

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REPEAL CHAPTER 134, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, AND REPLACE IT WITH NEW CHAPTER 134 TO UPDATE, REORGANIZE AND CLARIFY REGULATIONS RELATED TO SIGNS, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 134 of the Code of Ordinances shall be repealed in its entirety and replaced with the following new Chapter 134:

**Chapter 134**

**SIGNS**

**ARTICLE I – PURPOSE, INTENT, AND DEFINITIONS**

**Sec. 134-1. Purpose and Intent.**

The City of Rochester Hills has determined that:

- (1) Regulation of the number, size, location, placement and other features of signs is necessary to:
  - a. Enable the public to locate goods, services and facilities without difficulty and confusion;
  - b. Prevent wasteful use of natural resources by businesses competing for attention;
  - c. Prevent hazards to life and property; and
  - d. Ensure the continued attractiveness of the community and protection of property values.
- (2) The number and sizes of signs in the city is excessive, which distracts motorists and pedestrians, creating traffic hazards, and reduces the effectiveness of signs needed to direct the public.
- (3) The appearance of the city is adversely affected by excessive signs.
- (4) The number, size and placement of signs shall be reduced whenever possible to offset such effects. Signs of least value are those which carry commercial messages unrelated to advertisement of a product, service, event, person, institution or business located on a premises where the sign is located or the sale or rental of such premises.

- (5) The regulations contained in this chapter are minimum regulations necessary to protect the health, safety and welfare of city residents, businesses and users of city streets.

**Sec. 134-2. Conflict with other laws.**

When a section of this chapter is found to be in conflict with a provision of any zoning, building, housing, fire, safety, or health ordinance or code of the city existing on the effective date of the ordinance adopting this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. When a provision of any other ordinance or code of the city existing on the effective date of the ordinance adopting this chapter establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter.

**Sec. 134-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alter.* To enlarge, change the message of, add to or remove any component of a sign or structure.

*Awning and Canopy Signs.* A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.

*Building department.* The building department of the city and its officials, inspectors and employees.

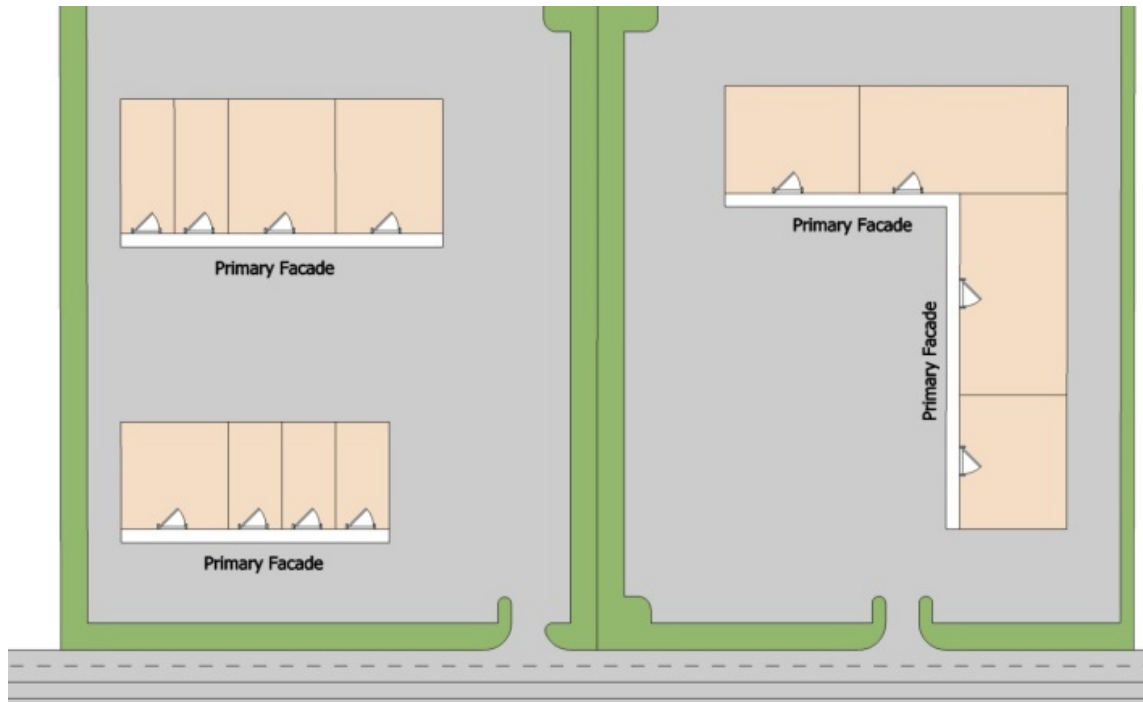
*Changeable sign.* A sign with manually changeable content or message.

