

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Plan Commission/Zoning Board of Appeals Tuesday, April 2, 2024 - 7:00 p.m.

West Chicago City Hall
Council Chambers
475 Main Street
West Chicago, IL 60185

A G E N D A

1. **Call to Order, Roll Call and Determination of a Quorum**
2. **Pledge of Allegiance**
3. **Chairperson's Comments**
4. **Public Comment**
5. **Approval of the Draft March 5, 2024 Meeting Minutes**
6. **Public Hearing of Case PC 24-05 – Zoning Text Amendment – Government Facility Signs – *Continued from the March 5, 2024 Plan Commission meeting***
Proposed Zoning Text Amendment to Section 4.1 (Definitions – Construction of terms) and to Section 12.3(E) (Signs – Exempt Signs – Governmental Signs) of Appendix A (the Zoning Code), of the Code of Ordinances of the City of West Chicago.
7. **Review and Recommendation of Case PC 24-05 – Zoning Text Amendment– Government Facility Signs**
8. **Petition Updates/Staff Report**
9. **Adjournment – Next Meeting Tuesday, May 7, 2024**

The Rules of Procedure for the Plan Commission/Zoning Board of Appeals can be found on the City's website at <https://westchicago.org/community-development/>

cc: Plan Commission Members School Districts #25, #33, #94, #303, #46
Mayor West Chicago Fire Protection District
City Council West Chicago Park District
M. Guttman West Chicago Public Library District
T. Dabareiner DuPage County Building & Zoning
M. Patel Warrenville Plan Commission
J. Sterrett News Media

Draft
PLAN COMMISSION/ZONING BOARD OF APPEALS
March 5, 2024 7:00 P.M.

1. Call to Order, Roll Call and Establishment of a Quorum

Vice Chairperson Kasprak called the meeting to order at 7:00 p.m. Roll call found Vice Chairperson Kasprak, and Commissioners Banasiak, Billingsley, Henkin, Slattery, and Terrazas present. Chairperson Laimins was absent. With six members present, a quorum was established.

Staff in attendance included City Planner John Sterrett.

2. Pledge of Allegiance

Vice Chairperson Kasprak led the Commission in the Pledge of Allegiance.

3. Chairperson's Comments

None.

4. Public Comment

None.

5. Approval of draft meeting minutes from February 6, 2024

Commissioner Banasiak made a motion, seconded by Commissioner Slattery, to approve the draft meeting minutes of the February 6, 2024 Plan Commission meeting with additional language clarifying that the Plan Commission voted on the Electric Vehicle Charging Stations text amendment while continuing the discussion on the Design Standards text amendment to the next meeting. With a voice vote of 6 ayes the motion carried.

6. Public Hearing of Case PC 24-04 – Zoning Text Amendments

Commissioner Billingsley made a motion, seconded by Commissioner Banasiak, to open the continued public hearing. With a voice vote of all ayes, the motion carried.

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that during the February 6th meeting, members of the Plan Commission agreed with the concept of expanding the type of building materials permitted but wanted a provision added that would allow the Zoning Administrator flexibility in approving materials that may not be listed in the Design Standards, such as emerging and improved building materials, provided that they meet the purpose and intent of the design standards. For this reason, the discussion of the proposed zoning text amendment was continued to the March 5th Plan Commission to give staff time to draft language reflecting the members' comments. Staff has done so.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question staff, Commissioner Banasiak made a motion,

seconded by Commissioner Henkin, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

7. Review and Recommendation of Case PC 24-04 – Zoning Text Amendment

The Plan Commission deliberated the proposed Zoning Text Amendment. After a brief discussion, Commissioner Billingsley made a motion, seconded by Commissioner Terrazas, to recommend approval of the proposed Zoning Text Amendment with the following changes:

1. Unstrike the sentence “No mansard roofs shall be permitted” and add the wording “for commercial structures” after the sentence; and
2. Add the wording “for multi-family residential dwellings units” to the sentence “All materials used shall be compatible as a group with the surrounding structures.” after “All materials used”.

