



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-091
DATE OF PASSAGE December 21, 2021

An Ordinance Amending Chapter 25, (Licenses, Permits and Miscellaneous Business Regulations) of the Code of Ordinances to Add Article XIII, Digital Message Boards and Billboards.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, licensing digital message boards and digital billboards encourages safe operation and can discourage owners from displaying messages that could be distracting or create potential safety hazards; and

WHEREAS, such licensing of digital message boards and digital message boards is required under the new sign ordinance, Chapter 41 of the Code of Ordinances; and

WHEREAS, this new section under Chapter 25 provides the application requirements and procedures for the city's newly required digital message board and digital billboard licenses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: Chapter 25 of the Code of Ordinances is amended to add Article XIII, Digital Message Boards and Digital Billboards as hereby reflected in Exhibit A.

AND BE IT FURTHER ORDAINED: that the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive, clerical or formatting changes and amendments to Exhibit A as necessary for codifying and updating this ordinance in municode.

ORDINANCE NO. 021-091

LEGISTAR NO. 21-1048

PASSED AND APPROVED ON December 21, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:


City Clerk


Mayor

ARTICLE XIII. DIGITAL MESSAGE BOARDS AND DIGITAL BILLBOARDS

Sec 25-287 - Sec 25-289. Reserved

Sec. 25-290. Definitions

For purposes of this article, the words and terms defined below shall have the following meanings:

Applicant(s): any person, firm, company, partnership, corporation or association that applies for a license under this article.

Billboard, digital: a digital outdoor sign, supported by a permanent structure, available for rent to digitally depict messages and images. Also known as a digital off-premise sign, or outdoor digital advertising.

Digital message board: a sign that displays electronic letters, characters, symbols, figures, or images to create a digital message or picture that is electronically changed by remote or automatic means for the purposes of directing attention to a business, commodity, service or activity not conducted, sold or offered upon the premises where such sign is located.

Licensee: any person, firm, company, partnership, corporation or association that owns or operates a digital message board or digital billboard.

Operation, or operate: to display or the act of displaying.

Sec. 25-291. License requirement

- (a) As of July 31, 2022, it shall be unlawful for any person, firm, company, partnership, corporation or association to install, maintain or operate a digital message board or digital billboard without first having obtained a license as hereinafter provided.
- (b) All existing digital message boards and digital billboards that are operating in the city as of the effective date of this ordinance shall not be charged a license fee for the year 2022.
- (c) No licenses shall be issued before July 1, 2022.
- (d) Every license for digital message boards and digital billboards as provided for herein shall be issued on an annual basis, that shall expire on the last day of December following the date of issuance and must be renewed before the operation is allowed for the following year, unless in the event a license agreement has been executed which extends the term of the license or unless the license is sooner revoked.

Sec. 25-292. Application and Fee

Applicants for a license to operate a digital message board or digital billboard shall file a written application on a form provided by the city along with a nonrefundable license fee made payable to the city. Applications shall be submitted to the chief development services officer. The license fees shall be determined, from time to time, by separate ordinance or resolution of the city council. The license application shall include the following information:

- (a) The name, complete address and phone numbers of the property owner and/or the business owner of the digital message board or digital billboard for which the license is sought;
- (b) The name, complete address and phone number of the sign contractor installing the digital message board or digital billboard.
- (c) A dimensioned site plan showing the location of the proposed digital message board or digital billboard, the setbacks from the property lines, abutting roadways and the location and distance of any adjacent digital message board or digital billboard.
- (d) A dimensioned landscaping plan indicating the location of plantings, the number of plantings, and the type of plantings.
- (e) A photometric plan indicting the lighting levels of the digital message board or digital billboard as measured in Section 41-15 and 41-16.
- (f) A dimensioned sign elevation including the square footage of the sign face, the square footage of the digital message board or digital billboard if less than the sign face, and the overall square footage and height of the sign.
- (g) The address and legal description of the property that the digital message board or digital billboard is located on.
- (h) A copy of the Illinois Department of Transportation permit and registration, if applicable.
- (i) A copy of the liability insurance covering personal injury and property damage in an amount pursuant to Section 25-300 herein.

Sec. 25-293. Issuance or Denial of License

(a) Within forty-five (45) days of receipt of an application completed in full, whether original or renewal, the chief development services officer shall grant or deny the requested license and give written notice to the

applicant as to the decision. A license may only be denied for the following reasons:

- (1) Failure to provide a complete application;
- (2) Providing materially false, fraudulent or untruthful information on the application;
- (3) An unapproved sign contractor (sign contractor must be licensed with the city);
- (4) The applicant/licensee has had a license revoked for another digital message board or digital billboard within the city;
- (5) The applicant/licensee is delinquent on any debt owed to the city;
- (6) The applicant/licensee has any outstanding violations with the city;
- (7) The property on which the digital message board or digital billboard is located has any outstanding violations with the city;
- (8) The digital message board or digital billboard as proposed on the application does not comply with the terms of this article, chapter 41, or any other city code or ordinance.