*Electronic message sign.* An electrically activated sign whose variable message capability can be electronically programmed and does not change less than every 30 seconds.

*Facade.* The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features, window openings, door openings and the outside surface of a parapet wall.

*Facade, Primary.* The façade of a building that incorporates the main pedestrian entrance is the primary facade. There is only one primary façade per building. An alternate building façade may be identified as the primary facade, subject to staff determination.

Figure 134-3: Primary Facade



*Flagpole sign.* A fabric sign, movable by wind.

*Hanging Signs.* A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy.

*Hospital.* A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the health department and the state, and that is used for primarily inpatient services, and including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

*Monument base.* Any part of a monument sign structure that is not defined as sign area.

*Monument sign.* A freestanding sign attached to a permanent foundation or decorative base located on the ground either horizontally or on a plane parallel to the horizon which supports the sign and is not attached to or dependent on freestanding vertical support from any building, exposed pole, or uprights for support.

*On-premises sign.* A sign advertising only goods, services, facilities, events or attractions located on the premises, or identifying the owner or occupant; or directing traffic on the premises.

*Owner.* A person, firm, partnership, association or corporation and/or its legal successors.

*Premises.* Contiguous real property under common ownership developed or being developed within a site plan or plat.

*Projecting Signs.* A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of the building.

*Recreational, institutional, public, and quasipublic premises.* Premises with public and private recreation; municipal buildings and uses; public, private, and parochial schools; churches; cemeteries; nursery schools, day nurseries, and child care facilities; funeral homes; colleges; universities; institutions of higher learning; housing for the elderly; and other similar premises.

*Roof sign.* A sign attached to a building, which projects above or beyond the roof or parapet line.

*Sign.* A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or ground, and which directs attention to an object, project, place, activity, facility, service, event, attraction, person, issue, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

*Sign area.* The entire area within a rectangle enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, unless the supports are used for writing, representation or display or any emblem or figure of a similar character.

*Sign erector.* Any person engaged in the business of erecting, altering or removing signs on the premises of another person.

*Story.* That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof.

*Strip Lighting.* A device or devices installed that attract attention to a non-residential use wherein a source or sources of light are arranged to be visible from the exterior of a building or structure including, but not limited to, strips of LED lights or neon tubes placed along the perimeter of building windows, along building edges, and other locations that serve to attract attention. This definition shall not include any device or devices classified as a sign by the definitions and regulations in the Zoning Ordinance. Temporary lights otherwise regulated by this chapter are also excluded from this definition.

*Temporary sign.* A sign which is not permanently installed and which is intended to be displayed for a limited period of time, including freestanding and hand-held portable signs and sandwich boards, signs for the sale, lease, rental or development of the premises.

*Wall sign.* An on-premises sign attached to, painted on, or placed against the exterior wall, facade or surface of a building, no portion of which projects more than 12 inches from the wall or surface and which does not project above the roof or parapet line.

*Window sign.* A sign located inside an enclosed building and visible through a window or a sign affixed to either the interior or exterior window face.

## ARTICLE II – GENERAL STANDARDS

### Sec. 134-4. General Standards.

(1) *Sign Permits.*

- a. *Signs Not Requiring a Permit.* The following signs do not require a permit:
  - i. *Addressing numbers.* A sign as required by the City of Rochester Hills in Article VII, Chapter 18, Street Addresses, attached to any building wall or any freestanding sign.
  - ii. *Flags.* Flags shall be attached to freestanding flagpoles. Placement of flagpoles shall not impede vehicular or pedestrian traffic. Flags may not project beyond the property lines, and flags shall not project into the existing or proposed right-of-way. All flags shall be maintained in good repair free of tearing, fraying or other deterioration.
  - iii. *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.
  - iv. *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.
  - v. Temporary signs less than 12 square feet.
- b. *Permit Required.* It shall be unlawful for any person to erect, re-erect, alter, relocate, display, or continue to display any sign, except for those signs exempted under subsection (1)a, above, unless a permit is first obtained from the building department and a permit fee paid in accordance with the schedule set forth in article VI of chapter 110.
- c. *Application for Permit.* Application for sign permits shall be made only by the premises owner or authorized representative or a registered sign erector on forms provided by the building department and shall contain the following information:
  - i. *Name.* Name, address and telephone number of the applicant and the owner if different from the applicant.
  - ii. *Location.* Location of the building, structure, or lot on which the sign is to be attached or erected.

