

11/09/2005

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 134, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY SIGN REGULATIONS, REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 134 of the Code of Ordinances shall be amended, as follows:

Chapter 134

SIGNS

ARTICLE I. IN GENERAL

Sec. 134-1. 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. ~~means to~~ To enlarge, change the message of, add to or remove any component of a sign or structure.

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

~~*Business center* means a commercial development with at least six or more occupants on premises of not less than five acres.~~

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

Community activity/event sign. A temporary sign for a non-profit organization advertising community activities or events.

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

Flagpole sign. A fabric sign, movable by wind, bearing the logo, insignia or name of the on-premise business.

Freeway. A high-speed, divided, limited access highway. ~~for through traffic with fully controlled access provided by grade separations.~~

Freeway service business. A restaurant, hotel, motel, residential inn, retail or automotive service station servicing the needs of highway traffic located at or near interchange areas and freeway limited access points.

Ground sign means either a monument sign or a pole sign.

Height. ~~means, for~~ For wall signs, the vertical distance from average grade to the highest portion of the sign area; for all other signs, the vertical distance from average grade of the ground to the highest portion of the sign structure.

Hospital. A health care facility licensed as a “hospital” under the Public Health Code, 1978 P.A. 368, as amended, that provides 24-hour in-patient medical and surgical treatment and care for the general public.

Major street. ~~means a~~ A thoroughfare with a proposed right-of-way of 120 feet or greater as designated on the city master plan.

Model sign. ~~means an~~ An on-premises sign ~~measuring~~ limited to six square feet ~~or less~~ with a maximum height of five feet advertising a newly constructed residential or nonresidential building model. ~~See section 134-148.~~

Monument base. ~~means any~~ Any part of a monument sign structure that is not defined as sign area, ~~which shall not exceed the area of the sign mounted thereon by more than 50 percent of the actual sign area.~~

Monument sign. ~~means a~~ A freestanding sign of not greater than seven feet in height 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 not attached to or dependent on freestanding vertical support from any building, pole, ~~posts~~ or similar uprights with no exposed poles or posts for support.

On-premises sign. ~~means a~~ A sign ~~which advertises~~ advertising only goods, services, facilities, events or attractions ~~on the premises where located~~ located on the premises, or ~~identifies~~ identifying the owner or occupant; or directing ~~directs~~ traffic on the premises.

Open house signs/flags. Signs that advertise an “open house” to sell single or multiple family residential units.

Owner. ~~means a~~ A person, firm, partnership, association or corporation and/or its legal successors.

~~*Pole sign* means a sign that is mounted on one or more freestanding poles or other supports which are placed on or anchored in the ground, independent from any building or other structure.~~

~~*Premises* —means Contiguous real property under common ownership developed or being developed within a site plan or plat. ~~which is contiguous without division by an existing or proposed right of way.~~~~

~~*Premises sign* —means an An on-premises indirectly illuminated sign identifying solely the name of the subdivision, mobile home community, ~~office complex of three or more tenants,~~ or a multiple-family development of five or more dwelling units.~~

~~*Real estate development sign* —means an An on-premises sign advertising improvement and/or availability of the premises and issued in conjunction with a building permit. See section 134-146.~~

~~*Real estate sign* —means an An on-premises sign advertising the premises for sale, rent or lease. See section 134-147.~~

~~*Recreational, institutional, public, and quasipublic premises* —means 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; ~~hospitals;~~ colleges; universities; institutions of higher learning; ~~civic organizations;~~ housing for the elderly; and other similar ~~uses~~ premises.~~

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

~~*Sign* —means a A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or ~~piece of land~~ 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* —means the The entire area within a circle, triangle or parallelogram 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* —means any Any person engaged in the business of erecting, altering or removing signs on the premises of another person.~~

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A basement shall not be considered a story unless it is a story above grade as defined in the Michigan Building Code.

Temporary sign. ~~means a~~ 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, but not including signs for the sale, lease, rental or development of the premises.

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

Sec. 134-2. Purpose of chapter.

It is 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. 134-3. 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 from which this chapter derives, 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 from which this chapter derives 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. 134-4. Determination of sign area.