A roll call vote found Commissioners Billingsley, Terrazas, Banasiak, Henkin, and Slattery, and Vice Chairperson Kasprak voting “aye” and no one voting “no”. With a roll call vote of six (6) “aye” and zero (0) “no”, the motion carried.

8. Public Hearing of Case PC 24-05 – Zoning Text Amendment

Commissioner Banasiak made a motion, seconded by Commissioner Henkin, to open the public hearing. With a voice vote of all ayes, the motion carried.

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that signs that are used by *Government Facilities* are exempt from the requirement to obtain a sign permit. These signs, however, are still subject to other signage regulations such as the total number of signs permitted on a *Government Facility* property as well as the size of each individual sign. For example, a *Government Facility* is limited to only one freestanding sign on a property. This can be problematic given that signs for a *Government Facility* contain information that benefit the public and often require multiple signs or signs that may require a larger area than what is permitted. For instance, a public school may require more than one freestanding sign to provide information at various points on a property. Current regulations, however, prohibit this from occurring. The City’s signage regulations are effective at regulating commercial businesses, which use signage to advertise or promote services or products of a business. Government uses, however, have different priorities than commercial entities and are necessary to provide the public with important information.

Staff is therefore proposing a Zoning Text Amendment that would further exempt signs for a *Government Facility* from the maximum number of signs and from the maximum size of an individual sign. It is not uncommon for municipalities to exempt government signs from most sign regulations. All signs would still be subject to visibility requirements to ensure vehicular and pedestrian sight lines are not obstructed by any sign. Staff is also proposing an amendment to the definition of *Government Facility*, which currently only mentions “units of government”, to include “public schools” to make clear that public school signs are also exempt from certain sign regulations.

Members of the Plan Commission were apprehensive to completely eliminate regulations for governmental units citing potential negative impacts as a result. Commissioner Banasiak made a

motion, seconded by Commissioner Henkin, to continue the hearing pending additional information on existing governmental signs that do not meet sign regulations.

9. Petition Updates/Staff Report

Mr. Sterrett provided a brief update on upcoming projects and previously approved projects.

10. Adjournment

With no further business to discuss, Commissioner Henkin made a motion, seconded by Commissioner Billingsley to adjourn the meeting. With a voice vote of all ayes, the motion carried and the Plan Commission, at 7:42 p.m., adjourned.

Respectfully Submitted,
John Sterrett, City Planner

City of West Chicago
Community Development Department
Report to the Plan Commission/Zoning Board of Appeals
March 5, 2024



- Case:** PC 24-05
- Petitioner:** City of West Chicago
- Request:** Proposed Zoning Text Amendment to Section 4.1 (Definitions – Construction of terms) and to Section 12.3(E) (Signs – Exempt Signs – Government Facility Signs) of Appendix A (the Zoning Code), of the Code of Ordinances of the City of West Chicago.
- Summary:** The purpose of the Zoning Text Amendment is to exempt governmental facility signs from certain sign regulations related to the maximum number of signs and area of individual signs.
- Recommendation:** Staff recommends the Plan Commission pass a motion recommending **approval** of the proposed Zoning Text Amendments.

Background.

Signs that are used by *Government Facilities* are exempt from the requirement to obtain a sign permit. These signs, however, are still subject to other signage regulations such as the total number of signs permitted on a *Government Facility* property as well as the size of each individual sign. For example, a *Government Facility* is limited to only one freestanding sign on a property. This can be problematic given that signs for a *Government Facility* contain information that benefit the public and often require multiple signs or signs that may require a larger area than what is permitted. For instance, a public school may require more than one freestanding sign to provide information at various points on a property. Current regulations, however, prohibit this from occurring. The City’s signage regulations are effective at regulating commercial businesses, which use signage to advertise or promote services or products of a business. Government uses, however, have different priorities than commercial entities and are necessary to provide the public with important information.