- iii. *Consent to erect.* It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.
  - iv. *Position of sign.* Position of the sign in relation to nearby buildings, structures, and property lines.
  - v. *Plans for sign.* 2 copies of the plans, specifications and method of construction and attachment to the building or the ground.
  - vi. *Stress sheets.* Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the city.
  - vii. *Sign erector.* The name and address of the sign erector.
  - viii. *Insurance.* The insurance coverage as required in this article.
  - ix. *Other information.* Such other information as the building department may require to show full compliance with this chapter and other applicable sections of this Code and state laws.
  - x. *Certificate or seal.* When the public safety so requires, as determined by the building department, the application shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
  - xi. *Identification.* On any sign requiring a permit within the city it shall clearly identify the permit holder on the sign.
- d. *Granting and Issuance of Permit.* No sign for which a permit has been issued hereunder shall thereafter be moved to another location within the city nor shall it be structurally altered in any way without the approval of the official or board which granted the original permit. An additional fee shall be paid at the time of application for permission to move or alter each such sign.

(2) *Prohibited Signs*

- a. *Roof signs.*
- b. *Signs that confuse traffic.* Signs that simulate or imitate the size, color, lettering, or design of any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic are prohibited.
- c. *Animated and moving signs.*

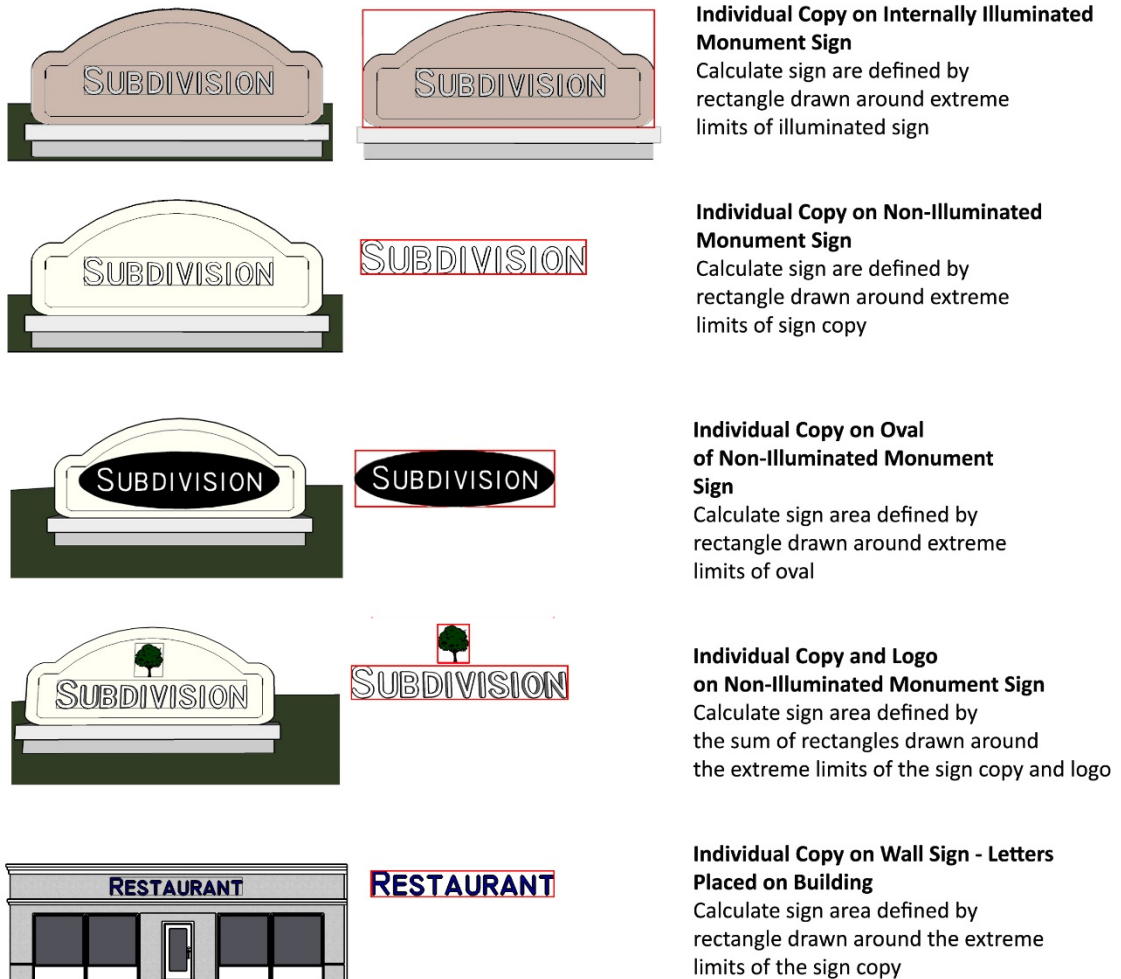
- i. Signs that move or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise.
  - ii. Signs where a light source moves or is not of constant intensity and color or where any light bulb can shine directly into the eyes of any occupant of any vehicle traveling upon any highway, driveway or parking area or into any window of any residence within 200 feet or where the illumination interferes with the visibility or readability of any traffic sign or device.
- d. *Open flames.* In no case shall any open spark or flame be used for display purposes unless specifically approved by the building department.
- e. *Signs in public rights-of-way.* Signs shall not be placed within any public right-of-way within the city, except signs authorized by the county road commission, the state department of transportation or the city with jurisdiction over the right-of-way. The mayor is authorized to cause the removal of any signs posted or placed in any public right-of-way, provided any such signs are kept available for a period of 10 days for pickup by any person who might claim them.
- f. Any sign not expressly permitted by this chapter shall be prohibited.