~~(a) — Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.~~

~~(b) Sign area allowed for a particular sign may be increased beyond the limitations of the table in section 134-180 if the sign is set back from the proposed right-of-way at least 50 feet or more, provided that the actual physical size of the sign shall not exceed 100 square feet. To determine the maximum area permitted for a sign setback from the proposed right-of-way 50 feet or more, calculate the maximum sign area permitted by the table in section 134-180 for the premises and subtract the area of other signs planned or existing on the premises, if any. The permitted sign area or any part thereof that has not been allocated to other signs on the premises may be multiplied by the applicable factor in the following schedule, based on the location of the sign, to determine the actual physical sign area permitted for the sign that is set back from the right-of-way 50 feet or more.~~

Location of Sign Setback in Feet from the Proposed Right of Way-	Factor-
50-99-	1.10-
100-149-	

	1.25-	
150-199-	1.45-	
200-249-	1.70-	
250 or more-	2.00-	

~~(e) — Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.~~

Sec. 134-5. Municipal civil infraction.

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.

Sec. 134-6. 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.

Sec. 134-7. Unsafe signs.

(a) *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.

(b) *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.

Sec. 134-8. Exemptions.

The following signs; ~~except as in this chapter expressly included,~~ shall be exempt ~~excluded from the requirements of this chapter and~~ shall not require a permit.

(1) Addressing Numbers. Numbers attached to any building wall or any freestanding sign for purposes of address location.

~~(1-2)~~ *Certain premises signs; for sale signs.* Signs having an area of not more than six square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon, or advertising the premises for sale or rent.

~~(2) Church or bulletin signs. On-premises church or institutional bulletin boards having an area not exceeding 32 square feet.~~

(3) Community activity/event sign. Community activity/event signs erected with permission on private property to advertise community activities or events sponsored by non-profit community service organizations, provided that the organization sponsoring the activity shall provide written notification to the building department of the dates of the activity or event at least 14 days prior to the event. Signs may be erected 10 days prior to the date of the activity or event and shall be removed within 2 days after the activity or event. One sign not larger than 16 square feet and a maximum height of 7 feet may be placed where the activity is taking place. Additional signs no larger than 6 square feet in size and 4 feet in height shall be allowed. These signs shall be limited to one sign per lot frontage and further limited to no more than 25 signs per activity or event. This exemption shall be restricted to 2 activities or events per calendar year for each non-profit community service organization.

~~(3-4)~~ *Flags.* The flag of any civic organization, municipal, state or nation respectfully displayed including 1 flag, not exceeding 24 square feet, bearing the official design insignia, name or logo of the on-premise business subject to the following conditions: 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.

~~(4-5)~~ *Garage sale signs.* Garage sales signs advertising a garage sale at a residence may be erected on or off the premises where the sale occurs, provided that all signs are erected on private property. A sign erected off the premises shall be on private property with the approval of the owner of the property. Garage sale signs shall not be located within public road rights-of-way or on other publicly owned property. Each garage sale shall be limited to one sign located on the premises and one sign located off of the premises, with each sign not to exceed six square feet in area and four feet in height. Signs advertising a garage sale shall not be erected for more than 12 days in any calendar year per garage sale location. This subsection shall also apply to yard sales, basement sales, rummage sales, moving sales, estate sales or other similar sales when conducted at a residence.

(6) Gasoline pump signs. Gasoline pump-mounted signs of no more than 3 square feet per pump and projecting no higher than 2 feet above top of pump.

(5-7) *Historic signs.* Historic marker signs indicating only the date of erection of a building and having an area not exceeding six square feet.

(8) *Holiday lights.* Holiday lights and decorations.

(6-9) *Identifying signs.* Labels identifying the source, brand name or manufacturer of merchandise exhibited for sale, none of which exceed two square feet.

(10) *Model Signs.* One sign per building model not to exceed 6 square feet or maximum height of 5 feet.

(7-11) *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.

(12) *Open house sign.* One off premise sign for each roadway leading from a major thoroughfare into the location or subdivision where the property being advertised is located. Sign(s) are limited to 6 square feet with a maximum height of 5 feet and may be displayed only between the hours of 11am to 5pm. These signs may not be located in the public right-of-way.

(8-13) *Political signs.* Political, ideological or expressive signs advocating or opposing a candidate for public office, an ideology or a position on an issue ~~to be determined at an election may be posted only within 31 days before and 48 hours after the election, if the owner of the premises consents, there is at least one occupied building on the premises and signs are not more than six square feet in size.~~ On election day, political ~~signs not otherwise allowed by this subsection may also~~ must be located at least 100 feet from and not more than 200 feet from any entrance to a building in which a polling place is located.

