

ORDINANCE NO. CO-2013-14

AN ORDINANCE APPROVING A ZONING CODE TEXT AMENDMENT RELATIVE TO DISPLAY OF POLITICAL SIGNS WITHIN THE VILLAGE

WHEREAS, the Village of Maywood adopted a new zoning ordinance in April, 2010 (the "Zoning Ordinance"), which has been amended from time to time; and

WHEREAS, a petition for the granting of a text amendment to the Zoning Ordinance to delete the existing durational limits on display of political signs in the residential and other zoning districts of the Village (the "Text Amendment") has been filed with the Village of Maywood by Petitioner the Village of Maywood; and

WHEREAS, the proposed Text Amendment has been referred to the Plan Commission/Zoning Board of Appeals ("Plan Commission") of the Village and has been processed in accordance with the Zoning Code; and

WHEREAS, one purpose of the proposed Text Amendment is to conform the Zoning Ordinance to Public Act 96-904, which expressly limits the ability of any municipality to regulate time periods during which political campaign signs may be posted within residential areas of a Village; and

WHEREAS, said Plan Commission held a public hearing on the question of whether the requested Text Amendment should be granted on January 22, 2013, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

WHEREAS, on January 22, 2013, the Plan Commission voted to favorably recommend the requested Text Amendment to the Village President and Board of Trustees of the Village of Maywood, subject to the amendment being revised to specify that durational limitations are to continue for all properties except residential properties; and

WHEREAS, the Village is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs. The Village is also authorized to enact and amend zoning regulations pursuant to Section 11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/11-13-1.1); and

WHEREAS, the Plan Commission of this Village has reported its findings and recommendations regarding the Text Amendment to this Village President and Board of Trustees, and this Village President and Board of Trustees has duly considered said report and findings and recommendations; and

WHEREAS, the President and Board of Trustees, pursuant to their statutory zoning powers, home rule powers and the findings and recommendation of the PC/ZBA, have determined that it is not advisable to distinguish between residential and non-residential properties and zoning districts in the provisions of the Zoning Code relating to duration of display of political signs, as suggested by the PC/ZBA, and is instead in the best interests of the health, welfare and safety of residents of the Village to adopt the Text Amendment as set forth below.

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

SECTION 1: The Village President and Board of Trustees of the Village of Maywood approve and adopt the findings of fact and recommendation of the PC/ZBA, a copy of which is attached hereto as **Exhibit A**, and incorporate such findings and recommendation by reference as if fully set forth herein, except that the President and Board of Trustees do not find it advisable to distinguish between residential and non-residential properties and zoning districts in the provisions of the Zoning Code relating to duration of display of political signs, and do not adopt the portion of the PC/ZBA recommendation relative to distinguishing between those districts. The President and Board of Trustees further find that the proposed Text Amendments set forth below, which do not distinguish between residential and non-residential properties and zoning districts in the provisions of the Zoning Code relating to duration of display of political signs, are demanded by and required for the public good.

SECTION 2: Section 15.8 (Temporary Signs), subsection B.5. (Temporary Signs Exempt from Sign Permit; Political, Campaign and Election Signs) of the Zoning Ordinance is amended relative to political signs to read in its entirety as follows:

"5. Political, Campaign and Election Signs

Political, campaign and election signs shall be exempt from sign permit requirements subject to the following:

- a. A maximum of two (2) campaign or election signs for each candidate or election issue may be placed on any zoning lot or lot of record.
- b. The maximum permitted size of a political, campaign or election signs in residential zoning districts shall be four (4) feet by four (4) feet. The maximum permitted size of political, campaign and election signs in non-residential zoning districts shall be four (4) feet by eight (8) feet.
- c. No political, campaign or election sign shall extend over or into any street, alley, sidewalk or other public right-of-way, or be located in or on any public property, or right-of-way, and shall not be placed or project over any wall opening.

d. Political, campaign or election signs are to be posted on private property only, and only with the permission of the property owner.

e. Even where the above number, size and location limitations are met, the number, size and/or location of political, campaign and election signs displayed may not create a safety hazard to traffic by distracting motorists, interfering with safe pedestrian flow, or obstructing the view of motorists or pedestrians. In such cases, the Chief of Police or Zoning Administrator is authorized to require that the number or size of signs be reasonably reduced or the signs relocated.

~~**f.** When campaign or election signs relate to an election or referendum, such signs shall be posted no earlier than forty five (45) days prior to a primary, special or general election to which they are appurtenant.~~

~~**g.** The person or organization responsible for the erection or distribution of any campaign or election signs, or the owner, or his agent, of the property upon which such signs may be located, shall cause the removal of such signs no later than ten (10) days after the election or referendum to which the sign refers. In the case of a primary or special election, such signs shall continue to be appurtenant to a general election to be held within forty five (45) days.~~

h.f. Political, campaign and election signs that become torn, tattered, faded, or otherwise unfit for public display due to weather or other wear and tear, ~~or that are not removed in accordance with the time periods listed in Paragraph g above~~ constitute a nuisance and must be removed or replaced by the person or organization responsible for the erection or distribution of any such signs, or the owner, or his agent, of the property upon which the signs may be located. Nuisance signs not removed or replaced within two (2) days of notification by the Village of such nuisance condition may result in a citation and/or abatement as any other nuisance under the Village Code. Signs that present a safety risk to the public due to their condition or location shall be immediately removed, repaired or relocated by the property owner or occupant upon notice from the Village or the signs may be removed by the Village after attempting to notify the property owner or occupant in person.

~~**i.g.** Each campaign, or political organization or individual candidate~~ desiring to erect campaign and election signs on property within the Village must post a refundable bond of two-hundred fifty dollars (\$250.00) prior to such erection. The bond amount will cover costs incurred by Village staff in removing illegally erected signs during the pendency of the campaign and in removing signs following the election if such signs become nuisance signs and are not removed by the campaign or political organization itself as required herein upon notice. The Village may remove and destroy the signs of any candidate whose campaign has failed to post the required bond or signs that are placed in violation of this Ordinance.”

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: Except as to the Text Amendment set forth above in this Ordinance, all Chapters and Sections of the Zoning Ordinance of the Village of Maywood, as amended, shall remain in full force and effect.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 13 day of March, 2013, pursuant to a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox
and R. Rivers

NAYS: Trustee E. Perkins

ABSENT: Trustee M. Lightford

APPROVED by me this 13 day of March, 2013, and attested to by the Village Clerk this same day.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK



This Ordinance was published, by me in pamphlet form on the 13 day of March, 2013.


VILLAGE CLERK

EXHIBIT A

**FINDINGS OF FACT
(ATTACHED)**

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gary Woll, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 13 day of March, 2013, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 13 day of March, 2013.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

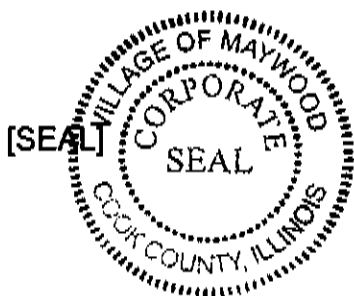
AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox and R. Rivers

NAYS: Trustee E. Perkins

ABSENT: Trustee M. Lightford

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 13 day of March, 2013.



Gary Woll
Village Clerk