(3) *Locational Requirements.*

- a. *Corner clearance.* No sign shall be placed within the triangular area at the corner of the intersection of 2 street right-of-way lines for a distance along each line of 25 feet from their point of intersection as designated by the city's master right-of-way plan. Also, no sign shall be placed within the triangular area at the corner of the intersection of a street right-of-way line and the edge of a private driveway for a distance along each line of 15 feet from their point of intersection. Compliance with engineering standards adopted by the City of Rochester Hills is also required.
- b. *Proximity to electrical conductors.* No sign shall be erected so that any part, including cables, guys, etc., will be within 6 feet of any electrical conductor, electric light pole, streetlamp, traffic light, or other public utility pole or standard.

(4) *Measurement of Sign Area and Height.*

Figure 134-3: Primary Facade



## Sign Area Calculation Guidelines

- a. Sign height shall be the vertical distance measured from the point of ground immediately beneath the sign to the highest point of the sign, including decorative embellishments, supporting structures, and backgrounds. Where the ground elevation beneath a sign varies, the average grade of the ground within a 5-foot radius of the sign structure shall be used. The average grade shall be the highest point within said radius plus the lowest point within said radius, divided by 2. Any filling, berming, mounding or excavating primarily for the purpose of locating the sign shall not be included in the calculation of average grade.
- b. Where a sign has 2 or more faces, the area of all faces shall be included in determining the area of the sign, except that where 2 such faces are placed back to back and are at no point more than 3 feet from one another, the



area of the sign shall be taken as the area of 1 face if the 2 faces are of equal area, or as the area of the larger face if the 2 faces are of unequal area.

(5) *Illumination.*

- a. Illuminated signs shall not be of the flashing or intermittent type.
- b. The source of illumination may be internal or external. The source of the light shall not be exposed.
- c. External sources of illumination shall be shielded and directed to prevent glare onto public right-of-way or neighboring properties.
- d. Direct light sources shall not be visible from any street or adjacent residential property unless the direct source is obscured or softened in appearance by use of a diffusing material.
- e. The use of exposed neon, or similar gas, tubing in conjunction with other types of materials within a sign is permitted; however, strip lighting or any other use of neon, similar gas, or LED outline tubing around windows and buildings is prohibited.
- f. When permitted, electronic message signs shall comply with the following standards:
  - i. Multi-colored messages may be used where the words, letters or pictures are not in motion
  - ii. Electronic display areas shall automatically dim. The brightness of such display areas shall be limited to 0.3 footcandles above ambient light conditions, as measured from the distances in the following table:

Size of display area	Measuring distance
16 square feet or less	40 feet
Between 16 and 32 square feet	48 feet
32 square feet or greater	55 feet

- iii. Signs shall be programmed to go dark in the event of a malfunction.
- iv. The content of the electronic display area shall not feature motion or animation. Any and all portions of the message shall remain static for a minimum of 30 seconds. The change from message to message shall be instantaneous.
- v. Electronic displays shall not mimic traffic controls.

- (6) *Design Standards.* Signs should be professionally constructed using high-quality materials such as metal, stone, hard wood, and brass. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
- (7) *Substitution Clause.* Nothing in this chapter shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.

