

07/29/04

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 134-107 OF CHAPTER 134, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY REGULATIONS GOVERNING THE DISCONTINUATION AND AMORTIZATION OF NONCONFORMING SIGNS, REPEAL INCONSISTENT ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 134-107 of Chapter 134 of the Code of Ordinances of the City of Rochester Hills shall be amended, as follows:

Sec. 134-107. 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 ~~legally 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 shall become obsolete as provided in section 134-116, it shall be removed as required in that section.
- (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 percent of the cost of constructing a comparable conforming sign.
- (5) *Discontinuation of nonconforming signs; amortization.* ~~A nonconforming sign shall not be placed, maintained, or displayed by any person on or after December 31, 2004. Any such nonconforming sign and sign structure shall be removed within 30 days of receipt of written notice from the city to remove the sign and sign structure.~~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;
- 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.

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 therefor shall be punishable by a civil fine of not more than \$500.

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 _____, the day following its publication in the *Rochester Eccentric* on _____.

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

Pat Somerville, Mayor
City of Rochester Hills

CERTIFICATE

I, BEVERLY A. JASINSKI, ROCHESTER HILLS CITY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE, THE ORIGINAL OF WHICH IS ON FILE IN MY OFFICE, ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF HELD ON WEDNESDAY, _____.

Beverly A. Jasinski, Clerk
City of Rochester Hills