Staff is therefore proposing a Zoning Text Amendment that would further exempt signs for a *Government Facility* from the maximum number of signs and from the maximum size of an individual sign. It is not uncommon for municipalities to exempt government signs from most sign regulations. All signs would still be subject to visibility requirements to ensure vehicular and pedestrian sight lines are not obstructed by any sign. Staff is also proposing an amendment to the definition of *Government Facility*, which currently only mentions “units of government”, to include “public schools” to make clear that public school signs are also exempt from certain sign regulations.

Public Notice.

A notice of public hearing for the proposed Zoning Text Amendment was published in the February 19, 2024 edition of the Daily Herald, in accordance with Section 5.6-2(B) of the West Chicago Zoning Code.

For questions, please contact John H. Sterrett, City Planner (630) 293-2200 ext. 158 or at jsterrett@westchicago.org.

Section 4.1. Construction of terms.

Garage, private: Means an accessory building or an accessory portion of the principal building including a carport, which is intended for and used for storing the private passenger vehicles of the family or families residing upon the premises, and in which no business, service or industry connected with automobile vehicles is carried on.

Gazebo: A detached accessory building consisting of a freestanding, covered, open-air structure designed for recreational use and not human habitation. A gazebo that is attached directly to the principal structure is considered an addition to the principal structure.

Government facility: A building, structure or parcel of land owned, ~~and~~ operated, or used by a unit of government, including a public school.

Greenhouse, commercial. See "Nursery."

Greenhouse, non-commercial. A building with transparent walls and roof, usually of glass, for the cultivation of plants under controlled conditions, not including on-site retail sale.

Ground cover. A plant that grows near the ground densely and spreads. Generally an herbaceous perennial, sometimes a woody shrub or vine.

Hazardous/noxious substance: Any solid, liquid, or gaseous matter including but not limited to gases, vapors, dusts, fumes, and mists containing properties that by chemical means are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of persons or damage to property.

Health, fitness and exercise center: A primarily membership based facility where various types physical fitness activities are performed. Said facilities may also include ancillary uses for their patrons such as, but not limited to, fitness classes, locker rooms, saunas, salon, spa and day care. Said centers shall not include municipal or privately owned recreation centers or personal training and group exercise facilities.

Hedgerow: A row of shrubs and/or trees that occur in a row, like a hedge. Sometimes purposely planted for wind control in agricultural areas. More commonly an area along a road or field boundary which, left uncut, has grown up with various plants, seeded by wind, water, birds or other natural methods.

Hereafter: Any time after the effective date of this ordinance.

Holiday sign: A temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holiday and contains no commercial message.

Home occupation: Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises.

Hospital: An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment or care of members of the general public suffering from disease, injury or other abnormal physical conditions. The term "hospital" as used in this ordinance includes sanitariums but excludes institutions operating solely for the treatment of insane persons, drug addicts and alcoholics, and convalescent/nursing homes.

Household equipment: Any device designed for a commercial application but which is used for private purposes only (not for hire) which serves as an accessory purpose on a residential zoning lot including, but not limited to, snow removal equipment, lawn and garden equipment, and generators (not to exceed five thousand (5,000) watts).

Indoor recreation and amusement: A facility providing recreation or entertainment services entirely within an enclosed building, including sports facilities, swimming pools, ice or roller skating rinks, bowling alleys, tennis, handball and other court games, sports clubs, indoor golf, paintball, billiards, foosball, table tennis, shuffleboard, pinball machines, video games, activity play, and similar recreation or amusement facilities. This use may include accessory uses such as snack bars, meeting rooms, and gift shops designed and intended for the use of patrons of

Section 12.3. Exempt signs.

Every sign enumerated below that complies with the indicated requirements may be erected in any zoning district of this municipality without a permit. The area of said signs shall not be debited against the displaying establishment's sign area allowance.