(9-14) *Premises identifying signs.* Signs having an area of not more than two square feet, the message of which is limited to conveying ~~street numbers~~, the name of the premises, the name of the owner of the premises and the name of the occupant of the premises.

(10-15) *Premises signs with limited visibility.* Signs, which are visible only from the premises on which they are located.

(16) *Real estate signs (one- family residential).* One on-premise real estate sign per one- family residential frontage advertising the premises for sale, rent or lease; no greater than six square feet and a maximum height of five feet.

(11-17) *Roadside stands and Christmas tree sales signs.* On-premises signs for roadside stands and Christmas tree sales, which are otherwise under permit issued by the city, with a maximum of 1 sign per road frontage, and no larger than 12 square feet in area or greater than 7 feet in height.

(12-18) *Service station price signs.* Signs no more than 12 square feet in area which display only the price of motor vehicle fuel and type of fuel and further limited to one per road frontage and located on the same sign structure as the premise identification sign. Service station price signs shall comply with the height and setback limitations in the table in section 134-180.

(13-19) *Truck signs.* Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates and in operable condition which are traveling or lawfully parked upon public highways or lawfully parked upon any premises ~~for a period not exceeding four hours or for a longer period~~ they are servicing or based at, where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign of any one advertiser does not exceed one plus one more for each 25,000 square feet of area of the premises.

(14-20) *Window signs.* Window signs, where permitted, that encompass not more than 20 percent of the area of the window shall be exempt. The area of any window signs exceeding 20 percent of the total window area shall be deducted from the allowable sign area of the premises.

ARTICLE II. APPEALS AND VARIANCES

Sec. 134-36. 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 requirements for which the city construction board of appeals shall have jurisdiction.

Sec. 134-37. 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 in subsection (a) of this section shall be filed within 20 days after the notice or order is served by the city on the petitioner.

(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 134-42(a).

Sec. 134-38. 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 ~~may grant an~~ extensions of time for the performance of any act required of not more than three additional months, where the sign board of appeals finds ~~and that~~ 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 four 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 six 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) ~~Condition of variance~~ 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 be transferable to a new owner.

(e) ~~Conditions~~ Reconsideration. After a variance has been denied in whole or in part by the sign board, such application shall 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.

Sec. 134-39. Scope of hearing.

At the hearing held pursuant to this article, 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.

Sec. 134-40. Stay.

An appeal made under this article 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.

Sec. 134-41. Variances.

(a) *Findings of fact.* A variance to this chapter may be allowed by the sign board of appeals only in cases ~~involving practical difficulties or unnecessary hardships, as the terms are understood under variance law, not created by the applicant, tenant or owner, or their predecessor,~~ when the competent, material and substantial evidence in the official record of the appeal supports all the following affirmative findings:

(1) ~~*Exceptional circumstances.* The alleged hardships or practical difficulties or both are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.~~*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.

(2) ~~*More than inconvenience.* The alleged hardships and practical difficulties or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience or mere inability to attain a higher financial return.~~*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.

(3) *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 ~~hardships-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 in 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.

Sec. 134-42. Appeal procedure.

(a) *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.

(b) *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.

(c) *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.

ARTICLE III. PERMITS AND REGISTRATION

Sec. 134-71. 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 section 134-8, unless a permit shall have been first obtained from the building department and a permit fee paid in accordance with the schedule set forth in article VI of chapter 110.

Sec. 134-72. Relocation or reconstruction.

Any sign or sign structure that is moved to another location or reconstructed either on the same or other premises shall be considered a new sign, and a permit shall be secured for any work performed in connection therewith when required by this chapter.

Sec. 134-73. Application.

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 at least the following information:

(1) *Name.* Name, address and telephone number of the applicant and the owner if different from the applicant.

(2) *Location.* Location of the building, structure, or lot on which the sign is to be attached or erected.

(3) *Position of sign.* Position of the sign in relation to nearby buildings, structures, and property lines.

(4) *Plans for sign.* Two copies of the plans, specifications and method of construction and attachment to the building or the ground.

(5) *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.

(6) *Sign erector.* The name and address of the sign erector.

(7) *Insurance.* The insurance policy as required in this article.

(8) *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.

(9) *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.

Sec. 134-74. 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.

