all over the parkway. The Church explained that the political signs were legal and the directional sign was not. This was a great example of "a picture is worth a thousand words." The Court ruled that the Town of Gilbert could not discriminate between temporary political signs and temporary directional signs. One of the keys to understanding the Supreme Court's decision is to note that if you must read the sign in order to apply the sign code, the code is unconstitutional. In other words, content-based distinctions are no longer allowed.

This ruling affects all sorts of signs that appear in the Village of Itasca. The most common temporary signs in the Village are homes for sale, garage sales, political, special events, and temporary directional signs. The Village may no longer distinguish signs by content, but may regulate signs through reasonable time, place, and manner restrictions. In particular, signs may be regulated by zoning district and size. There can no longer be a special provision for political signs verses for sale signs or temporary directional signs. The courts have been particularly active in applying the *Reed* case to sign ordinances and much more. For instance, the South Carolina legislature got tired of robocalls during election season and passed a law regulating political robocalls, but not other types of robocalls. The courts struck down the regulation as an unconstitutional content-based distinction. In Illinois, the *Reed* case received attention when the

federal court struck down Springfield's panhandling ordinance based upon the analysis in *Reed*. Springfield allowed panhandlers to hold signs asking for money, but banned aggressive verbal requests for money. The federal court said no. *Reed* is being applied in more than sign cases.

Technically, the Itasca sign ordinance is unconstitutional in certain respects after the *Reed* decision. If the Village were to enforce provisions of the sign ordinance that made content-based distinctions, the Village would be subject to a lawsuit consistent with the *Reed* decision. To that end, Community Development has begun to amend the sign code to comply with *Reed*. Yordana will be working with Nancy and Shannon to make these corrections. It is imperative that the Village amend the sign code within a "reasonable" time after the *Reed* decision. I would urge the Village to make corrections no later than the end of this summer.



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## Memorandum

TO: Village President Jeff Pruyn and  
Itasca Village Board of Trustees

FROM: Nancy Hill, Community Development Director

DATE: March 9, 2016 for March 15, 2016 Village Board Meeting

RE: Impacts of SCOTUS' *Reed* case on the Village of Itasca's Sign Regulations

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A ruling in June 2015 by the U.S. Supreme Court dramatically changes the way all local governments must now regulate signs. This memo is to outline these changes and to inform the Village Board on how staff plans to react to the Court's ruling.

Previously, most federal courts ruled that cities could enforce a limited number of content-based regulations on signs – regulations relating to the actual content of a sign's message – provided such standards were not intended to censor or restrict speech. In *Reed v. Gilbert*, the Supreme Court ruled that if a sign has to be read in order to determine if a certain regulation applies, then that regulation is content-based and presumed to be unconstitutional. Attached is a memo from the Village Attorney that outlines more details of the case.

As a result of the Supreme Court's decision, content-specific regulations within our sign regulations are no longer enforceable. The Village can no longer dictate what message signs may or may not contain. Sign regulations should only specify which types of signs are allowed, where they may be placed, and what size they can be, not what they say. Content-specific regulations should therefore be eliminated from throughout the Village's sign regulations.

Unfortunately, the Village of Itasca's sign regulations contain many similar, if not identical, regulations to those that were struck down. Some of our current sign regulations require a sign to be read in order to determine the sign type, what regulations apply; therefore these signs are considered content-based because of this ruling. Therefore, a substantial re-writing of sections of the Village's sign regulations, which are contained in Chapter 11 of the Zoning Ordinance, will be necessary.

The *Reed* decision will have the most significant impact on our standards for temporary signs such as banners, real estate signs, and political signs. The Village's current regulations are entirely content specific – staff must read a sign to determine if the sign is a real estate “for sale” sign, “open house” sign, a political sign, etc., or to ensure flags or pennants don't contain a

commercial message. The Village will need to draft uniform regulations for all temporary signs based on where they are placed and how they are built, and not on what they say.

For example, the sign ordinance allows a certain number of on and off site “open house” signs in residential districts. Because one has to read the sign to determine that these signs are “open house” signs, this regulation would likely be found unconstitutional if challenged. However, to be safer from litigation, the Village could modify the sign regulations to state that “residential properties that are for sale or for lease” may have a maximum number of signs on their property, with a maximum square footage.

There are certain steps the Village should take in light of the *Reed* decision:

1. Community Development staff, with the assistance of the Village Attorney, is reviewing the Village’s sign regulations, Zoning Ordinance, and Code of Ordinances to identify any regulations that are content-based. This would include any regulations that are based on the content or subject of the message, the person and/or group delivering the message, or an event(s) taking place. All temporary signs and signs that are exempt from permitting requirements should also be identified. The number of exceptions from permitting and separate categories for signs should be reduced, eliminating as many of both as possible.
2. Once identified, new or amended regulations will be drafted by staff and the Village Attorney to be as content-neutral as possible, while accepting that, if the regulations are not entirely content-neutral, there will be some legal risk that could otherwise be avoided. The Village Attorney strongly suggests these revisions be made by the end of this summer.

No action on the part of the Village Board is required at this time. In the near future, staff will formally propose text amendments to the Zoning Ordinance to address necessary changes to our sign regulations. Text amendments require review by the Plan Commission during a public hearing and approval by the Village Board. Public notice of the public hearing is required.

The Village Board asked staff to address dynamic display signs, and we will also include language in the proposed text amendments to allow them in certain zoning districts with restrictions on size and percentage of total sign area (so that they are similar to the McDonalds and Crawford Supply signs in square footage and look).



## **Drafting and Enforcing Sign Codes after *Reed v Town of Gilbert***

The U.S. Supreme Court's decision in *Reed v Town of Gilbert* on June 18, 2015 is, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding day-to-day regulation of signs. While the sign code provisions challenged in *Reed* involved only the regulation of temporary non-commercial signs, the Court's 6-3 majority decision, authored by Justice Clarence Thomas, applies to the regulation of *all* signs: permanent signs as well as temporary signs, business signs as well as residential signs, and to both commercial and non-commercial signs. If you're wondering "what about onsite vs. offsite signs?" - more on that later.

The rules that Justice Thomas announced in *Reed* could not be more straight-forward. A sign regulation that "on its face" considers the message on a sign to determine how it will be regulated is content-based. Justice Thomas emphasized that if a sign regulation is content-based "on its face" it does not matter that government did not intend to restrict speech or to favor some category of speech for benign reasons. He wrote: "In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral." Further, a sign regulation that is facially content-neutral, if justified by – or that has a purpose related to – the message on a sign, is also a content-based regulation. For example, a code provision that allowed more lawn signs between mid-August and mid-November would be facially content-neutral but might be challenged as being justified by or have a purpose related to allowing "election campaign" messages.

Whether content-based "on its face" or content-neutral but justified in relation to content, Justice Thomas specified that the regulation is presumed to be unconstitutional and will be invalidated unless government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the "strict scrutiny" test and few, if any, regulations survive strict scrutiny. This may be particularly true in regards to sign regulations given that a number of federal courts have previously ruled that aesthetics and traffic safety, the "normal" governmental interests supporting sign regulations, are not "compelling interests."

### **Every Sign Code Should Be Scrutinized**

Justice Thomas's opinion calls into question almost every sign code in this country: few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements for house nameplates, real estate signs, political and/or election signs, garage sale signs, "holiday displays," etc. Almost all codes also categorize temporary signs by content, and then regulate them differently; for example, a "real estate" sign can be bigger and remain longer than a "garage sale" sign, or the code allows the display of more "election" signs than "ideological" or "personal" signs but the "election" signs must be removed "x" days after the election while the "personal" or "ideological" signs can remain indefinitely.

Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider "speaker-based" provisions to be content-based, differing treatment of signs for "Educational Uses" vs. "Institutional Uses" vs. "Religious Institutions" would be subject to strict scrutiny. The strict



scrutiny test would also apply for differing treatment of signs for “gas stations” vs. “banks” vs. “movie theaters.”

*Reed* does not, however, cast doubt on the content-neutral “time, place, or manner” regulations that are the mainstay of almost all sign codes, provided they are not justified by or have a purpose related to the message on the sign. Justice Thomas acknowledged that point, noting that the code at issue in *Reed* “regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts and portability.” Justice Alito’s concurring opinion, joined by Justices Kennedy and Sotomayor, went further.

While disclaiming he was providing “anything like a comprehensive list,” Justice Alito noted “some rules that would not be content based.” These included rules regulating the size and location of signs, including distinguishing between building and free-standing signs; “distinguishing between lighted and unlighted signs;” “distinguishing between signs with fixed messages and electronic signs with messages that change;” distinguishing “between the placement of signs on private and public property” and “between the placement of signs on commercial and residential property;” and rules “restricting the total number of signs allowed per mile of roadway.”

But Justice Alito also approved of two rules that seem at odds with Justice Thomas’s “on its face” language. Alito claimed that rules “distinguishing between on-premises and off-premises signs” and rules “imposing time restrictions on signs advertising a one-time event” would be content-neutral. But rules regarding “signs advertising a one-time event” clearly are facially content-based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the onsite/offsite distinction. Further, neither Justice Thomas nor Justice Alito discussed how courts should treat codes that distinguish between commercial and non-commercial signs, a point raised by Justice Breyer in his concurring opinion. Thus, it seems clear that the lower federal courts will soon face claims that codes that differentiate between commercial and non-commercial signs or that regulate on-site and off-site signs differently are content based and subject to strict scrutiny. Stay-tuned!

Keep in mind, however, that even content-neutral “time, place or manner” sign regulations are subject to intermediate judicial scrutiny rather than the deferential “rational basis” scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leave “ample alternative avenues of communication.” Because intermediate scrutiny requires only a “substantial,” rather than a “compelling,” government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not “narrowly tailored” to achieve their claimed aesthetic or safety goals.

### **Cities Must Respond**

So...what’s a city to do after *Reed*? Some cities are enacting moratoria on sign regulation while they try to figure that out. A court would likely view with disfavor a total moratorium on issuing *any* sign permits (or, worse yet, displaying any new signs) as an unconstitutional prior restraint on speech. In



contrast, a moratorium of short duration – certainly no more than 30 days – targeted at permits issued under code provisions that are questionable after *Reed* is far more likely to be upheld. Cities are also well-advised to suspend enforcement of code provisions – particularly regulation of temporary signs – that are questionable after *Reed*. Obviously, however, *all* sign code structural provisions directly related to public safety should continue to be enforced.

As we all know, drafting a fair and effective sign code that appropriately balances a community's interests in allowing both residents and businesses to use signs to meet their communication needs while achieving the community's interests in maintaining property values and achieving aesthetics and traffic safety goals is no easy task. Trying to do that during a short moratorium is even harder. But it is certainly not impossible.