- (A) Construction signs. Such signs shall be limited to one (1) sign per lot in residential districts, shall be limited to one (1) per street frontage in nonresidential districts, shall not exceed thirty-two (32) square feet in area per sign, shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit.
- (B) Directional and informational signs. Such signs shall not exceed three (3) square feet in area per sign.
- (C) Flags. Flags shall be limited to four (4) permanent flags per lot, provided that the flagpole for any such flag shall not exceed thirty (30) feet in height (including the height of any structure upon which it is mounted), and the length of any such flag shall not exceed one-third ($\frac{1}{3}$) of the height of the flagpole to which it is attached (including the height of any structure upon which it is mounted).
- (D) Garage, yard, or estate sale signs on private residential property. Such signs shall not exceed four (4) square feet in area per sign, shall be confined to the premises on which the sale is conducted and shall not be posted for longer than three (3) days.
- (E) Government facility signs, including signs used for identification, information, or directional purposes and other signs incidental thereto. Such signs shall not be located within the vision triangle as defined in section 12.6-3, ~~and shall comply with the regulations set forth in section 12.7.~~
- (F) Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, etc.
- (G) Holiday signs, or similar signs such as happy birthday signs, provided that such signs shall not be displayed more than thirty (30) days prior to or after the holiday, except when the date of the holiday is between December 1st and March 1st, in which case such signs shall not be displayed more than ninety (90) days after the holiday.
- (H) Home occupation signs identifying only the name and occupation of the resident. Not more than one (1) such sign shall be displayed on any zoning lot. Such signs shall be non-illuminated, flush-mounted, and shall not exceed two (2) square feet in area.
- (I) House numbers and/or name of occupant signs located on the lot to which the sign pertains. Such signs shall neither exceed three (3) square feet in area for single-family dwellings nor six (6) square feet for multiple-family dwellings.
- (J) Integral signs carved into stone or inlaid so as to become part of the building and memorial tributes.
- (K) Interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs do not attract attention from the exterior of said buildings.
- (L) Political campaign signs announcing candidates, seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property. Political campaign signs in residential districts shall not exceed sixteen (16) square feet in area, except for properties having frontage along Neltner Boulevard (IL Route 59), North Avenue (IL Route 64), or Roosevelt Road (IL Route 38), in which case such signs shall not exceed thirty-two (32) square feet.
- (M) Property regulation signs. Such signs shall not exceed three (3) square feet in area.
- (N) Public interest signs publicizing a charitable or nonprofit event of general public interest. Signs shall not exceed thirty-two (32) square feet in size, ten (10) feet in height and shall be located on private

property, with a maximum of one (1) sign per lot frontage. Public interest signs may be erected twenty-one (21) days before an event and shall be removed no more than two (2) days after an event.

- (O) Real estate signs indicating the sale, rental or lease of the single-family or two-family residential property on which they are located. Such signs shall not exceed four (4) square feet in area and shall be limited to one (1) sign per street frontage. All such signs shall be removed within seven (7) days after the sale, rental, or lease.
- (P) Real estate signs indicating the sale, rental or lease of the multiple-family residential property on which they are located. Such signs shall not exceed sixteen (16) square feet in area when indicating the sale, rental or lease of a dwelling located in a building consisting of greater than ten (10) units and shall not exceed four (4) square feet in area when indicating the sale, rental or lease of a dwelling located in a building consisting of ten (10) or fewer units. All such signs shall be limited to one (1) per street frontage and shall be removed within seven (7) days after the sale, rental, or lease.
- (Q) Real estate signs indicating the sale, rental or lease of the nonresidential property on which they are located. Such signs shall not exceed thirty-two (32) square feet in area, except when located in the Turner Junction Historic District, in which case such signs shall not exceed twenty-four (24) square feet in area. All such signs shall be limited to one (1) sign per street frontage and shall be removed within seven (7) days after the sale, rental, or lease.
- (R) Special events signs when approved by the city council.
- (S) Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.
- (T) Window signs displayed for a temporary period of not more than thirty (30) days provided such signs comply with regulations set forth in section 12.7-5.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0012, § 1, 5-16-2011)

12.7. - Regulation based on sign type.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

12.7-1. - Changeable copy signs.