**ARTICLE III –SIGN STANDARDS**

**Sec. 134-5. Monument Signs & Wall Signs.**

- (1) *Monument Signs: Maximum Height & Area.* The following table provides for the maximum height and area for monument signs by use type:

Use	Maximum Height in Feet	Maximum Area in Square Feet of all Monument Signs*	Setback/location requirements
<b>Residential Development</b>			
Single family dwellings	Not permitted	Not permitted	N/A
Multi-family and subdivision complexes	7	20	1 sign within 100 ft. of each entrance; signs shall be located outside of the road right-of-way, unless placed within an entrance island as permitted by the appropriate road agency.
Housing for elderly	7	20	10 ft. setbacks
<b>Recreational, church, institutional, public and quasi-public uses</b>			
Public & private recreation uses	7	48	10 ft. setbacks
Municipal buildings and uses, including cemeteries			
Schools, child care facilities			
Places of worship, funeral homes			
Civic organizations			
Uses similar to the above			
Hospitals	7	150 sf when placed in front of the hospital from which it is addressed; 1 additional sign with a maximum area of 20 sf is permitted per major road frontage	10 ft. setbacks
<b>Office, professional and research uses</b>			
Medical offices			

Professional offices	7	Total maximum size of 100 sf with no single sign exceeding 48 sf	1 sign per vehicular entrance, separated by a minimum of 300 ft.; 10 ft. setbacks
Research facilities			
<b>Commercial, retail and industrial uses</b>			
General commercial, retail, restaurant uses	7	1 sf per each five ft. of linear street frontage, up to a maximum of 200 sf	10 ft. front setback; side and rear setbacks as required for buildings*
Gasoline stations and other auto-related uses	7	1 sf per each 5 ft. of linear street frontage, up to a maximum of 100 sf	1 monument sign is permitted for each frontage abutting a major street; a second sign shall be allowed for each frontage more than 300 ft. with more than one entrance onto a road right-of-way
Industrial uses	7		
* In the case of nonconforming buildings located within 15 ft. of the proposed right-of-way, signs may be placed up to 5 feet from the building, provided they are not in the existing right-of-way. The proposed right-of-way for Rochester Road is 150 ft.			

(2) *Specific Standards: Monument Signs.*

- a. Monument signs shall only be permitted on a parcel that contains a building that is occupied and possesses a valid certificate of use, with the exception of public or private parks.
- b. Monument signs are not permitted in the road right-of-way unless otherwise specified.
- c. Monument signs shall be placed out of the required corner clearance area as provided in Section 134-4(3).
- d. Where a monument sign is placed on a wall approved in conjunction with a planned development, the wall is excluded from the maximum monument sign height.
- e. All monument signs for which a permit has been issued shall be inspected by the building department and, if found to have been properly constructed and installed in accordance with this chapter, final approval shall be granted.
- f. Monument signs for subdivision entrances shall not be internally illuminated.

- g. Monument signs may incorporate electronic message signs, provided that such signs do not exceed 2/3 of the sign area. See Section 134-4(5) for additional standards.

**Sec. 134-6. Wall Signs.**

- (1) *Wall Signs: Maximum Area.* The following table provides for the maximum area for wall signs by use type:

Use	Maximum Area in Square Feet of all Wall Signs
<b>Residential Development</b>	
Single family dwellings	Not Permitted
Multi-family and subdivision complexes	20
Housing for elderly	20
<b>Recreational, church, institutional, public, and quasi-public uses</b>	
Public & private recreation uses	20
Municipal buildings and uses, including cemeteries	
Schools, child care facilities	
Places of worship, funeral homes	
Civic organizations	
Uses similar to the above	
Hospitals	100 sf per sign, up to 300 sf total sign area
<b>Office, professional, and research uses</b>	
Medical offices	20 sf per tenant, up to a maximum of 100 sf per building;  Buildings with 2 major street frontages: 1 additional sign up to 20 sf.  Buildings with freeway frontage; 2 additional sign areas are permitted, up to a maximum of 100 sf each.
Professional offices	
Research offices	
<b>Commercial, retail, and industrial uses</b>	
General commercial, retail, restaurant uses	10% of primary building or tenant façade up to 100 sf; For premises with a front setback of 250 ft. or more from the proposed right-of-way and having a usable floor area of 50,000 sf or more, the maximum area for 1 sign is 200 sf, provided such sign is placed on the elevation facing the

Use	Maximum Area in Square Feet of all Wall Signs
	proposed right-of-way from which the setback distance is taken.
Gasoline stations and other auto-related uses	10% of primary building or tenant façade up to 100 sf
Freeway service business	10% of primary building or tenant façade up to 100 sf

(2) *Specific Standards: Wall Signs.*

- a. Wall signs shall not project beyond the roof or parapet of any building.
- b. Wall signs shall not face a residential district unless separated by a major street.
- c. When a building is located at the property line, a wall sign may project up to 12 inches beyond the building, but in no case shall a wall sign extend into the existing right-of-way.
- d. For general commercial, retail, and restaurant uses, wall signs shall be located on the upper portion of the storefront, and shall not exceed the 80% of the width of the storefront bay.
- e. Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillework, piers, pilasters, or other ornamental features.
- f. Multiple Story Buildings. Signs are permitted at the storefront level only, below the expression line separating the ground floor from upper floors.
- g. Additional Area Provisions based on Building Setback. The maximum sign area may be increased based on the following table:

Building Setback in Feet from the Proposed Right-of-Way	Factor
100-249 ft.	1.5
250 ft. or more	2.00

**Sec. 134-7. Specific Standards for Other Sign Types.**

(1) *Awning Signs.*

- a. Signs shall comprise no more than 30% of the total exterior surface of an awning or canopy.
- b. Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.