### **Opportunities to Improve Your Sign Code Post-*Reed***

**1. Remove from the sign code all references to the content of a sign other than the few examples directly related to public safety noted in Justice Thomas's opinion.** Most of these content-based provisions likely will relate to temporary signs. Rather than referring to “real estate” or “political” or “garage sale” signs, your code should treat these all as “yard” signs or “residential district” signs. You then regulate their number, size, location, construction and amount of time they may be displayed, keeping in mind how your residents want to use such signs. You would use the same approach for temporary signs in business districts: replace references to “Grand Opening” or “Special Sale” signs with “temporary business sign” and regulate their number, size, location, construction and amount of time they may be displayed based on business needs for such signs.

**2. All the provisions in your code that refer to number, area, structure, location and lighting of permanent signs are content-neutral and unaffected by *Reed*.** If your code does have some content-based provisions for permanent signs, either by specifying content that must (or must not) be on a sign or because you distinguish among uses (e.g., “gas-station signs”), those provisions will be subject to strict scrutiny if challenged. None of these content-based provisions should be retained unless public safety would be so threatened by removal that the provision would survive strict scrutiny. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use (because that would be “speaker-based”) but by either zoning districts or “character” districts or by reference to street characteristics such as number of lanes or speed-limit. The [International Sign Association](#) has a number of resources that can help your community revise your sign code based on the latest research, sign industry expertise, and sign-user perspectives.

**3. If your sign code does not have a severability clause and a substitution clause they should be added.** A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. For example: “If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.” A substitution clause allows a non-commercial message to be displayed on *any* sign. While *Reed* did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. A



substitution clause thus can safeguard you against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: “Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.”

**4. Understand that *Reed* has left several questions unanswered.** As previously noted, treatment of the onsite/offsite and commercial/non-commercial distinctions remains uncertain. *Reed* also failed to provide an answer to how we provide for the public’s desire for more signage during election campaigns in a wholly content-neutral manner. We also don’t know what, if any, content-based regulations might survive strict scrutiny. In light of these uncertainties, arguably the best course for cities is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations until the courts provide more guidance on the above questions and others that are certain to be raised.

*Professor Alan Weinstein holds a joint faculty appointment at Cleveland State University’s Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs and also serves as Director of the Colleges’ Law & Public Policy Program. Professor Weinstein is a nationally-recognized expert on planning law who lectures frequently at planning and law conferences and has over eighty publications, including books, book-chapters, treatise revisions and law journal articles. Professor Weinstein has extensive practice and research experience with First Amendment issues, particularly in the land use context. He has served as Chair of the Sub-committee on Land Use & the First Amendment in the American Bar Association’s (ABA) Section of State & Local Government Law and has extensive scholarly and practice experience with land-use regulation that raise First Amendment issues due to their effect on religious institutions, adult entertainment businesses, and signs, billboards, or newsracks.*

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**NEWS RELEASE: JUNE 18, 2015**

# Supreme Court Decision Strikes Down Arizona Sign Law

WASHINGTON, DC — The U.S. Supreme Court's decision today in *Reed v. Town of Gilbert, Arizona*, is likely to affect sign rules and regulations in many communities across the country. The American Planning Association (APA) filed an [amicus brief \(https://planning-org-uploaded-media.s3.amazonaws.com/legacy\\_resources/amicus/pdf/reed.pdf\)](https://planning-org-uploaded-media.s3.amazonaws.com/legacy_resources/amicus/pdf/reed.pdf) in support of the Town of Gilbert. APA is disappointed in the outcome; however, planners are ready to work with communities in implementing updated regulations in response to the ruling that continue to respond to the needs and interests of local residents.

In today's unanimous decision, the Supreme Court has given new guidance to local governments on sign regulations. The majority decision, written by Justice Thomas, concluded that the town's sign code regulated based on content. This decision reverses a Ninth Circuit Court of Appeals decision. However, the Court did not overrule any existing precedents.

"It is encouraging that a clear majority — six justices — continue to believe that certain kinds of distinctions, such as those between on-premises and off-premises signs, between signs on commercial property and signs on residential property, and signs with

fixed messages and electronic signs with changing messages, may continue to be regulated locally under today's decision," said APA Executive Director James Drinan, JD.

"APA believes that rational, locally crafted sign regulations are often necessary and can be in the best interests of communities and residents," said Carol Rhea, FAICP, president of the American Planning Association. "Today's ruling casts uncertainty over necessary codes."

"Today's decision may increase uncertainty and leave communities open to new challenges to local codes," Rhea added. "Communities may need to make some difficult choices in the near future."

The American Planning Association (APA) in conjunction with a group of national state and local government organizations had urged the court to uphold Gilbert's current sign law as proper. The brief further argues that adoption of the strict scrutiny test has the potential to invalidate nearly all sign codes in the country, and thereby imperils the important traffic safety and aesthetic purposes underlying sign regulation.

The American Planning Association joined the National League of Cities, United States Conference of Mayors, National Association of Counties, International City/County Management Association, International Municipal Lawyers Association and Scenic America. The brief was written by Lisa Soronen of the State & Local Legal Center and the Law Offices of Sabine & Morrison, Rogers Towers, P.A., and Weiss Serota Helfman Cole Bierman & Popok, PL.

For more information about the case, register online for APA's [2015 Planning Law Review \(/audioconference/series/plr.htm\)](http://www.planning.org/2015/07/01/apa-2015-planning-law-review-audioconferenc) audio/web conference to be held on Wednesday, July 1, 2015.

*The American Planning Association is an independent, not-for-profit educational organization that provides leadership in the development of vital communities. APA and its professional institute, the American Institute of Certified Planners, are dedicated to advancing the art, science and profession of good planning — physical, economic, and social — so as to create communities that offer better choices for where and how people work and live. APA has offices in Washington, D.C., and Chicago, with almost 40,000 members worldwide in nearly 100 countries.*

## CONTACT

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## Sign, Sign, Everywhere a Sign (Ordinance): Reed v. Town of Gilbert, the First Amendment and Signs

### ATTORNEYS

Matthew Roberts

### RELATED PRACTICE AREAS

Zoning & Land Use

Matthew Roberts

*BKK Construction & Land Use Newsletter*

September 2015

On June 18, 2015, the United States Supreme Court ruled in *Reed v. Town of Gilbert* that an Arizona town's sign ordinance unconstitutionally regulated the content of speech posted on signs within the town. Like so many modern localities, the Town of Gilbert had adopted a sign ordinance regulating signage within the town, including the total number of certain signs that could be displayed, their size and how long such signs could be displayed. The town based these restrictions upon the type of sign to be displayed and created categories of signs subject to different regulations. In particular, the town created different regulations for ideological signs, political signs and temporary signs. The town based these differences in its police power considerations for the town's aesthetics and traffic safety, and claimed it did not disagree with any particular message on a given sign. Under these sign regulations, the town cited the Good News Community Church on several occasions for violating the temporary sign regulations, because the church had not removed them in time and failed to include all the information required on a temporary sign. The church, in response, sued the town, claiming the ordinance was an unconstitutional content-based restriction of its freedom of speech.

The Supreme Court agreed. The court found that the ordinance, on its face, was based upon the content expressed on a given sign, because it created different signage regulations entirely depending on the message to be conveyed. As such, the law was presumptively unconstitutional. It would be up to the town to show that the ordinance survived "strict scrutiny," a legal standard requiring the government to prove its regulations are narrowly tailored to serve a compelling government interest. The court found the town failed to meet this standard. Benign motives like local aesthetics and traffic safety would not suffice where those motives applied equally to signs the town did not restrict as heavily as temporary signs. The court noted the town had a number of content-neutral alternatives, such as restricting size, building materials, lighting, parts and might even be able to forbid their placement on public property. If applied evenly across all types of signs, regardless of their message, the ordinance could probably survive.

*Reed v. Town of Gilbert* is a reminder that the First Amendment to the United States Constitution remains a powerful tool in land use and zoning law cases. Many Virginia localities have adopted sign ordinances that could be subject to scrutiny if they fail to apply their regulations evenly across all signs, or fail to have a strong reason to create such differences. As the Supreme Court has indicated, local aesthetics and traffic safety simply will not be enough to save a content-based restriction on speech.



## Municipal Sign Ordinances after *Reed v. Town of Gilbert*



Because the Town of Gilbert sign code placed stricter limits on temporary events signs but more freely allowed ideological and political signs—despite the fact that all three sign types have the same effect on traffic safety and community aesthetics—the code failed the narrow tailoring requirement of strict scrutiny.

As a result of *Reed*, a sign code that makes *any* distinctions based on the message of the speech is content based. Only after determining whether a sign code is neutral on its face would a court inquire as to whether the law is neutral in its justification.

Municipalities should review their sign codes carefully, with an eye toward whether the code is truly content neutral. If the sign code contains some potential areas of content bias—for example, if the code contains different regulations for political signs, construction signs, real estate signs, or others—consider amending the code to remove these distinctions.

In cases where a sign code update might take time, local planners and lawyers should coach enforcement staff not to enforce distinctions which might cause problems.

Check to be sure your sign code has all of the “required” elements of a sign code.

- The code should contain a purpose statement that, at the very minimum, references traffic safety and aesthetics as purposes for sign regulation.
- The code should contain a message substitution clause that allows the copy on any sign to be substituted with noncommercial copy.
- The code should contain a severability clause to increase the likelihood that the code will be upheld in litigation, even if certain provisions of the code are not upheld.
- In preparing the purpose statement, it is always best to link regulatory purposes to data, both quantitative and qualitative. For example, linking a regulatory purpose statement to goals of the local master plan, such as community beautification, increases the likelihood that the code will survive a challenge.
- If traffic safety is one of the purposes of the sign code (it should be), consult studies on signage and traffic safety to draw the connection between sign clutter and vehicle accidents.

In conducting the review of the sign code recommended above, planners and lawyers should look to whether the code contains any of the sign categories that most frequently lead to litigation. For example, if the code creates categories for political signs, ideological or religious signs, real estate signs, construction signs, temporary event signs, or even holiday lights, it is likely that the code is at greater risk of legal challenge. As a general rule, the more complicated a sign code is—i.e., the more categories of signs the code has—the higher the risk of a legal challenge.

### **Sign Code Guidance from the Court (Alito’s Concurrence):**

A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny.

The requirements of your ordinance may distinguish among signs based on any content-neutral criteria. Here are some specific standards the Court might uphold:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event.