Not more than one (1) changeable copy sign shall be displayed on any zoning lot. All such signs shall comply with the following regulations:

- (A) Shall only be allowed when incorporated into the design of a freestanding sign. Flush-mounted signs, projecting signs, and window signs containing changeable copy shall be prohibited.
- (B) Allowable area:
 - (1) For signs for institutional uses in residential districts, the changeable copy portion of the sign shall not exceed the area (in square feet) determined by the following formula: (total freestanding sign area + six (6) square feet) x 0.5 = maximum area of the changeable copy portion of the sign.
 - (2) For all other signs, the changeable copy portion of the sign shall not exceed thirty (30) percent of the sign area of the freestanding sign of which it is a part.
- (C) Shall be located at least fifty (50) feet from any residential district property line.
- (D) Shall comply with the following regulations when containing changeable copy that may be changed by electronic means:
 - (1) The display shall not be animated, flashing, or scrolling. Messages must instantaneously change without transitions or off time.
 - (2) The frequency of message change shall be restricted to no more than once every ten (10) seconds, except that the frequency of message change for signs for institutional uses in residential districts shall be restricted to no more than once every (60) seconds.
- (E) Sidewalk signs shall be exempt from this subsection.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0042, § 1, 8-15-2011; Ord. No. 12-O-0008, § 11, 4-16-2012)

12.7-2. - Flush-mounted signs.

An establishment may have multiple flush-mounted signs, provided the total area of such signs does not exceed that of what is permitted below:

- (A) The sign area allowance per unit for facades having street frontage shall be computed according to the following formula:

One and one-half (1 and ½) square feet of sign per every one (1) foot of linear street frontage for the first one hundred (100) feet of such frontage, plus one (1) square foot of sign area per every one (1) foot of frontage in excess of one hundred (100) feet.

- (B) The sign area allowance per unit for facades without street frontage shall be computed according to the following formula:

One (1) square foot of sign per every one (1) linear foot of length for the first one hundred (100) feet of the facade, plus one-half (½) square foot of sign area per every one (1) foot of length in excess of one hundred (100) feet.

- (C) The sign shall not project more than eighteen (18) inches from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign).
- (D) The sign shall not extend above the roofline of the building to which it is attached.
- (E) The sign shall not be painted directly on any exterior wall.
- (F) The sign shall not contain changeable copy.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

12.7-3. - Freestanding signs.

Not more than one (1) freestanding sign shall be displayed on any zoning lot, unless otherwise approved by the city council. All freestanding signs shall comply with the following regulations:

- (A) Shall not intrude into any public right-of-way.
- (B) Shall not be erected closer than five (5) feet to any lot line, except when located in the Turner Junction Historic District, in which case no setback shall be required.
- (C) Shall be located at least fifty (50) feet from any residential district property line.
- (D) Shall not exceed eighty-four (84) square feet in area.
- (E) Shall not exceed twelve (12) feet in height.
- (F) Shall display the address or range of addresses for the property on which it is located.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

12.7-4. - Projecting signs.

An establishment may have no more than one (1) projecting sign. All projecting signs shall comply with the following regulations:

- (A)

Shall not project more than four (4) feet from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign).