(b) Within fourteen (14) days of receipt of written notice of a denial, a person aggrieved by the adverse action of the chief development services officer may file an appeal with the development services department requesting review by an administrative hearing officer pursuant to chapter 3.

Sec. 25-294. Display of License

The licensee shall display a valid current license that shall include emergency contact information for the property owner and/or responsible party of the digital message board or digital billboard in a conspicuous place on or near the sign or in a conspicuous place within the building in which the sign is associated with, so that the license may be readily seen by persons inspecting the digital message board or digital billboard.

Sec. 25-295. Transfer of License Prohibited

No license for the operation of a digital message board or digital billboard shall be transferable.

Sec. 25-296. Compliance with Sign Ordinance

All digital message boards or digital billboards shall also comply with all city codes and ordinances including the terms and conditions set forth in this article and chapter 41.

Sec. 25-297. Alternative Power Source

The city encourages the use of alternative energy to power all digital message boards and digital billboards.

Sec. 25-298. Security

Upon the city's request, the licensee of a digital message board or digital billboard shall provide to the city their internal security policy and procedures that control the sign. The internal security policy and procedures shall include but not limited to the following:

- (a) Whether the device controlling the digital message board or digital billboard can be changed remotely or automatically; whether any computer controlling the digital message is physically secured; how any software used to operate the digital message board or digital billboard is being protected from internal and external unauthorized users; and
- (b) The response procedures or protocols in the event of any unlawful change to the digital message board or digital billboard; and
- (c) A list of all those authorized by the licensee to change the digital message board or digital billboard; and
- (d) Any other information related to the security of the digital display as deemed necessary by the city.

Sec. 25-299 Inspections

Any city department or city assignee may inspect any digital message board or digital billboard granted a license under the provisions of this article for the purpose of determining compliance with all city codes and ordinances including the terms and conditions set forth in this article.

Sec. 25-300. Insurance

The licensee shall keep and maintain liability insurance covering personal injury and property damage at all times during the term of the license in an amount which shall be determined, from time to time, by

separate ordinance or resolution of the city council. Insurance coverage shall name the city as an additional insured, to indemnify the city against any damage or claim resulting from or related to the erection or maintenance of any digital message board or digital billboard licensed by the city. The licensee shall provide evidence of such insurance upon application for a new license or a renewal of each license.

Sec. 25-301. Public Service Messages

At the option of the city, the city may direct the licensee to display public emergency service messages or alerts such as "AMBER" alerts, emergency weather alerts or public safety messages.

Sec. 25-302. Compliance with State and County Requirements

The licensee shall comply with all state and county requirements applicable for such digital message boards or digital billboards. If there is any conflict between the provisions of this article and such state and county requirements, the more restrictive provision shall control.

Sec. 25-303. Subordination

No provisions in this article shall supersede chapter 41, *Signs of the Aurora Code of Ordinances*.

Sec. 25-304 Renewal of a License

Every year license holders must submit a renewal application for their license. Failure to do so shall be considered a violation of the license and penalties shall be applied pursuant to Section 25-307.

Sec. 25-305 Termination of a License

- (a) Expired License. If a license is expired, then the operation of the digital message board or digital billboard must cease and only depict a blank or black display.

Reinstatement of the license if the license expires: The licensee may renew the license within forty-five (45) days of the expiration date of the license, after the forty-five (45) day grace period a new license is required.

- (b) Business Closes. If the business closes that operates an associated digital message board or digital billboard, then the operation of the digital sign must cease and only depict a blank or black display.

Reinstatement of the license if the business closes: The license cannot be reinstated. A new license is required.

- (c) Suspended License. If the license for the digital message board or digital billboard is suspended, then the operation of the digital sign must cease and only depict a blank or black display.

Reinstatement of the license if the license is suspended: The licensee shall resolve all outstanding violations and pay any penalties pursuant to Section 25-307 herein prior to the reinstatement of the license and the operation of the digital message board or digital billboard.

- (d) Revoked License. If the license is revoked, then the operation of the digital message board or digital billboard must cease and only depict a blank or black display.

Reinstatement of the license if the license is revoked: The license cannot be reinstated. A new license is required.

Sec. 25-306. Violations of License

Any of the following shall be considered a violation of a digital message board license:

- (a) Any violation of the provisions of this article, chapter 41, or any code or ordinance of the city relative to operation of the digital message board or digital billboard;
(b) False statements on any application for license under this article;
(c) Refusal by the licensee to permit any of the following to inspect the premises, operation of the premises or the operations thereof at reasonable times: police officer, authorized member of the police department, any department of the city, or any city designee.
(d) Failure to pay the annual license fee.

Sec. 25-307. Penalties

In addition to license suspension or revocation as herein provided, any applicant and/or licensee violating any provision of this article may be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per violation; and a separate offense shall be deemed to have been committed each day during which or on which a violation occurs or continues.