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

### **Possible Sign Code Changes:**

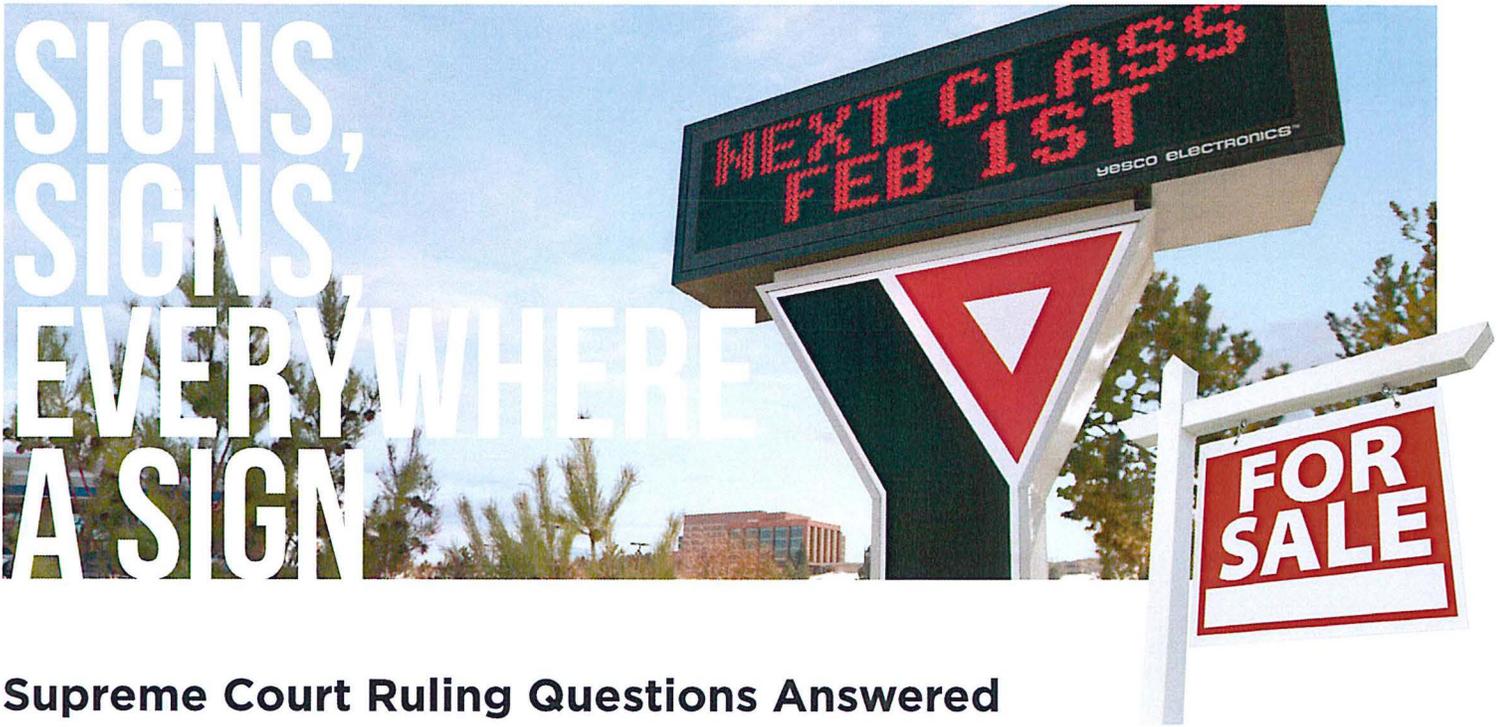
Increase the overall allotment of temporary signs to accommodate the maximum demand for such signage at any one time, and allow that amount of temporary signs. A regulation that singles out off-premises signs that does not apply to a particular topic, idea, or viewpoint is probably valid because it regulates the locations of commercial signs generally, without imposing special burdens on any particular speaker or class of speakers.

Define government signs and Traffic Control Devices as signs, but specifically authorize them in all districts. Provide a base allotment of signs, and allow additional signs in relation to activities or events. Every property has a designated amount of square feet of signage that they can use for any temporary signs on their property, year round. For example: [x] square feet per parcel, in a residentially-zoned area, with a limit on the size of signs and perhaps with spacing of signs from one another. All properties get additional noncommercial signs at certain times, such as before an election or tied to issuance of special event permit. The key is to tie the additional sign allowance to the use of the property, rather than the content of the sign. Consider the following:

- Allow an extra sign on property that is currently for sale or rent, or within the two weeks following issuance of a new occupational license (real estate or grand opening signs).
- Allow an extra sign of the proper dimensions for a lot that includes a drive-through window, or a gas station, or a theater (drive thru, gas station price, and theater signs).
- Allowing additional sign when special event permit is active for property (special event signs). Key: not requiring that the additional signage be used for the purpose the sign opportunity is designed for, or to communicate only the content related to that opportunity.
- Grant an exemption allowing an extra sign on property that is currently for sale or rent.
- Grant exemptions allowing an extra sign (<10 sq. ft., < 48 inches in height, and <six feet from a curb cut), for a lot that includes a drive-through window.

Every parcel shall be entitled to one sign <36 sq. inches in surface area to be placed in any of the following locations: On the front of every building, residence, or structure; on each side of an authorized United States Postal Service mailbox; on one post which measures no more than 48 inches in height and 4 inches in width.

Provide a content-neutral application process: Citizens can apply, by postcard or perhaps online, for seven-day sign permits, and receive a receipt and a sticker to put on the sign that bears a date seven days after issuance, and the municipality's name. The sticker must be put on the sign so that enforcement officers can determine whether it's expired. Because the expiration date is tied to the date of issuance, there is no risk of content-discrimination. The sticker itself would be considered government speech.



## Supreme Court Ruling Questions Answered

DO YOU KNOW  
IF THE SIGN  
REGULATIONS IN  
YOUR COMMUNITY  
ARE CONTENT-  
NEUTRAL AND  
COMPLIANT  
WITH THE FIRST  
AMENDMENT?  
**FIND OUT NOW.**

The U.S. Supreme Court's unanimous decision in *Reed v. Gilbert* impacts almost every sign ordinance in the U.S. Specifically, forms of noncommercial speech cannot be regulated differently based on the content of the sign's message.

The Supreme Court said: *"In other words, an innocuous justification cannot transform a facially content-based law into one that is content-neutral."* Communities must review their sign regulations immediately and identify "innocuous justifications" that favor certain types of signs. Because many types of signs are noncontroversial and/or exempt from permitting requirements, they are often ignored when evaluating the sign ordinance. While amendments may be necessary, communities can craft content-neutral standards while still achieving the purpose of their sign regulations.

Looking ahead, emerging LED technology has allowed better control of brightness and frequency of message changes. While many communities prohibit illuminated signs and changeable message signs based on fears and negative experiences, communities should study the latest technology and best practices to determine if there are suitable regulations it can implement while still maintaining their character.

**McKenna**  
ASSOCIATES

DALTON  
TOMICH



INTERNATIONAL SIGN ASSOCIATION

**RESOURCES** (Future editions may be published after *Reed v. Gilbert*)

Michigan Sign Guidebook. Scenic Michigan, December 2011  
 Street Graphics and the Law. American Planning Association, PAS Report 580, Fourth Edition (published after *Reed v. Gilbert*)  
 International Sign Association (ISA) "Resources for Local Officials" website, with examples of sign regulations including nighttime brightness levels for Electronic Message Centers (EMC's): [www.signs.org/GovernmentRelations/ResourcesforLocalOfficials.aspx](http://www.signs.org/GovernmentRelations/ResourcesforLocalOfficials.aspx)  
 Best Practices in Regulating Temporary Signs, Signage Foundation, Inc., 2015: [www.thesignagefoundation.org/Portals/0/Best\\_Practices\\_in\\_Regulating\\_Temporary\\_Signs.pdf](http://www.thesignagefoundation.org/Portals/0/Best_Practices_in_Regulating_Temporary_Signs.pdf)  
 A Framework for On-Premise Sign Regulations. Signage Foundation, Inc., March 2009: [www.thesignagefoundation.org/Portals/0/OnPremiseSignRegulations.pdf](http://www.thesignagefoundation.org/Portals/0/OnPremiseSignRegulations.pdf)  
 Model On-Premise Sign Code, United States Sign Council (USSC), 2011: [www.ussscfoundation.org/USSCModelOn-PremiseSignCode.pdf](http://www.ussscfoundation.org/USSCModelOn-PremiseSignCode.pdf)

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## Challenging Laws: 3 Levels of Scrutiny Explained

By Brett Snider, Esq. on January 27, 2014 9:05 AM

When the constitutionality of a law is challenged, both state and federal courts will commonly apply one of three levels of judicial scrutiny.

The level of scrutiny that's applied determines how a court will go about analyzing a law and its effects. It also determines which party -- the challenger or the government -- has the [burden of proof](#).

Although these tests aren't exactly set in stone, here is the basic framework for the most common levels of scrutiny applied to challenged laws:

### Strict Scrutiny

This is the [highest level of scrutiny](#) applied by courts to government actions or laws.

The U.S. Supreme Court has determined that legislation or government actions which discriminate on the basis of race, national origin, religion, and alienage must pass this level of scrutiny to survive a challenge that the policy violates [constitutional equal protection](#).

This high level of scrutiny is also applied whenever a "fundamental right" is being threatened by a law, like [the right to marriage](#).

Strict scrutiny requires the *government* to prove that:

- There is a *compelling state interest* behind the challenged policy, and
- The law or regulation is *narrowly tailored* to achieve its result.

### Intermediate Scrutiny

The next level of judicial focus on challenged laws is less demanding than strict scrutiny. In order for a law to pass intermediate scrutiny, it must:

- Serve an *important government objective*, and
- Be *substantially related* to achieving the objective.

This test was first accepted by the [U.S. Supreme Court in 1976](#) to be used whenever a law discriminates based on gender or sex. Some federal appellate courts and state supreme courts have also [applied this level of scrutiny to cases involving sexual orientation](#).

As with strict scrutiny, intermediate scrutiny also places the burden of proof

Categories

[Bankruptcy \(70\)](#)  
[Civil Lawsuits \(77\)](#)  
[Civil Rights \(778\)](#)  
[Contract Law \(57\)](#)  
[Employment Law \(424\)](#)  
[Estate Planning \(193\)](#)  
[Family Law \(663\)](#)  
[Finances \(217\)](#)  
[Health & Safety \(443\)](#)  
[Hiring A Lawyer \(44\)](#)  
[Immigration Law \(144\)](#)  
[Insurance \(68\)](#)  
[Intellectual Property \(28\)](#)  
[Internet & Online Safety \(89\)](#)  
[Legal History \(87\)](#)  
[Military Law \(37\)](#)  
[Real Estate Law \(244\)](#)  
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About this Entry

This page contains a single entry by Brett Snider, Esq. published on *January 27, 2014 9:05 AM*.

[Is It Legal to Breastfeed in Public?](#) was the previous entry in this blog.

[Legal How-To: Evicting a Tenant](#) is the next entry in this blog.

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on the government.

### Rational Basis Review

This is the lowest level of scrutiny applied to challenged laws, and it has historically required very little for a law to pass as constitutional.

Under the [rational basis test](#), the person *challenging the law* (not the government) must prove either:

- The government has *no legitimate interest* in the law or policy; or
- There is *no reasonable, rational link* between that interest and the challenged law.