(2) *Projecting signs.*

- a. Projecting signs shall be mounted below the second-floor window sill in multi-story buildings.
- b. Projecting signs shall be small in scale and provide a minimum vertical clearance of 8 feet between the lowest point of the sign and the sidewalk.
- c. The maximum sign area for projecting signs is 5 square feet.
- d. Mounting hardware shall be attractive and an integral part of the sign design.

(3) *Hanging signs.*

- a. The maximum sign area for hanging signs is 4 square feet (excluding supporting rods, chains, or similar hangers).
- b. Hanging signs shall maintain a minimum vertical clearance of 8 feet between the lowest point of the sign and the sidewalk.

**Sec. 134-8. Permanent and Temporary Window Signs.**

- (1) Window signs shall be permitted in all non-residential zoning districts.
- (2) Window signs shall be permitted to occupy up to 25% of the total window glazed area of any given façade regardless of whether they are temporary or permanent.
- (3) Etched or applied lettering or designs that are within the lower 8 inches of any ground floor window shall be permitted and shall not be considered part of the total area of window signs provided they do not exceed 80% of the width of any window to or on which they are placed.
- (4) Window signs shall contain a static message and shall not flash, scroll or otherwise give the appearance of movement or intermittent change.
- (5) Upper story tenants may display window signs. Such window signs may not exceed 20% of the total window area appurtenant to the tenant's floor space.

**Sec. 134-9. Temporary Signs.**

(1) Temporary signs shall be permitted as follows:

<b>134-9 A. Maximum size, maximum height, and permitted type of temporary signs</b>				
<b>Use</b>	<b>Permitted Types</b>	<b>Maximum Area of All Temporary Signs</b>	<b>Maximum Area of Any Individual Sign</b>	<b>Maximum Height (Freestanding)</b>
Single Family Residential	Freestanding	10 square feet	6 square feet	4 feet
	Wall	4 square feet	2 square feet	
Multiple Family Residential	Freestanding	32 square feet	16 square feet	6 feet
	Wall	4 square feet	2 square feet	
Non-Residential Uses in Residential districts	Freestanding	40 square feet	20 square feet	6 feet
	Wall	20 square feet	20 square feet	
Non-Residential Uses in all other districts	Freestanding	64 square feet	20 square feet	6 feet
	Wall	64 square feet	32 square feet	
Per Section 134-4.1.v. Signs under 12 sq. ft. do not require a permit.				

- (2) The maximum display time of freestanding temporary signs under 12 sq. ft. is 64 days unless additional time is granted under one of the following subsections. After this time expires, the sign shall be removed. Signs over 12 sq. ft. require a permit, and once the temporary sign is removed, there shall be a gap of at least 30 days between display of the same temporary sign on the same zoning lot.
- (3) When all or a portion of a building or land area on a zoning lot is listed for sale or lease, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses except residential uses shall be the duration the building, building unit or land is listed for sale or lease.
- a. For residential lots less than one acre in size, the freestanding sign area limits in Table 134-9 A apply.
  - b. For residential lots greater than one acre in size, the maximum freestanding sign area for any individual sign may be increased to 12 square feet.
- (4) In recognition there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of 60 days prior to until 3 days after a city-designated election day on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to 64 square feet in all districts. The maximum area of an individual sign remains as stated in the table above during this period.
- (5) Display of temporary banners and temporary signs mounted on building walls (temporary wall signs) shall be limited to a total of 30 days per calendar year. Such signs shall not be displayed for any continuous period greater than 14 days.

- (6) Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
- (7) Temporary signs shall be subject to the maintenance standards of this section.

