

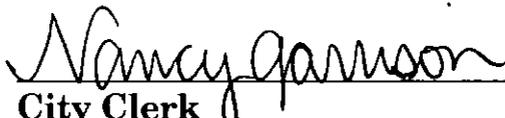
**City of St. Charles, Illinois**

**Ordinance No. 2007-M-61**

**An Ordinance Amending Chapter 12.04 of Title 12,  
“Streets, Sidewalks and Public Places,” of the St.  
Charles Municipal Code**

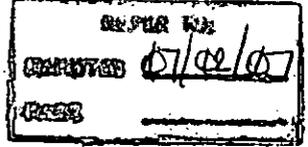
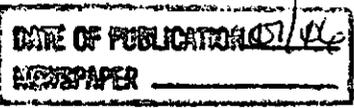
**Adopted by the  
City Council  
of the  
City of St. Charles  
July 2, 2007**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, July 6, 2007**

  
\_\_\_\_\_  
City Clerk



**(S E A L)**



ORDINANCE NO. 2007-M- 61

PRESENTED AND PASSED BY THE CITY COUNCIL ON July 2, 2007

AN ORDINANCE AMENDING CHAPTER 12.04 OF TITLE 12, "STREETS, SIDEWALKS AND PUBLIC PLACES", OF THE ST. CHARLES MUNICIPAL CODE (Sidewalk Signs)

BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That Title 12, "Streets, Sidewalks and Public Places", of the St. Charles Municipal Code be and is hereby amended by deleting Section 12.04.104 in its entirety and by substituting the following therefor:

12.04.104 Sidewalk Signs.

The City Administrator is authorized to issue Sidewalk Sign Permits for the use of public places located in the CBD-1 Zoning District, for the purpose of erecting signs that advertise businesses located within the CBD-1 Zoning District. The City Administrator may issue two types of Sidewalk Sign Permits: 1) Annual Sidewalk Sign Permits; and 2) Construction Sidewalk Sign Permits, subject to the following conditions:

- A. Conditions applicable to all Sidewalk Sign Permits: 1) A Sidewalk Sign permit shall be required prior to placing any sign on any public sidewalk, walkway or plaza. The City hereby reserves the right to limit the number of Sidewalk Sign Permits issued to ensure the proper flow of pedestrian and vehicular traffic, and otherwise to protect the public health, safety and welfare. In that event, permit applications shall be processed and accepted on a first come, first served, basis. 2) The sign shall not be attached or affixed to the sidewalk, parkway, pole or any other public facility.

- 3) The sign shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the sidewalk sign reduce the open portion of any sidewalk to less than five feet (5') in width. The location and height of the sign shall conform with Section 12.04.200 of this Chapter as to corner visibility.
- 4) The applicant for a Sidewalk Sign Permit shall provide, at its sole cost and expense, and shall thereafter maintain in effect during the entire period of the permit, insurance in the following manner:
  - a) Worker's Compensation Insurance in at least the required statutory limits;
  - b) Comprehensive General Liability Insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million (\$2,000,000.00) dollars per occurrence, and two million (\$2,000,000.00) dollars for any single injury; and
  - c) Prior to issuance of a Sidewalk Sign permit, the applicant shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
  - d) The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the Sidewalk Café Permit until 30 days after written notice of such change has been delivered to the City.
- 5) The permittee shall indemnify, defend, protect, and hold harmless the City, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in a connection therewith, including but not limited to reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "Losses") directly or proximately resulting from permittee's acts or omissions, except to the extent that the City is the sole

legal cause of said Losses. The foregoing notwithstanding, under no circumstances shall the issuance of any permit provided for under the St. Charles Municipal Code, including but not limited to a Sidewalk Sign permit, to the permittee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said permit shall be deemed a waiver by the City of any defenses or immunities relating to the permittee or its property, or to any person or entity or their property, that are or would be otherwise available to the City or its corporate authorities, officers, employees, agents, and volunteers under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this Section shall survive the expiration or earlier termination of each Sidewalk Sign Permit, or the renewal thereof.

- 6) The City may suspend or revoke the Sidewalk Sign Permit for any reason including, but not limited to violations of any provision of the St. Charles Municipal Code after providing at least three (3) days written notice, except in an emergency, to a permittee.”

B. Conditions applicable to Annual Sidewalk Sign Permits:

- 1) Annual Sidewalk Sign Permits issued hereunder shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year. The permit fee for an Annual Sidewalk Sign Permit shall be thirty dollars (\$30.00) for each year the permit is obtained.
- 2) Annual Sidewalk Sign Permits may be issued only where the sign is incidental to the operation of a business on private property contiguous to the sidewalk, walkway or plaza. Only one Annual Sidewalk Sign Permit shall be issued for

each business establishment, except that public service signs (i.e., signs indicating the curb location of valet parking or Health Department requirements for sidewalk cafes) may be permitted in addition to the one sign per business.

C. Conditions applicable to Construction Sidewalk Sign Permits:

- 1) From time to time the Director of Public Works may designate certain areas within the CBD-1 Zoning District as "Construction Zones." Said designation shall automatically expire upon the completion of construction activities. Within a designated Construction Zone, a Construction Sidewalk Sign Permit may be issued, regardless of whether an Annual Sidewalk Sign Permit has previously been issued. Signs permitted by a Construction Sidewalk Sign Permit may be located anywhere within the CBD-1 Zoning District, subject to the review and approval of the Director of Community Development in accordance with, but not limited to, all of the conditions of Subsections A and C of this Section 12.04.104. No more than one (1) Construction Sidewalk Sign Permit may be issued for each business. Businesses may combine their advertising with up to four (4) businesses listed on each sign, and any one business may be listed on up to four (4) signs, but in no event shall the total number of Construction Sidewalk Sign Permits exceed one for each business.
- 2) Construction Sidewalk Sign Permits issued hereunder shall be valid for the duration of the Construction Zone designation. There shall be no permit fee for Construction Sidewalk Sign Permits.

**SECTION 2.** That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within

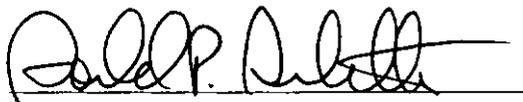
thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 2nd day of July, 2007.

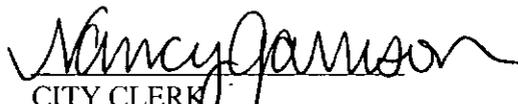
**PASSED** by the City Council of the City of St. Charles, Illinois, this 2nd day of July, 2007.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 2nd day of July, 2007.



  
MAYOR

ATTEST:

  
CITY CLERK

COUNCIL VOTE:

AYES: 9

NAYS: 0

ABSENT: 1

ABSTAIN: 0

State of Illinois )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on July 2, 2007, the Corporate Authorities of such municipality passed and approved Ordinance No. 2007-M-61, entitled

"An Ordinance Amending Chapter 12.04 of Title 12,  
"Streets, Sidewalks and Public Places," of the St.  
Charles Municipal Code,"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2007-M-61, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 6, 2007, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 3<sup>RD</sup> day of July 2007.



*Nancy Garrison*  
Municipal Clerk