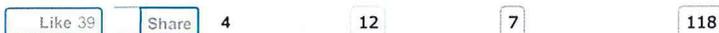
Courts using this test are highly deferential to the government and will often deem a law to have a rational basis as long as that law had *any* conceivable, rational basis -- **even if the government never provided one**. This test typically applies to all laws or regulations which are challenged as irrational or arbitrary as well as discrimination based on age, disability, wealth, or felony status.

These levels of scrutiny can and will continue to change as courts apply them in the future.

Relates Resources:

- [Find a Lawyer in Your Area](#) (FindLaw's Lawyer Directory)
- [U.S. v. Windsor: Will Heightened Scrutiny Stand?](#) (FindLaw's U.S. Supreme Court Blog)
- [How Does the U.S. Supreme Court Work?](#) (FindLaw's Law and Daily Life)
- [Supreme Court Calendar: 10 Cases to Watch in Jan.](#) (FindLaw's Law and Daily Life)
- [Utah's Gay Marriage Ban Is Unconstitutional: Federal Judge](#) (FindLaw's Decided)

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**ORDINANCE NO. 1818-16**

**AN ORDINANCE AMENDING CHAPTERS 110 AND 155 OF THE ITASCA MUNICIPAL CODE AND CHAPTER 3 AND 13 OF THE ITASCA ZONING ORDINANCE**

WHEREAS, the Village of Itasca has reviewed its ordinances in light of the U.S. Supreme Court's decision in *Reed v. Town of Gilbert, Arizona*, 135 S. Ct. 2218 (2015), and similar cases and found certain revisions necessary to ensure compliance with current case law; and

WHEREAS, a public hearing was held before the Itasca Plan Commission on August 17, 2016, pursuant to public notice as required by law; and

WHEREAS, the Village of Itasca Plan Commission voted to recommend that the Village authorities approve the text amendments to the Village Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: Chapter 110, Section 17 of the Itasca Municipal Code is hereby amended as follows:

**§ 110.17 GARAGE SALES.**

(A) Registration Required. It shall be unlawful for any applicant to sponsor, conduct, have or operate a garage sale within a residential zoning district without prior registration with the Village of Itasca in compliance with the following terms and conditions:

- (1) The applicant must be an owner or tenant of the premises where such sale is to be held.
- (2) There shall be no fee for this registration.
- (3) Applicants shall register with the Village of Itasca by contacting the Itasca Village Hall during regular business hours at least 24 hours in advance of the garage sale.
- (4) Applicants shall provide their full name, address, phone number, and dates and times of the garage sale.

(B) Time Restrictions. No more than three garage sales shall be allowed within any one calendar year. Sales shall be limited to a consecutive period of no more than three days and shall be conducted only during the hours of 8:00 a.m. and 8:00 p.m.

(C) Additional Restrictions. The following restrictions also apply to garage sales:

- (1) No sale items shall be located on public property, parkway area, or sidewalks.

(2) No sale activities shall be conducted on public property, parkway, or sidewalks.

(3) All signs advertising such sale shall be located on private property only and in accordance with sign regulations of the Itasca Zoning Ordinance.

~~(4) All signs authorized under this provision shall be removed no later than four hours after the conclusion of the sale each day.~~

~~(5)~~(4) The sale shall be conducted without the use of outdoor speakers or other amplification equipment.

~~(6)~~(5) The sale shall be conducted in accordance with all other laws or ordinances in effect in the Village of Itasca.

SECTION TWO: Chapter 150, Section 80 of the Itasca Municipal Code is hereby amended as follows:

**§ 150.80 FEES FOR BUILDING PERMITS AND OTHER ACTIVITIES.**

(A) No permit shall be issued nor shall any work requiring a permit begin until the fees hereinafter have been issued to the village and received by the Building Department.

(B) Nothing in this section or schedule of fees shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action a required or existing, under any act or ordinance hereby repealed, nor shall any just or legal right of remedy or any character be lost, impaired or affected by this section.

(C) The fees to be paid for permits, and that the cash bonds or surety bonds to be collected for projects under the jurisdiction of the village shall be amended, and shall be as follows:

TABLE I  
FEES FOR SINGLE-FAMILY RESIDENCES, INCLUDING TOWNHOUSES

\*\*\*

<i>Permit type</i>	<i>Fee (\$)</i>	<i>Specification</i>
Signs Temporary	50	Per sign
<del>Signs Temporary, special event</del>	<del>30</del>	<del>Per sign</del>
Miscellaneous inspections	40	Per hour, per inspector
Late filing charge	75 or 2% cost of job	Minimum for work begun without a valid permit (whichever is greater)
Canceled projects	40	Per hour, per inspector
Reinspections	75	For each reinspection

Chimneys	50	For new or reconstruction if not part of the base permit fee
Fireplaces	75	Prefab or masonry
Engineering	At cost	Reimburse the village for costs incurred for engineering consultants. May be billed after permit is issued. No final occupancy will be issued until invoice is paid
Demolition	250	Partial building or structure
	750	Entire building or structure
Electric	5,000	Code compliance bond to be maintained until job is completed and approved
Cash bonds	50	Minor work - to ensure inspection code compliance and for damage to property
	100	Moderate work - to ensure inspection code compliance and for damage to property
	500	Intermediate work - to ensure inspection code compliance and for damage to property
	1,000	Dwelling units - to ensure inspection code compliance and for damage to property
	½ %	Of the cost of the job when required by the Building Commissioner

\*\*\*

SECTION THREE: Chapter 155 of the Itasca Municipal Code is hereby amended as follows:

**Chapter 155: OFF-PREMISES OUTDOOR ~~ADVERTISING~~ SIGNS**

**§ 155.01 DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DYNAMIC DISPLAY.** Any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, 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.

OFF-PREMISES OUTDOOR ~~ADVERTISING~~-SIGN. An outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which ~~advertises the~~ relates to products or services not sold or offered on the land or in the structure upon which the outdoor sign is attached.

**§ 155.02 APPLICATION FOR LICENSE; LICENSE FEE.**

(A) Prior to the construction and installation of any off-premises outdoor ~~advertising~~-sign, and on or before January 1 of each year thereafter while the off-premises outdoor ~~advertising~~-sign remains on the land or structure, the owner or agent of the owner of the off-premises outdoor ~~advertising~~-sign shall make application for a license to the Village Clerk, by submitting reasonable information as requested and payment of the license fee for each off-premises outdoor ~~advertising~~-sign. A copy of the state permit shall be supplied, if the sign is authorized under ILCS Ch. 225, Act 440, §§ 1 et seq., as amended.

(B) Upon receipt of an application for a license containing all required information and appropriately executed, and upon payment of the fee, the Village Clerk shall issue a license to the applicant, provided that such sign is permitted by village ordinance or by ILCS Ch. 225, Act 440, §§ 1 et seq., as amended. ~~The application for license and license fee shall not be required for directional and official signs and signs advertising sale or lease of property as described in ILCS Ch. 225, Act 440, §§ 4.01 and 4.02.~~

(C) To defray the cost of regulating and inspection, there is hereby established an annual license fee of \$500 for each off-premises outdoor ~~advertising~~-sign, as defined in § 155.01. The license year shall be from January 1 through December 31. The license fee for the first year shall be prorated from the date of the application or installation of the sign, to the end of the license year, whichever is earlier.

**§ 155.03 CHANGE OF OWNERSHIP.**

Upon change of sign ownership, the new owner of the sign or agent of the owner shall promptly notify the Village Clerk, and supply the necessary information (at no cost to the applicant) within 60 days of change of ownership. Any license not so renewed shall become void.

**§ 155.04 AFFIXING LICENSE TO OFF-PREMISES OUTDOOR ~~ADVERTISING~~ SIGNS.**

The license as issued by the Village Clerk shall be securely affixed to the front face of the sign or sign structure in a conspicuous position by the owner within 14 days after receipt of the license or within 20 days after the completion of the sign erection, whichever is later.

**§ 155.05 DYNAMIC DISPLAY OFF-PREMISES OUTDOOR ~~ADVERTISING~~ SIGNS PROHIBITED.**

No dynamic display off-premises outdoor ~~advertising~~-sign is permitted in any district. No existing off-premises outdoor ~~advertising~~-sign shall be permitted to have dynamic display capabilities added to it.

**§ 155.99 PENALTY.**

Any person or corporation who shall violate any provision of this chapter adopted or fail to comply therewith shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500. A separate offense shall be deemed to be committed upon each day during which the violation occurs or continues. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue.

SECTION FOUR: Chapter 3, Section 3.02 of the Itasca Zoning Ordinance from “Sign” to “Sign, Zoning District” is hereby amended as follows:

**§ 3.02 DEFINITIONS**

.....

**SIGN**

A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building or other outdoor surface or piece of land; and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include the following:

1. any display of an official court or official public notices;
2. the flag emblem or insignia of a nation, political unit or school;
3. a sign located completely within an enclosed building, unless the context is intended to be viewed from a street.

Banner: A banner is a flag, pennant, ribbon, streamers, bunting, valance of similar items and any emblem, insignia, coat of arms, logo of a corporation, company, or religious group made of fabric or flexible material, including plain or blank fabric, with or without enclosing framework. Such banner shall be classified as a sign for the purpose of this Ordinance, except as provided in (b) above.

Street, Banner: All banner signs which are placed over or across any street or public way shall be hung to withstand a horizontal wind pressure of thirty-five (35) pounds per square foot. No such banner sign shall be erected over or across any street or public way without the permission of the Village Board and shall meet the requirements specified for temporary signs.

**SIGN, BUSINESS**

~~A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located or to which it is affixed.~~

**SIGN, DYNAMIC DISPLAY**

Any sign that appears to have movement or appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a sign that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any sign 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.

**SIGN, ENTRANCE**

~~A sign whose copy is limited to the name, logo, trademark or other identifying symbol and address of a building, business, development or establishment or any combination when~~ located on the premises and located immediately above or adjacent to such entrances where such sign is not above the first floor and does not exceed twelve (12) square feet in area.

**SIGN, FLASHING**

Any illuminated sign on which any artificial light is not maintained stationary or constant in intensity and color, at all times, when such is in use. For the purpose of this Ordinance, any moving sign shall be considered a flashing sign.

**SIGN, GROSS SURFACE AREA OF**

The entire area within a single continuous perimeter, enclosing the extreme limits of a sign. However, such perimeter shall not include any structural elements lying

outside the limits of such sign and not forming an integral part of the display. If a sign has two faces that are parallel, not more than two feet apart, and supported by the same pole[s] or structure[s], the gross surface area of the sign is one-half the area of the two faces.

**SIGN,  
GROUND(MONUMENT)**

A sign other than a pole sign, placed upon or supported by the ground independent of any other structure, where the entire bottom of the sign is in contact with, or in close proximity to, the ground.

**SIGN, INFLATABLE  
(INFLATABLE  
ADVERTISING  
DEVICE)**

A portable ~~advertising~~-device that is supported primarily by compressed air or other gases. Such devices may be sealed from escaping or may be maintained in an inflatable condition by means of a fan or blower, which is designed to maintain air pressure inside the device which is greater than the atmospheric pressure outside the device.

