

**ORDINANCE 2013-O-2**

**AN ORDINANCE AMENDING SEVERAL SECTIONS OF CHAPTER 158  
(THE SIGN CODE) OF THE MUNICIPAL CODE OF WINTHROP HARBOR  
TO EXPAND ALLOWED OFF-SITE ADVERTISING OF GARAGE SALES**

**WHEREAS**, the Village's Sign Code, as set forth in Chapter 158 of the Winthrop Harbor Municipal Code, is intended to strike an appropriate balance between the competing interests of property owners, residents, business owners and all other interested parties to ensure that the Village is a sightly, attractive place to live and to conduct business, and

**WHEREAS**, the Sign Code has been in existence in its current form since January of 2010, and

**WHEREAS**, during that time, the Village Board has received a number of requests from a group of residents seeking to expand the ability of residential property owners to advertise garage and yard sales by using off-site signs and placards, and

**WHEREAS**, the Village Board adopted two resolutions, one during 2011 and another during 2012, whereby it allowed the use of off-site garage and yard sale signs under specific conditions on a trial basis, and

**WHEREAS**, the Village Board subsequently referred the question of whether to make those resolutions permanent by adopting an ordinance changing the Sign Code to the Planning and Zoning Board (PZB), and

**WHEREAS**, the PZB duly convened a public meeting to take testimony from any interested parties, and to consider whether or not such a change to the Sign Code was harmonious with the overall plan for improving the sightliness of the Village, maintaining property values and reducing unnecessary and ineffective roadside clutter, and

**WHEREAS**, the PZB has forwarded its recommendation to the Village Board to adopt changes to the Sign Code with the terms and provisions set forth hereinbelow, and

**WHEREAS**, the Village Board finds that allowing the increased access to off-site advertising for residential garage and yard sales will not unduly increase the amount of sign clutter, will not unduly impair property values or detract from the overall sightliness of this Village, and

**WHEREAS**, the Village Board further finds that adopting specific rules for garage and yard sales will not constitute improper regulation of commercial speech content of signs generally due to the unique nature of garage and yard sales by owners and occupants of residential property within the community coupled with the temporary and irregular nature of such sales and the comparatively minimal impact on the primary objectives of the Sign Code overall,

**NOW THEREFORE, BE IT ORDAINED** by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

**SECTION ONE:** The existing definition of Sign, Garage/Yard Sale set forth in Section 158.02 of the Winthrop Harbor Municipal Code is hereby deleted.

**SECTION TWO:** Section 158.02 of the Winthrop Harbor Municipal Code is hereby amended by the addition of two new definitions which shall hereafter read as follows:

**SIGN, GARAGE/YARD SALE - ONSITE.** Any sign used in residential zoning districts to advertise the sale of used, unwanted household goods originating from the specific residence where the sale occurs.

**SIGN, GARAGE/YARD SALE - OFFSITE.** Any sign used to advertise the sale of used, unwanted household goods originating from the owners or occupants of the specific residence where the sale occurs, other than a sign located on such premises.

**SECTION TWO:** Section 158.04 (A) (2) of the Winthrop Harbor Municipal Code is hereby amended in its entirety, and it shall hereafter read as follows:

(2) **Garage/yard sale signs.** There are two separate sets of rules for onsite and offsite garage sale signs. This is intended to provide a balance between the rights of occupants of residential properties to sell unwanted personal property whenever they wish with the interests of the community as a whole in reducing roadside clutter and in treating all sellers of goods on a fair and equitable basis.

(a) **Garage/yard sale signs - onsite** shall be exempt, provided that:

- (i) The sign shall not exceed four square feet in surface area if the sign is singlefaced or eight square feet in surface area if the sign is double-faced;
- (ii) Only one sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that one sign shall be permitted along each side of a lot abutting a public street up to a maximum of two signs per lot;
- (iii) The sign shall not exceed five feet in height from grade;
- (iv) The sign shall not be placed or erected for more than four consecutive days at the location of the sale; and
- (v) The sign shall be placed on private property on the premises of the sale and set back from any public right-of-way.

(b) **Garage/yard sale signs - offsite** shall be exempt, provided that:

- (i) Offsite display of such signs shall be permitted only during the months of May, June, July, August and September;

- (ii) From the first Thursday of each such month through the Sunday immediately following, residents shall be permitted to advertise garage sales using off-premises advertising signs;
- (iii) No such sign may be placed on any Village-owned property or right-of-way, nor shall such sign be stapled, taped or affixed to any telephone pole, streetlight pole or other publicly-owned structure;
- (iv) No such sign may be placed on any property without the express permission of the owner of the property;
- (v) No such sign shall exceed 4 square feet in size, including the fronts and backs of any sign printed on both sides;
- (vi) No such sign shall be placed in any location that presents a hazard to traffic or pedestrians by blocking any reasonably necessary sight-line, any safety device or any road sign;
- (vii) The owner of any sign shall remove the sign not later than 5:00 pm on the Sunday ending the advertising period.

**SECTION THREE:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 19TH DAY OF MARCH, 2013.**

**APPROVED:**

---

**ROBERT D. LOY, MAYOR**

**ATTEST:**

---

**JANA J. LEE, VILLAGE CLERK**

**AYES: Braden, Coombe, Luke, Marabella, Robards**

**NAYS: Neargarder**

**PASSED: NONE**

**ABSENT: NONE**

**FIRST READING & SECOND READING: WAIVED MARCH 19, 2013**

**ORDINANCE PASSED: MARCH 19, 2013**