- (B) Shall maintain a minimum of eight (8) feet of clearance from the ground to the bottom of any such sign that projects over a walkway.
- (C) Shall be debited against the displaying establishment's sign area allowance for flush-mounted signs.
- (D) Shall not exceed twelve (12) square feet in area.
- (E) Shall not project higher than the building height.
- (F) Shall contain only the name of the business, business owner, and/or appropriate logo.
- (G) Shall not be internally illuminated.
- (H) Shall not contain changeable copy.
- (I) Shall only be permitted for first and second floor establishments. Signs for second floor establishments shall be located over or within two (2) feet of the first floor pedestrian access.
- (J) All structural supports shall be removed at the time of removal of any sign or signs for which they provide support, except that a structural support may remain for a period of not more than thirty (30) day following the issuance of a permit to change the face of a sign, or erect a different sign, using the same structural support.
- (K) No sign projecting over a public right-of-way shall be erected without complying with the following insurance or bond requirements:
 - (1) *Insurance required prior to permit:* Every applicant for a permit or for a sign which will project over a public right-of-way or which is so located that it may fall upon the same, shall file with the community development department, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by the sign, or a certificate of insurance, issued by an insurance company authorized to do business in the State of Illinois.
 - (2) *Coverage required:* The policy shall be a multi-peril policy with the limits of liability not less than one million dollars (\$1,000,000). The city, its officers, agents and employees shall be named as additional parties insured.
 - (3) *Length of coverage:* Such liability insurance policy shall be maintained in force throughout the life of the permit; and if at any time it is not in full force, the permit shall be revoked.
 - (4) *Bond in lieu of insurance:* In lieu of insurances as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the administrator, in the amount on one million dollars (\$1,000,000), which will provide that the principal surety will indemnify and hold harmless the City, its officers, agents and employees from all claims, loss or suits resulting from such sign.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

12.7-5. - Window signs.

An establishment may display multiple permanent or temporary window signs. All window signs shall conform to the following regulations:

- (A) Shall not cover more than fifty (50) percent of the total window space of a building facade.
- (B) Permanent window signs shall be debited against the displaying establishment's sign area allowance for flush-mounted signs, but temporary window signs shall not.
- (C) Shall not contain changeable copy.
- (D) Temporary window signs shall not be displayed for more than thirty (30) days.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

12.7-6. - Sidewalk signs.

An establishment may not display more than one (1) sidewalk sign. The city reserves the right the limit the number of sidewalk sign permits issued in order to ensure proper flow of pedestrian and vehicular traffic and otherwise promote the health, safety and welfare of the public. In that event permit applications shall be processed and accepted on a first come, first serve basis. All sidewalk signs shall comply with the following regulations:

- (A) Shall only be allowed in the B-1, Central Business Zoning District and in the Turner Junction Historic District. When located in the Turner Junction Historic District the city's historic preservation commission shall also approve the sign.
- (B) Shall only be permitted when the sign is incidental to the operation of a business on private property contiguous to the sidewalk.
- (C) Shall not be attached or affixed to the sidewalk, parkway, pole, tree or any other public facility.
- (D) 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 four (4) feet in width.
- (E) Shall not exceed six (6) feet in height.
- (F) Shall not exceed eight (8) square feet in area.
- (G) Shall not be displayed during times of inclement weather such as high winds, heavy rain or snow fall.
- (H) The location and height shall conform with section 12.6-3 of this chapter with respect to intersection visibility.

- (I) Shall only be allowed to be displayed on the sidewalk during the establishment's business hours.
- (J) Shall be not be illuminated.
- (K) Shall comply with the following insurance and bond requirements:
 - (1) *Insurance required prior to permit:* Every applicant for a permit or for a sign which will be located in a public right-of-way or which is so located that it may fall upon the same, shall file with the community development department, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by the sign, or a certificate of insurance, issued by an insurance company authorized to do business in the State of Illinois.
 - (2) *Coverage required:* The policy shall be a multi-peril policy with the limits of liability as determined by the city from time to time. The city, its officers, agents and employees shall be named as additional parties insured.
 - (3) *Length of coverage:* Such liability insurance policy shall be maintained in force throughout the life of the permit; and if at any time it is not in full force, the permit shall be revoked.
 - (4) *Bond in lieu of insurance:* In lieu of insurances as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the administrator, in an amount as determined by the city from time to time, which will provide that the principal surety will indemnify and hold harmless the city, its officers, agents and employees from all claims, loss or suits resulting from such sign.
- (L) 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 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 West Chicago 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.

(M) The city may suspend or revoke the permit for any reason including, but not limited to, violations of any provision of the West Chicago Municipal Code after providing at least three (3) days written notice, except in an emergency, to the permittee.

(N) Permits issued hereunder shall be obtained annually and shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year.

(Ord. No. 11-O-0042, § 2, 8-15-2011)