**SIGN, LANTERN -  
POST**

A lantern post sign is a pole type sign including an electric lantern light on which a nameplate sign may be attached.

**SIGN, OFF-PREMISES  
ADVERTISING**

A sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is visible from a street and which ~~advertises the~~ products or services not sold or offered on the land or in the structure upon which the sign is attached.

**SIGN, POLE**

A pole sign is a sign mounted on a free standing pole or other support so that the bottom edge of the sign face is not less than eight (8) feet above grade.

**SIGNS, POLITICAL OR  
CAMPAIGN**

~~A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.~~

**SIGN, PORTABLE**

A freestanding sign that is not permanently anchored or secured to either a building or the ground.

**SIGN, PROJECTING**

A projecting sign shall include any sign which is attached to a building or other structure and extends more than eighteen (18) inches beyond the building.

**SIGN, PYLON**

A pylon sign is a sign mounted on a tower-like structure or free standing pole.

**SIGN, TEMPORARY**

A temporary sign shall include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time.

**SIGN, WALL**

A wall sign shall include all flat signs of solid face construction which are affixed flush against a building or other structure and attached to the exterior front, rear, or side wall of any building or structure.

**SIGN, WINDOW  
(WINDOW DISPLAY)**

A window sign or display shall include any sign or ~~advertising~~ display, attached to the inside or outside of a window. All signs similar in nature to the aforementioned signs, shall be classified as signs for the purpose of this Ordinance and subject to all provisions contained therein.

**SIGN, ZONING  
DISTRICT**

Signs denoting or identifying an entire manufacturing district, planned development, subdivision or office park may be permitted, notwithstanding any other contrary provision of this Ordinance provided:

1. The sign denotes or identifies an entire zoning district or contiguous area.
2. The sign shall be a ground sign only and shall not exceed fifty (50) square feet of surface area.
3. Plans and specification shall be submitted with the application for sign permit, showing distances from all streets, sidewalks, residences, sign design, landscaping (if any), intended lighting (if any) and any other necessary information.
4. The Board of Trustees shall approve same, and authorize the Building Department to issue sign permit.

SECTION FIVE: Section 13 of the Itasca Zoning Ordinance is hereby amended as follows:

**§ 13.00 SIGNS**

**§ 13.01 GENERAL REQUIREMENTS**

1. All signs shall be in compliance with this Ordinance.
2. **Permits Required.** No person, firm or corporation shall hereafter erect, construct, move, alter or maintain any sign, or other advertising device, upon any parkway, street or alley owned or installed by the Village, or upon any public or private property in the Village, without first having obtained a permit and an inspection certificate therefore from the Building Department as hereinafter provided.

The permits required by this ordinance shall be obtained from the Building Department, by written application by the person, firm or corporation erecting, constructing, or maintaining the sign, and such application shall be accompanied by the plans and specifications showing the size and character of such proposed signs and locations of same. Plans and specifications being in accordance with the provisions of this ordinance, said Building Department shall thereupon issue a permit for the erection of such sign upon the payment of applicable fees.

Fees to be charged for sign permits shall be established by the Village Board of Trustees and published in a "Schedule of Fees".

The Building Department shall not be obligated to issue a permit for the erection or construction or maintenance of any sign in any location where said sign will or might constitute a dangerous obstruction of the view or a menace to the welfare of persons on any highway, sidewalk, path or street abutting thereon.

3. **Bond Requirements.** Every applicant for a permit to erect any ground, wall, projecting, electric and non-electric signs and all awnings, canopies, and marquees projecting over public right-of-way shall file with the Building Department a bond in the sum of Ten Thousand Dollars (\$10,000) executed by the applicant, and with sureties approved by the Village Board, conditioned upon the faithful observance and performance of every condition and provision of said permit and conditioned further to indemnify, keep, and save harmless the Village against all liabilities, judgments, costs, damages, and expenses which may in any way come against the Village as a consequence of granting the permit, or which may accrue against, be charged to, or recovered from the Village by reason of the authority given in such permit. This bond shall be filed with the plans in the Building Department. The bond and the liability of the sureties thereto shall be kept in force throughout the life of the permit and, if at any time it shall not be in full force, then the authority and the privileges thereby granted shall be terminated by the Building Commissioner.

A liability insurance policy issued by an insurance company authorized to do business in the State of Illinois conforming to the requirements of this section may be permitted, in lieu of a bond, provided the limits of liability shall not be less than Ten Thousand Dollars (\$10,000) for property damage and One Hundred Thousand Dollars (\$100,000) for public liability. A certificate of insurance under an existing liability policy which meets the above requirements will be sufficient, provided the policy will have the Village as an additional

insured and a certificate from the insurance company with a ten (10) day cancellation clause notice to that effect, is filed with the Building Department.

4. **Temporary Permits.** Permits may be issued for temporary signs identified in this section upon payment of the fee established by the Village Board of Trustees and published in a "Schedule of Fees." ~~"For sale," for rent, construction signs and real estate "open house"~~ Signs in residential districts that are less than six (6) square feet and that are in accordance with Section 13.03(1) do not require a temporary permit pursuant to this subsection.
5. **Permit Duration.** Permits required by this section are valid for a period of one (1) year.
6. **Inspection.** It shall be the duty of the Building Inspector to inspect or cause to inspect any sign or canopy. If any sign or canopy is found to be insecurely fastened, the inspector shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign or canopy is not made secure within ten (10) days after such notice, it shall be removed.
7. **Unsafe or Unlawful Signs.** If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe, unsightly, or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Ordinance, the Department shall give written notice to the permittee, or property owner thereof. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply when so directed by the Building Department at the expense of the permittee or owner of the property on which it is located. The Building Commissioner shall recommend to the Village Board that the permit covering said sign or other advertising structure which is an immediate peril to persons or property be revoked.
8. **Non-Conforming Existing Signs.** Every sign or other advertising lawfully in existence on the effective date of this Ordinance shall not be altered or moved unless it be made to comply with the provisions of this Ordinance.

Poles or pylon signs prohibited under Section 13.03.8.c of this Ordinance shall be eliminated and removed within two (2) years of the effective date of said Section 13.03.8.c.

9. **Sign Locations.** Every projecting sign erected or maintained over a public sidewalk shall be placed not less than ten (10) feet above the level of the sidewalk and at a distance not greater than eighteen (18) inches from the face of the wall to which it is attached, measured from the point of the sign nearest thereto. The projecting sign or

portion thereof shall not extend more than eight (8) feet from the structure to which it is attached or be nearer the curb line than two (2) feet, whichever is lesser.

10. **Ground Signs.** May be erected parallel to or at any angle with the adjacent public street or streets so long as they do not project over the street, sidewalks or other public places adjoining the lot or parcel on which it is installed. These signs shall be subject to the specific area restrictions for the applicable zoning district.
11. **Pole Signs (Pylon).** Are not allowed unless specifically provided for in the applicable zoning district.
12. **Additional Sign.** No additional sign or advertisement of any nature shall be attached to or suspended from any sign or other advertising devices.
13. **Sign Erection.** No sign shall be erected or maintained on any parcel of land other than that upon which the business advertised is located.
14. **No Dynamic Display Signs.** No dynamic display signs, flashing signs, or revolving beacons shall be permitted.
- ~~15. **Advertising Signs.** Advertising signs are not prohibited in the Village of Itasea if they are in compliance with the official Zoning Ordinance.~~
- ~~16.15. **No Obstruction Allowed Advertising Sign.** No sign or other advertising structure shall be erected or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reasons of the position, shape, or color thereof. No sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.~~
- ~~17.16. **No Portable Sign.** Portable signs require approval by the Village Board.~~
- ~~18.17. **Sign Illumination.** Signs may have constant illumination provided that any sign located in direct line of vision of any traffic control signal shall not have illumination of red, green, or amber color.~~
- ~~19.18. **Non-Allowed Signage.** Signs consisting of neon or series lighting for window or building outlining borders is specifically prohibited unless recommended by the Plan Commission and approved by the Village Board.~~
- ~~20.19. **Sign – Square Foot Area.** Both faces of a double sided, or all faces of a multiple sided sign shall be counted for calculation of total sign area. Where reference is made to size allowed in square feet in this Ordinance, it shall apply to the square footage of all faces.~~

Ground signs, pole signs, and pylon signs may be double faced.

~~21. **Political Sign.** Political signs shall not be classified as signs for the purpose of this Ordinance, except that they shall be limited in size to six (6) square feet and may be double-sided and can be located only on private property, not in a public right-of-way, or blocking vision clearance.~~

**22.20. Address Numerals.** All properties and buildings shall have address numerals that are legible from the street which shall be in addition to all other approved signage.

**23.21. Temporary Sign.** A temporary sign shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time. Temporary signs require a permit issued by the Building Department in accordance with Subsection 4 of this section. Issuance of a temporary permit shall mean that the permittee understands that representatives of the Building Department have the authority to enter his/her property to remove any temporary sign in violation of this section. Temporary signs must meet the applicable zoning district requirements with respect to size, height, location, and allowable time period. Temporary signs that require the approval of the Village Board prior to issuance of a permit are as follows:

- a. Inflatable ~~advertising~~ devices, as defined by Section 3.02.
- b. Portable signs, including, but not limited to, "A" frame or sandwich board signs and wheeled changeable copy signs (whether or not permanently mounted on wheels).
- c. ~~"For sale" or "for lease" real estate s~~Signs located on properties that are for sale or lease and that are larger than the maximum sign area permitted within the applicable zoning district, pursuant with this section.

**24.22. Placement of Signs on Lots.** Only signs erected by the Village of Itasca or the State of Illinois shall be permitted within a public right-of-way. All other signs shall be placed no closer than five (5) feet from any lot line.

No signs having a height of more than thirty (30) inches above the crown of the adjacent streets shall be constructed or placed within the part of the yard or open area of a corner lot which is included within a triangular area of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming such corner lot. No signs shall be located within a triangular area of fifteen (15) feet from the point of intersection of a public street right-of-way and driveway or private street.

~~25.23. **No Off-Premises Advertising Sign.** No off-premises ~~advertising~~ signs are permitted in any zoning district.~~

**26-24. Master Sign Plan.** Multi-business buildings shall submit a Master Sign Plan prior to receiving any and all permits pertaining to a sign. The Master Sign Plan shall be in a format determined by the Zoning Administrator and, at a minimum, shall state what percentage of the gross surface area of all signs on each frontage and on the lot shall be allocated to each business. The Master Sign Plan shall be kept on file at the Community Development Department. No permit shall be issued for a sign unless a Master Sign Plan for the property, approved by the Zoning Administrator, is on file with the Community Development Department and the proposed sign conforms to the Master Sign Plan and this ordinance.

**§ 13.02 DEFINITIONS**

See Section 3.02.