## **ARTICLE V – ADMINISTRATION AND ENFORCEMENT**

### **Sec. 134-10. Nonconforming Signs.**

Nonconforming Signs. Any sign existing on April 16, 1997 or on the effective date of any amendment to this chapter that does not comply with all of the sections of this chapter, including any amendment, shall be considered nonconforming. Nonconforming signs shall be subject to the following:

- (1) *Structural change or rebuilding.* An existing sign shall not be structurally altered so as to change the shape, size, type, or design of the sign. A sign and/or sign structure shall not be rebuilt so as to extend its life.
- (2) *Change in words or panel.* A panel or wording on a sign within the same space on the sign may be changed periodically, except as provided in subsection (5), below.
- (3) *Obsolete sign.* If a sign and/or sign structure shall become obsolete, it shall be unlawful to maintain a sign and/or sign structure and it shall be removed within 30 days of receipt of written notice to remove from the city. A sign shall be considered to be obsolete when no operation of a business, service or activity is conducted on the property for a period of 6 months.
- (4) *Damage or destruction.* An existing sign structure (including support and frame, but excluding panel) shall not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the cost of constructing a comparable conforming sign.
- (5) *Discontinuation of nonconforming signs; amortization.* Nonconforming signs or sign structures shall be removed when:
  - a. The responsible parties voluntarily change or relocate the nonconforming sign;
  - b. The name of the premises or business the nonconforming sign pertains to changes;
  - c. The nature or type of premises or business the nonconforming sign pertains to requires a new certificate of occupancy;
  - d. Significant changes or improvements are made to the premises where the nonconforming sign is located requiring site plan review and approval; and



- e. The nonconforming sign structure (including support and frame, but excluding panel) is determined by the building department to be dilapidated, unsafe or in violation of the building code.

**Sec. 134-11. Construction Standards & Maintenance of Signs.**

(1) *Construction Standards*

- a. *Conformance.* All signs shall be designed and constructed in conformity with the provisions for materials, loads, and stresses of the state construction codes, and the requirements of this chapter and the city zoning ordinance in chapter 138.
- b. *Materials and fasteners.* All signs shall be erected in such a manner and with such materials to remain safe and secure during the period of use, and all bolts, cables, and other sign components shall be kept free of peeling paint, corrosion and all other defects and deterioration. All signs other than temporary signs shall be securely attached to a permanent structure or foundation in accordance with the state construction code. Any defect due to the fault of the erector shall be repaired by the property owner.
- c. *Approved electrical devices.* No sign shall be illuminated by other than approved electrical devices, and the devices shall be installed in accordance with the regulations adopted by the city.
- d. *Appeals and variances of construction requirements.* Any appeal of a matter relating to, and variances from, the Construction Standards of this section 134-11 shall be made to and shall follow the procedures of the city construction board of appeals.

(2) *Maintenance of Signs & Property.*

- a. *Unsafe signs.*
  - i. *Correction.* If any sign is found unsafe, insecure, improperly constructed and not in accordance with the requirements of this chapter, the erector and/or owner shall be required to make any such sign safe, secure and otherwise in compliance with this chapter.
  - ii. *Failure to comply.* Failure to comply within 48 hours from the time of written notification from the building department shall constitute a violation of this chapter.
- b. *Maintenance of property.* Property surrounding any monument sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish and flammable material.

- c. *Share equally.* The owner of any property on which a sign is placed and the person maintaining the sign are declared to be equally responsible for the condition of the sign and the area in the vicinity thereof.

### **Sec. 134-12. Sign Board of Appeals.**

The city zoning board of appeals shall constitute the sign board of appeals for the purposes of interpreting and carrying out the provisions of this chapter, except for questions of construction standards for which the city construction board of appeals shall have jurisdiction.

#### (1) *Hearings.*

- a. *Application by aggrieved person.* Any person aggrieved by a notice or order of the building official issued in connection with any alleged violation of this chapter or any applicable rules and regulations pursuant to this chapter may file with the sign board of appeals an application setting forth reasons for contesting the notice or order.
- b. *Application filing.* The application shall be filed within 21 days after the notice or order of the building official is served by the city on the applicant.
- c. *Time of hearing; notice.* Within 45 days after receipt of a valid application, the sign board of appeals shall conduct a public hearing. The building official shall set the time and place of the hearing and, at least 15 days prior to the hearing date, shall serve the applicant and owners of property within 300 feet of the location of the sign with notice, pursuant to subsection (5), paragraph d of this section.

#### (2) *Action of sign board of appeals.*

- a. *Power.* The sign board of appeals shall have the power to modify or reverse, wholly or partly, the notice or order given under this chapter, grant variances and grant extensions of time for the performance of any act required of not more than 3 additional months where the sign board of appeals finds such extension is in harmony with the general purpose with this chapter to secure the public health, safety and welfare.
- b. *Necessary vote.* The concurring vote of 4 members of the sign board of appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the building official or to decide in favor of the applicant any matter upon which it is required to pass or to effect any variation in this chapter.
- c. *Period of validity.* No order or variance of the sign board permitting the erection or alteration of a sign, except for an interpretation made by the sign board, shall be valid for a period longer than 6 months from the date of approval, unless a permit for such erection or alteration is obtained

within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.