**§ 13.03 SIGN PROVISIONS**

**1. Residence District Provisions**

a. **Signs.** Non-illuminated ~~nameplates~~ signs are permitted subject to the following regulations:

- (1) In R-1, and R-2 Single Family ~~and R-3 General~~ Residence Districts, for all residence categories, except multi-family, a nameplate sign shall not exceed one hundred and forty-four (144) square inches in area, ~~and shall indicate only the name and address of the occupant~~; there shall be not more than one (1) such nameplate sign for each dwelling; it shall be affixed to the dwelling flat against the door, or on the wall adjacent thereto, or within the boundaries of the zoning lot as provided herein.
- (2) In an R-3 General Residence District, for a multiple-family dwelling, a nameplate sign may not be more than three (3) square feet in area, provided it indicates only the name or names and address of the dwelling, such a sign nameplate may be affixed against the building, but not located higher than one (1) story or twenty (20) feet above curb level, whichever is lower. Such a sign nameplate may also be located in a yard adjoining a street, provided it is not closer to the street line than one-half (1/2) the depth of the yard or fifteen (15) feet, whichever is less, and does not exceed four (4) feet in height.
- (3) An exception to these location limitations shall be made for lantern post signs which may be placed as close as three (3) feet from the street right-of-way line and have a height not exceeding seven (7) feet from grade, or for ~~name and/or address~~ plates affixed to mail box posts. Signs so mounted shall have no sharp or protruding edges that might be designated as hazardous.

- (4) An approved ~~Village of Itasca Historical District~~ plaque issued by the Village of Itasca Historical Commission is allowed and is not to exceed one hundred forty-four (144) square inches in area and shall be affixed flat against the building or structure. The plaque is allowed in addition to all other approved signage.
  - (5) Readable and visible address numerals are required in addition to all other approved signage.
  - (6) Temporary signs, not exceeding six (6) square feet, are allowed for a period of time not to exceed four (4) weeks per year when approved by the Village Board of Trustees, ~~excluding political and real estate signs~~.
- b. **Non-illuminated “For Sale” and “For Rent” Signs Located on Property or Unit For Sale or for Rent.** Non-illuminated “For Sale” and “For Rent” signs are permitted on property which is for sale or for rent subject to the following: there shall be not more than one (1) sign per zoning lot except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted. No sign shall exceed six (6) square feet in area for a single sign face and not more than twelve (12) square feet for a double faced sign, and be closer than eight (8) feet to any side and rear lot line, nor closer to the front lot line than one-half (1/2) the depth of the front yard or fifteen (15) feet, whichever is less. Such a sign when affixed flat against the building, shall not project higher than one (1) story, or twenty (20) feet above curb level, whichever is lower; and a ground sign shall not project higher than eight (8) feet above ground grade (see Section 3.02).
- c. **“For Sale,” “For Rent,” and “Construction” Signs Located on for Vacant Property or Unit (Exceeding One (1) Acre) Which is for Sale, for Rent or is Under Construction.** ~~“For Sale”, “For Rent”, and “Construction” signs for vacant property only, not less than one (1) acre:~~ One (1) sign containing not more than twelve (12) square feet of total copy area for a single sign face and not more than twenty-four (24) square feet of total copy area for a double faced sign shall be permitted on vacant property or unit exceeding one (1) acre which is for sale, for rent, or is under construction. No sign shall exceed eight (8) feet in height above grade. All such signs shall be temporary and shall be permitted for a period of time not to exceed eight (8) months, except ~~construction~~ signs located on property under construction may be maintained for the duration of construction.
- d. **Signs Located on Property or Unit Which is for Sale or for Rent and Having an “Open House” Real Estate “Open House” Signs.** One (1) sign is permitted on property or unit which is for sale or for rent and having an “open house” during weekends only, from 9:00 a.m. to 6:00 p.m. No sign shall exceed six (6) square feet in area for a single sign face and not more than twelve (12) square feet for a double faced sign. Two (2) offsite signs ~~One site and no more than two (2) offsite, standard~~

~~size real estate “open house” signs~~ are permitted during weekends only, from 9:00 a.m. to 6:00 p.m. Any ~~real estate “open house” sign~~ installed under this section on days other than weekends, or not removed by 6:00 p.m. on Saturday or Sunday, ~~shall~~ be confiscated and held by the Village for ~~twenty-four (24) hours~~ **three (3) days**. The fee to have the confiscated sign returned shall be Twenty-Five Dollars (\$25.00). After ~~twenty-four (24) hours~~ **three (3) days**, any sign not recovered ~~shall~~ be disposed of.

e. **Illuminated Signs.** Illuminated, non-flashing signs are permitted on church or school identification and/or bulletin board signs are permitted property subject to the following regulations:

- (1) There shall be not more than (1) sign per zoning lot, except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted, provided that such a sign or signs shall be located on the same lot as the principal church or school use.
- (2) No sign shall exceed forty-eight (48) square feet in area and be closer than eight (8) feet to any side and rear lot line, nor closer to the front lot line than one-half (1/2) the depth of the front yard or fifteen (15) feet, whichever is less.
- (3) Such a sign, when affixed against the building, shall not project higher than one (1) story, or twenty (20) feet above curb level, whichever is lower; and a ground sign shall not project higher than eight (8) feet above ground grade (see Section 3.02).

2. **Business District Provisions.** In Business Districts, the following signs are permitted subject to the requirements set forth herein.

a. **B-1 Limited Business District.** No off-premises ~~advertising~~ signs will be permitted. Non-flashing illuminated ~~business~~ signs with no moving parts, awnings or marquees are permitted when accessory to the principle use of the property upon which it is located, subject to applicable regulations set forth in the ordinance of the Village of Itasca and the following:

- (1) The illumination of any exterior sign shall be only during business hours and no later than 11:00 p.m. Where a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential building, or into a Residence District, or into a street right-of-way.
- (2) The total gross surface area in square feet of all signs on a zoning lot shall not exceed the number of lineal feet of the frontage of the building nor exceed ninety-six (96) square feet, whichever is less and may be double faced. Each side of a building which abuts upon a street shall be considered

as a separate frontage. The gross area of all signs located on each side of a lot or building butting a street shall not exceed the number of lineal feet in such separate building frontage nor ninety-six (96) square feet whichever is smaller and the types of signs allowed shall be limited to one ground sign as specified in paragraph (6) and wall signs.

- (3) Wall signs shall be affixed flush against building walls and shall not project therefrom more than eighteen (18) inches; and no sign shall be painted, pasted, or similarly posted directly on the surface of any building, wall or fence.
- (4) No wall sign shall project higher than then building height or twenty (20) feet above the curb level, whichever is lower.
- (5) The lowest part of any canopy, wall sign, or marquee, or any support thereof which extends over any public way shall be not less than eight (8) feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any sidewalk crossed by vehicles if any part of its support or portion of the sign is less than twelve (12) feet above the level of such public way.
- (6) One (1) ground mounted sign shall be permitted for each zoning lot. ~~Such sign shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or a multiple use facility sign.~~ Such sign shall not exceed eight (8) feet high, minimum front yard setback of fifteen (15) feet or one-half (1/2) of the required front yard setback, whichever is less, shall be maintained, may be illuminated, may be double faced and the total gross surface area of a single face shall not exceed twelve (12) square feet and the total gross area shall not exceed twenty-four (24) square feet if double faced. Any additional gross surface area may be allowed when recommended by the Plan Commission and approved by the Village Board but not to exceed the total gross surface area on a zoning lot.
- (7) Temporary signs ~~pertaining located on the property which is for to the sale or lease of the property or are under new construction~~ shall not be more than forty-eight (48) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary ~~“for sale,” “for lease,” and “construction”~~ signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.

- (8) Temporary signs ~~announcing business grand openings, special sales, or other special events~~ shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

b. **B-2 Community Business and B-3 Service Business Districts.** No off-premises ~~advertising~~ signs will be permitted. Non-flashing but illuminated ~~business~~ signs with no moving parts, awnings, and marquees are permitted when accessory to the principle use of the property upon which it is located, subject to regulations set forth elsewhere in the ordinances of the Village of Itasca and the following:

- (1) Where a sign is illuminated, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a Residence District, or into a street right-of-way.
- (2) The gross surface area in square feet of all non-ground signs on a lot shall not exceed one and one-half (1-1/2) times the lineal feet of frontage of the building, nor three-hundred (300) square feet, whichever is smaller, and may be double faced. Each side of a building which abuts upon a street shall be considered as separate frontage. The gross surface area of all non-ground signs located on each side of a lot, or building abutting a street shall not exceed one and one-half (1-1/2) times the lineal feet of the separate building frontage or three-hundred (300) square feet, whichever is smaller, and the types of signs allowed shall be limited to wall signs, ground signs as specified in Paragraph (7), and pole signs as specified in Paragraphs (4) and (8). Projecting signs are prohibited. Each business shall be limited to a maximum of one non-ground sign per frontage not to exceed an area of eighty (80) square feet.
- (3) No sign shall project more than eighteen (18) inches into a street right-of-way.
- (4) Any allowed pole (pylon) sign located within three (3) feet of a driveway, parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have the lowest elevation, not less than twelve (12) feet above the curb level.
- (5) Wall signs shall be affixed flat against building walls and shall not project more than eighteen (18) inches and shall not be painted, pasted or similarly posted directly on the surface of any building, wall or fence.

- (6) No sign shall project higher than the building height, or thirty (30) feet above the curb level, whichever is lower.
- (7) One (1) ground mounted sign shall be permitted for each zoning lot unless such lot is a through lot or has double frontage in which case two (2) ground signs may be allowed when recommended by the Plan Commission and approved by the Village Board. ~~Such signs shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or multiple use facility sign.~~ Such signs shall not exceed eight (8) feet in height, a minimum front yard setback of fifteen (15) feet, or one half (1/2) the required front yard setback, whichever is less, shall be maintained, may be illuminated, may be double faced and the total gross for a single face surface area shall not exceed twenty-four (24) square feet in the B-2 Community Business District and forty-eight (48) square feet for a single face in the B-3 Service Business District. Any additional gross surface area may be allowed when recommended by the Plan Commission and approved by the Village Board, subject to the limitations as set forth in Paragraph (2).
- (8) For service stations and retail or service uses in the B-3 District only: One (1) pole (pylon) sign per street frontage not to exceed twenty (20) feet in height nor forty-eight (48) feet in area, for a single face will be allowed when recommended by the Plan Commission and approved by the Village Board, subject to the limitations set forth in Paragraph (2).
- ~~(9) Directional signs within the zoning lot and behind the minimum front yard setback shall be permitted in addition to other allowed signs when said sign is placed so as to have its highest point below five (5) feet above grade. Said directional sign shall not be used for advertising purposes; it shall direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building. Directional signs shall not exceed eight (8) square feet in area.~~
- ~~Directional signs at entrance points shall be set back fifteen (15) feet from all public right-of-way lines.~~
- ~~(10)~~(9) Temporary signs pertaining located on property which is for to the sale or lease of the property or are under new construction shall not be more than forty-eight (48) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary “for sale,” “for lease,” and “construction” signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.

~~(11)~~(10) Temporary signs ~~announcing business grand openings, special sales, or other special events~~ shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

c. **Downtown Business Districts (B-4, B-5 & B-6).** No off-premises ~~advertising~~ signs will be permitted. Non-flashing illuminated ~~business~~ signs with no moving parts, awnings or marquees are permitted when accessory to the principle use of the property upon which it is located, subject to applicable regulations set forth in the ordinances of the Village of Itasca and the following:

- (1) All signs shall comply to the standards set forth in the Downtown Design Guidelines.
- (2) One (1) ground-mounted (monument) sign shall be permitted for each zoning lot. ~~Such sign shall be limited to only one of the following: an individual business sign, a tenant directory, an advertising sign, or a multiple use facility sign.~~ Such sign shall not be greater than five (5) feet in height; may be double-sided; and shall not exceed eighteen (18) square feet per face in the B-4 district and twenty-four (24) square feet per face in the B-5 and B-6 districts.
- (3) Freestanding (pole) signs shall be prohibited in the Traditional Downtown (B-4, B-5 and B-6 zoning districts). Monument signs shall be permitted provided they are not greater than five (5) feet in height. Pylon signs shall be prohibited. (See Section 13.01.8 – Non-Conforming Existing Signs).
- (4) No wall sign shall project higher than the building height, or twenty (20) feet above the curb level, whichever is lower. Wall signs shall be mounted parallel to building facades. Projecting signs shall be mounted perpendicular to building facades; may be double-sided; and shall not exceed fourteen (14) square feet per face.
- (5) A minimum front yard setback of fifteen (15) feet or one-half (1/2) of the required front yard setback, whichever is less, shall be maintained. Where no front yard setback is required (B-4 District), regulations governing Placement of Signs on Lots shall still apply (Section 13.01.24).
- (6) The illumination of any exterior sign shall be only during business hours and no later than 11:00 p.m., when abutting any residentially zoned property. Where a sign is illuminated, direct rays of light shall not beam

upon any part of any existing residential building, or into a Residence District, or into a street right-of-way.

- (7) Neon signs shall be prohibited. Internally lit signs shall be prohibited in the B-4 and B-5 zoning districts.
- (8) The lowest part of any canopy, projecting, wall or marquee sign, or any support thereof which extends over any public way shall be not less than eight (8) feet above the level of the walk or public way over which it extends; but no such sign shall be maintained over any sidewalk crossed by vehicles if any part of its support or portion of the sign is less than twelve (12) feet above the level of such public way.
- (9) Maximum letter height on signs in the Traditional Downtown area shall be eighteen (18) inches in the B-4 and B-5 districts, and 24 inches in the B-6 District.
- (10) In the B-4 and B-5 districts, the total gross surface area in square feet of all non-ground signs on a zoning lot shall not exceed one and one-quarter (1-1/4) times the number of lineal feet of the frontage of the building or one-hundred twenty (120), whichever is less, and may be double faced. Each side of a building that abuts on a street shall be considered as a separate frontage. The gross area of all non-ground signs located on each side of a lot or building abutting a street shall not exceed one and one-quarter (1-1/4) times the number of lineal feet in such separate building frontage or one-hundred twenty (120) square feet, whichever is less. Each business shall be limited to a maximum of one projecting sign per frontage and one other non-ground sign per frontage not to exceed a total area of forty-eight (48) square feet for both signs per frontage.
- (11) In the B-6 district, the total gross surface area in square feet of all non-ground signs on a zoning lot shall not exceed one and one-half (1-1/2) times the lineal feet of the frontage of the building or one-hundred twenty (120) square feet, whichever is less, and may be double faced. Each side of a building that abuts a street shall be considered as a separate frontage. The gross surface area of all non-ground signs located on each side of a lot or building abutting a street shall not exceed one and one-half (1-1/2) times the lineal feet in such separate building frontage or one-hundred twenty (120) square feet, whichever is less. Each business shall be limited to one projecting sign per frontage and one other non-ground sign per frontage not to exceed a total area of forty-eight (48) square feet for both signs per frontage.

3. **Office-Research District Provisions.** In the Office-Research District, the following signs are permitted, subject to the review by the Plan Commission with the

recommendations to the Village Board of their approval for all signs in excess of forty-eight (48) square feet in size and compliance with the requirements set forth herein.

- a. All signs shall be accessory to the principal use of the property upon which it is located and shall be subject to the provisions for this Section except as herein provided. ~~All signs shall indicate only the name, insignia and address of the principal use or user.~~ For the purpose of this district, sign area shall be considered as the entire area within a single continuous perimeter enclosing the extreme limits of a sign. The gross surface area and square footage of all signs on a lot shall not exceed two times the lineal feet of frontage of the building nor two hundred forty (240) square feet, whichever is less.
- b. For each building, not more than one (1) wall sign attached to the building and one (1) free standing ground sign shall be permitted.
- c. ~~Entrance-s~~ Signs may be permitted at each entrance when located on the same street providing the entrances shall not be closer than three hundred (300) feet from any other entrance (see Section 3.02).
- d. On corner or through lots, one (1) additional wall and ground sign may be constructed on a second street (public and/or private) in this district and the total gross surface area shall be subject to the limitations set forth in Paragraph a. above.
- e. For each building, not more than one (1) wall sign may be attached to a building except when the building has multiple uses having separate entrances, then any additional entrance signs may be allowed if recommended by the Plan Commission and approved by the Village Board.

Wall signs shall not extend above the roof line nor project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot. Signs shall not be permitted to be painted, pasted or similarly posted directly on the wall of the building or structure. Wall signs shall not exceed ten (10) percent of the total area of the front facade and in no instance shall the wall sign exceed one hundred sixty (160) square feet in area.

In a multiple use building with more than a single front facade, each exterior building wall when including a main entrance may be considered a front facade. The total area requirement may apply.

Where two (2) exterior building walls involve the same business, only the wall with the main entrance shall be considered the front façade.

- f. Temporary signs ~~located on property which is pertaining to the for~~ sale or lease ~~of the property or are under new~~ construction shall not be made more than one hundred sixty (160) square feet in area, and shall be shielded from view from residential zoned

property. The maximum height shall not exceed sixteen (16) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary ~~“for sale,” “for lease,” and “construction”~~ signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.

- g. ~~Except to depict time and temperature, n~~No moving or flashing parts, lights, or devices shall be permitted. All incandescent and other light sources shall be shielded from view from residential zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.
- h. For all free-standing accessory signs, a minimum front yard setback of fifteen (15) feet shall be maintained.

~~i. Directional signs within the zoning lot and behind the minimum front yard setback shall be permitted in addition to other allowed signs when said sign is placed so as to have its highest point below five (5) feet above grade. Said directional sign shall not be used for advertising purposes; it shall direct vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building. Directional signs shall not exceed twelve (12) square feet in area. Directional signs at entrance points shall be set back fifteen (15) feet from all public right-of-way lines.~~

~~j.i.~~ Each unified development composed of office, business, governmental and medical uses shall be permitted one (1) pole (pylon) sign or one (1) ground sign (see Definitions, Section 3.02) for each entrance from and/or along arterial freeway abutting frontage to such use. Such signs shall not exceed thirty (30) feet in height, for a pole sign, or eight (8) feet in height for a ground sign nor exceed a total of one hundred twenty (120) square feet in area for each sign surface, may be double-faced and shall not be placed nearer than fifteen (15) feet to the right-of-way line; and shall indicate only the name, insignia, and address of the entire development.

~~k.j.~~ Temporary signs ~~announcing business grand openings, special sales, or other special events~~ shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

- 4. **Regional Office Center District.** In the Regional Office Center District, the following signs are permitted, subject to review by the Plan Commission with recommendation to the Village Board for their approval for all signs in excess of forty-eight (48) square feet in size in compliance with the requirements set forth herein.

- a. All signs shall be accessory to the principal use of the property upon which it is located and shall be subject to the provisions as herein provided. ~~All signs shall indicate only the name, insignia and address of the principal use or user.~~ For the purpose of this district, sign area shall be considered as the entire area within a single continuous perimeter enclosing the extreme limits of a sign.
- b. For each building, not more than one (1) wall sign attached to the building and one (1) free standing sign shall be permitted, except in the case of buildings on through lots or corners, one (1) additional wall or ground sign may be constructed on the second street in the District.
- c. Wall Signs: for each building, not more than one (1) wall sign may be attached to a building except as provided in Paragraph b., and when the building has multiple uses having separate entrances, then any additional entrance signs may be allowed, if recommended by the Plan Commission and approved by the Village Board where such entrance is intended for the exclusive use of the identified user and is further subject to the limitations as provided in the definition of Entrance Signs.

Wall signs shall not extend above the roof line nor project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot. Wall Signs shall not be permitted to be painted, pasted or similarly posted directly on the wall of a building or structure. All signs shall not exceed ten (10) percent of the total area of the front façade and in no instance shall the wall sign exceed two hundred forty (240) square feet in area.

In a multiple use building with more than a single front facade, each exterior building wall when including a main entrance may be considered a front facade. The total area requirement shall apply.

Where two (2) exterior building walls involve the same business, only the wall with the main entrance shall be considered the front façade.

- d. On corner and/or through lots, one (1) additional wall and ground sign may be constructed on a second street (public and/or private) in this district and the total gross surface area shall comply with this Section.
- e. Temporary signs ~~pertaining to the located on property or unit which is for sale or lease of the property or under new~~ construction shall not be more than one hundred sixty (160) square feet in area, and shall be shielded from view from residential zoned property. The maximum height shall not exceed sixteen (16) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary ~~“for sale,” “for lease,” and “construction”~~ signs require issuance of a temporary sign permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed

the size or height limit requirements of this subsection require approval by the Village Board.

f. ~~Except to depict time and temperature, n~~No moving or flashing parts, lights, or devices shall be permitted. All incandescent and other light sources shall be shielded from view from residentially zoned property. No lighting fixture shall be so located and directed as to be a hazard to traffic safety.

~~g. Directional signs will be allowed, in addition to other allowed signage within the lot area and behind the minimum front yard setback, when said sign is placed so as to have its highest point below five (5) feet above grade. Said directional signs direct vehicular or pedestrian traffic to parking areas, loading areas, addresses, streets, portions of a building, or to building sites and shall not be used for advertising purposes unless recommended by the Plan Commission and approved by the Village Board of Trustees. Directional signs shall not exceed twelve (12) square feet in area unless recommended by the Plan Commission and approved by the Village Board of Trustees, and in no event shall any individual directional sign exceed twenty-six (26) square feet in area. Directional signs at an entrance point shall be set back fifteen (15) feet from a public right-of-way line.~~

~~h.g.~~ Each unified development composed of a complex of office and retail outlets shall be permitted one (1) pole (pylon) sign or ground sign (see Definitions, Section 3.02) for each arterial or freeway providing frontage to such use when recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board. Such pole (pylon) sign shall not exceed thirty (30) feet in height, and each grounds sign shall not exceed eight (8) feet in height, nor exceed a total of one hundred twenty (120) square feet in area, for each sign surface, may be double-faced, and shall not be placed nearer than fifteen (15) feet from a right-of-way line; and shall indicate only the name insignia and address of the entire development.