- d. *Site plan; transferability.* A variance granted shall be valid only under a site plan or layout of the property which was considered by the sign board. A variance granted shall run with the land and shall transfer to a new owner.
  - e. *Reconsideration.* After a variance has been denied in whole or in part by the sign board, such application may not be resubmitted for a period of one year from the date of the last denial. However, a denied variance may be reconsidered by the sign board when, in the opinion of the building official or the sign board, newly discovered evidence or changed conditions warrant such reconsideration.
  - f. *Conditions of approval.* In authorizing a variance or extension, the sign board may attach conditions it determines to be reasonable, necessary or appropriate to further the purposes and spirit of this chapter and to protect the public health, welfare and safety.
- (3) *Scope of hearing.* At the hearing held pursuant to this chapter, the applicant shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.
- (4) *Stay.* An appeal made under this chapter shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the sign board of appeals, after the notice of appeal shall have been filed with him, that because of facts stated in the certificate an emergency exists, in which case the proceedings shall not be stayed, except by a restraining order or by the circuit court, following timely notice of application therefor, to the building official.
- (5) *Variances.*
- a. *Findings of fact.* A variance to this chapter may be authorized by the sign board of appeals only in cases when competent, material and substantial evidence in the official record of the appeal supports all the following affirmative findings:
    - i. *Special conditions.* That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
    - ii. *Deprivation of rights.* That literal interpretation or application of the provisions of this chapter would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this chapter.

- iii. Substantial justice. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual difficulties that will be suffered by a failure of the sign board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent and purpose of this chapter.
- b. *Support of findings.* The findings of fact in subsection (a) of this section shall be made by the sign board of appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories listed in subsection (a) of this section. Every finding of fact shall be supported by the record of the proceedings of the sign board.
- c. *Limitations.* Nothing contained in this section shall be construed to empower the sign board of appeals to substantially change the terms of this chapter or to significantly add to the types of signs permitted on any premises.
- d. *Appeal procedure.*
  - i. Notice. The sign board of appeals shall give written notice of all hearings on appeals made under this chapter. The notice shall be given not less than 15 days before the hearing to all owners of record of real property within 300 feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll.
  - ii. Official record. The sign board of appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include the following:
    - 1. The relevant administrative records and administrative orders issued relating to the appeal.
    - 2. A notice of appeal.
    - 3. Such documents, exhibits, photographs, or written reports as may be submitted to the board for its consideration.
  - iii. Secretary's signature on documents. The requisite written findings of fact, the conditions attached, the decisions and orders by the board of appeals in disposing of the appeal shall be signed by the secretary of the board.

**Sec. 134-13. Registration of Sign Erectors.**

All signs erectors are required to register with the city before work is commenced. A certificate of insurance is necessary prior to registration. Registration shall be renewed each calendar year. The fee for this registration, as provided in section 110-401, is not prorated. Permits may be issued to sign erectors for any of the work covered by a permit only after registration and compliance with the following:

- (1) *Annual registration.* Sign erectors shall register each calendar year with the building department in accordance with the following:
  - a. Information. The registration shall include at least the sign erector's name, place of business, telephone number, nature of organization and the name of a representative.
  - b. Fee. A registration fee as set forth in section 110-401 shall be paid.
- (2) *Certificate of insurance.* At the time of registration, a sign erector or his agent or a property owner or his agent shall submit a certificate of insurance per the requirements of the city's insurance provisions.
- (3) *Changes in insurance.*
  - a. Cancellation or material change. No cancellation or material change in insurance may occur without 30 days advance written notice to the city.
  - b. Lapse of coverage. At any time the insurance of any sign erector is permitted to lapse, his right to obtain or retain permits shall automatically be revoked.

**Sec. 134-14. Penalties.**

- (1) *Municipal civil infractions.* All violations of this chapter shall be municipal civil infractions and, upon a determination of responsibility therefor, shall be punishable by a civil fine as set forth in section 66-37.
- (2) *Civil remedies.* Any sign or sign structure erected, used, or maintained in violation of this chapter or in disobedience to any order validly issued by the building department pursuant to this chapter is declared to be a nuisance per se. Upon application by the city or any interested party to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, threatened violation, or disobedience may be punishable by fine or imprisonment as provided in chapter 66.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason

by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on \_\_\_\_\_, 2018, following its publication in the *Oakland Press* on \_\_\_\_\_, 2018.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on \_\_\_\_\_, 2018.

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Bryan K. Barnett, Mayor  
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON \_\_\_\_\_, 2018.

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Tina Barton, Clerk  
City of Rochester Hills