~~i-h.~~ Temporary signs ~~announcing business grand openings, special sales, or other special events~~ shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

5. **Manufacturing District Provisions.** In the Manufacturing District, no off-premises ~~advertising~~ signs will be permitted. Other signs are permitted, subject to the requirements set forth herein.

a. Where a sign is illuminated, direct rays of light shall not beam upon any part of an existing residential building, into a Residence District, or onto a street. A sign shall not have moving parts or flashing illumination.

- b. The gross surface area in square feet of all signs on a lot shall not exceed three (3) times the number of lineal feet of the building frontage on a lot; and each side of a building adjoining a street shall be considered as separate building frontage.
- c. Wall signs shall be affixed flat against the building and shall not project therefrom more than eighteen (18) inches.
- d. Signs affixed to a building wall shall not project higher than thirty (30) feet above curb level, nor higher than the building height, whichever is lower, and may not be located upon a chimney spire, tower, elevator penthouse, tanks or similar projections.
- e. Signs affixed to a building shall not exceed two hundred forty (240) square feet per building frontage wherein each side of a building which abuts upon a street shall be considered as a separate frontage.
- f. One ground sign, not more than forty-eight (48) square feet in gross area and not more than eight (8) feet in height may be erected in a front yard not less than fifteen (15) feet from the street right-of-way line at each entrance of the zoning lot which is not closer than three hundred (300) feet from any other entrance on that lot.
- g. One (1) pole (pylon) sign (see Definitions, Section 3.02) shall be permitted for any building on a zoning lot which abuts a freeway for retail and service uses within the zoning district when recommended by the Plan Commission (see Section 4.04.5) and approved by the Village Board. Such pylon sign shall not exceed thirty (30) feet in height, nor exceed a total of one hundred twenty (120) square feet in total area of sign surface, may be double-faced, and shall not be placed nearer than fifteen (15) feet from a right-of-way line.
- h. Temporary signs ~~pertaining to the~~ located on property or unit which is for sale or lease of the property or is under construction shall not be more than forty-eight (48) square feet in area and shall be shielded from view from residential zoned property. The maximum height shall not exceed ten (10) feet. Such signs shall be removed upon sale or lease of the building or space or completion of construction. Temporary ~~“for sale,” “for lease,” and construction~~ signs require issuance of a temporary sign permit by the Building Department in accordance with Subsection 13.01 General Requirements, with the exception that signs that exceed the size or height limit requirements of this subsection require approval by the Village Board.
- i. Temporary signs ~~announcing business grand openings, special sales, or other special events~~ shall be shielded from view from residential zoned property. Such signs require issuance of a temporary permit by the Building Department in accordance with Subsection 13.01 General Requirements and may be utilized for a period of

time not to exceed four (4) weeks, no more than three (3) times per calendar year. Issuance of a new temporary permit is required for each four (4) week time period.

~~j.—Directional Signs (see Section 3.02).~~

SECTION SIX: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of this Ordinance.

SECTION SEVEN: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this \_\_\_\_ day of September, 2016.

APPROVED:

\_\_\_\_\_  
Village President Jeffery J. Pruyn

ATTEST:

\_\_\_\_\_  
Village Clerk Melody J. Craven



## **PUBLIC WORKS**

411 N Prospect Ave  
Itasca, Illinois 60143-1795  
Tel: 630-773-2455 Fax: 630-773-9856  
www.itasca.com

### **MEMORANDUM**

Date: September 15, 2016

To: Village President  
Board of Trustees  
Village Administrator

From: Ross Hitchcock, Director of Public Works *RH*

RE: Task Order #13-426 Design Engineering for the Rohlwing Road (West) Reservoir Rehabilitation

I have received the requested engineering Task Order #13-426 with a not-to-exceed amount of \$12,160 from Robinson Engineering for design services regarding the rehabilitation of the West Reservoir. This project is part of the CIP and budgeted.

Everything appears to be in order, I recommend accepting Task Order #13-429 from Robinson Engineering.

TASK ORDER 13-426

In accordance with Paragraph 1.01 of the Agreement between the Village of Itasca ("Owner") and Robinson Engineering, Ltd. ("Engineer") for General Professional Services dated January 2013 ("Agreement"), Owner and Engineer agree to as follows:

1. Specific Project Data

A. Title: Rohlwing Road Reservoir Rehabilitation

B. Description: Design engineering and bidding services for rehabilitation and improvements to the Rohlwing Road Reservoir Pumping Station

2. Services of Engineer:

Design Services PHASE I - Physical site inspection and photolog of pumping station. Field investigations necessary for final design: including site visits & visual surveys, gathering of relevant data, recommendation regarding final project scope, preparation of preliminary cost estimate for the rehabilitation work and all related coordination with the Owner's staff. Preparation of appropriate bidding documents, including advertisement for bids (published by Owner), for construction contract; administration of bidding process including response to bidder questions; conduct pre-bid meeting if required; assist Owner with bid openings; review all bids received, prepare bid tabulations and recommend construction contract award to the Owner, and all related contract administration. Construction Cost is estimated to be approximately \$100,000.

Principal Engineer	4 HR	@	\$190/HR	=	\$ 760
Senior Project Manager	12 HR	@	\$155/HR	=	\$ 1,860
Senior Engineer	48 HR	@	\$139/HR	=	\$ 6,672
CADD Draftsman	24 HR	@	\$ 97/HR	=	\$ 2,328
Administrative 2	8 HR	@	\$ 68/HR	=	\$ 544
<b>Total Not-to-Exceed cost:</b>					<b>\$12,160</b>

VILLAGE OF ITASCA

ROBINSON ENGINEERING, LTD.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: Aaron E. Fundich, PE, Exec. Vice President

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

2016-20

VILLAGE OF ITASCA

Project No.	XX-XXXX
Project Name	ROHLWING ROAD RESERVOIR REHABILITATION

Account # 30-01-81500

Department	W/S
Contact	Mike Subers
Type	Infrastructure
Useful Life	15 years
Category	Water Distribution
Priority	High

**DESCRIPTION**

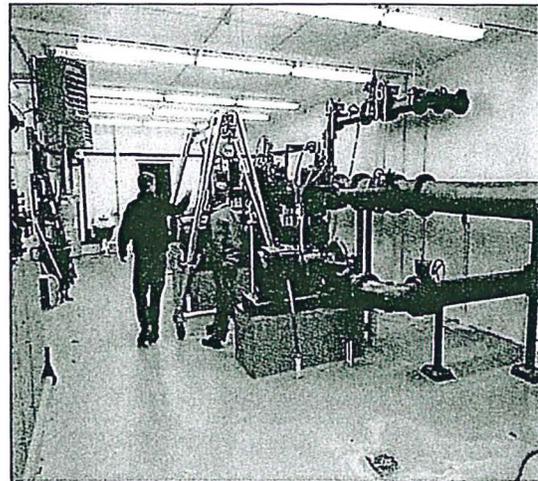
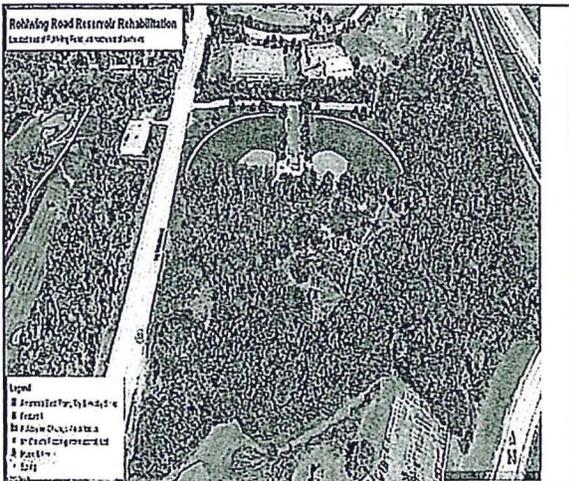
The Rohlwing Road water reservoir and pumping station contains outdated controls. Proposed improvement will install variable speed drives and appurtenances to improve station automation and reduce operational difficulties when Ardmore Elevated Tank is out for service.

**JUSTIFICATION**

Improvement will reduce water main breaks throughout western half of community by reducing water hammers caused by hard starting' of pumps. Recommended improvement prior to Ardmore Elevated Tank painting.

Expenditures	2016-17	2017-18	2018-19	2019-20	2020-21	Total
Design Engr/Permitting	12,000					12,000
Construction	100,000					100,000
Construction Engr.	8,000					8,000
						-
<b>Total</b>	<b>120,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120,000</b>

Funding Sources	2016-17	2017-18	2018-19	2019-20	2020-21	Total
Water/Sewer Fund	120,000					120,000
						-
<b>Total</b>	<b>120,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120,000</b>



**RESOLUTION NO. 906 -16**

**A RESOLUTION AUTHORIZING TASK ORDER 13-426 BETWEEN  
THE VILLAGE OF ITASCA AND ROBINSON ENGINEERING, LTD.  
FOR SERVICES RELATED TO DESIGN ENGINEERING FOR  
ROHLWING ROAD (WEST) RESERVOIR REHABILITATION**

WHEREAS, the Village of Itasca (hereinafter “Village”) has previously entered into a General Professional Services Agreement with Robinson Engineering, Ltd.; and

WHEREAS, the Village now desires to approve Task Order 13-426, attached hereto as Exhibit A and incorporated herein by reference, so as to allow for Robinson Engineering to Design Engineering services related to the Rohlwing Road (West) Reservoir Rehabilitation, not to exceed \$12,160.

NOW, THEREFORE, BE IT RESOLVED by the President and the Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: The corporate authorities of the Village of Itasca hereby approve Task Order 13-426, Exhibit A, between Robinson Engineering, Ltd. and the Village of Itasca for Design Engineering services related to the Rohlwing Road (West) Reservoir Rehabilitation, not to exceed \$12,160.

SECTION TWO: The Village President, or his designee, is hereby authorized to sign and execute Task Order 13-426, Exhibit A, on behalf of the Village.

SECTION THREE: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION FOUR: REPEAL OF PRIOR RESOLUTIONS. All prior Resolutions and Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Resolution shall be in effect immediately upon its passage and approval.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the  
Village of Itasca this \_\_\_\_\_ day of September, 2016.

APPROVED:

\_\_\_\_\_  
Village President Jeffery J. Pruyn

ATTEST:

\_\_\_\_\_  
Village Clerk Melody J. Craven