Sec. 134-75. Added requirements for sign erectors.

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' 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. 134-76. Certificate of inspection.

All ground-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.

ARTICLE IV. GENERAL REQUIREMENTS FOR ALL SIGNS

Sec. 134-106. Ownership or consent to erect signs; responsibilities.

(a) *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.

(b) *Maintenance of property.* Property surrounding any ground-monument sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, weeds, rubbish and flammable material.

(c) *Responsible parties.*

(1) *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.

(2) *Identification.* On any sign requiring a permit within the city, it shall clearly identify the permit holder on the sign.

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 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* . 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. 134-108. Construction requirements.

(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 ~~parts of such signs~~ sign components shall be kept ~~painted and~~ free ~~from~~ of peeling paint, corrosion and all other defects and deterioration. All signs other than temporary signs ~~and real estate 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 ~~erector~~ 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 appeals of matters relating to and variances from the requirements of this section shall be made to and shall follow the procedures of the city construction board of appeals.

Sec. 134-109. Location.

(a) *Corner clearance.* No sign shall be placed within the triangular area at the corner of the intersection of two street right-of-way lines for a distance along each line of 25 feet from their point of intersection.

(b) *Signs in public rights-of-way.* It shall be unlawful for any person to post or place any sign within any public right-of-way within the city, except signs authorized by the county road commission, the state transportation commission or the city. 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 ten days for pickup by any person who might claim them.

(c) *Proximity to electrical conductors.* No sign shall be erected so that any part, including cables, guys, etc., will be within six feet of any electrical conductor, electric light pole, streetlamp, traffic light, or other public utility pole or standard.

Sec. 134-110. Traffic interference.

No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

Sec. 134-111. Exclusions from certain sections.

~~Sections 134-112 through 134-115 shall not be applied to prevent the erection or maintenance of strings of lights from the day after Thanksgiving of each year until the following January 2 or signs which convey changing information such as time or temperature by words, letters or pictures represented by lights of uniform color on a black background where the words, letters or pictures are not in motion and are changed not more often than once every ten seconds.~~

Sec. 134-112. Movement.

It is unlawful to erect or maintain any sign, except a flag moved only by natural wind, which moves or has any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise, including swinging signs.

Sec. ~~134-113. Strings of flags and streamers.~~

~~It shall be unlawful to erect and maintain strings of flags and streamers without first obtaining a permit. Permits shall be limited to a continuous period of not longer than ten days at a time, nor more frequently than four times per year for each premises.~~

Sec. 134-114. Illumination.

It is unlawful to erect or maintain any illuminated sign where the 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.

Sec. 134-115. Open flames.

In no case shall any open spark or flame be used for display purposes unless specifically approved by the building department.

Sec. 134-116. Obsolete signs.

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 six months.

Sec. 134-117. Off-premises signs.

(a) It shall be unlawful to maintain any sign ~~on any premises, which does not have a building constructed on it, and the sign that~~ is not an on-premises sign or is not otherwise specifically allowed in this chapter. The person placing a sign and the owner and occupant of any premises where an off-premises sign is maintained shall remove such sign and shall be in violation of this section if the sign is not removed within 207 days after receiving written notice from the city to remove the sign. This prohibition shall not apply to exempt open house signs.

~~(b) Notwithstanding anything to the contrary in this chapter, noncommercial signs shall count against the allowable sign area of premises.~~

(b) The ~~sign board of appeals~~ Building Department may allow, on a temporary basis, one or two off-premises signs of sixteen square feet and not more than

seven feet in height to advertise a new subdivision which is not along a main thoroughfare, in order to draw the public to the subdivision, based upon a new subdivision's need for exposure, and for a limited time period, and only to the extent determined necessary by the sign board of appeals. In no case shall the sign continue to be displayed once 80% of the development has received a certificate of occupancy. A permit approved for this purpose is valid for a period of 1 year with two 1 year subsequent renewals.

(c) Off-premises signs shall not be located in public rights-of-way.

Sec. 134-118. Roof signs.

Roof signs shall be prohibited.

Sec. 134-119. ~~Ground~~ Monument signs.

~~Ground~~ Monument signs shall not be higher than seven feet.

ARTICLE V. SPECIAL REQUIREMENTS BY TYPE OF SIGN

Sec. 134-146. Real estate development signs.

The Building Department may permit a real estate development sign during development of a subdivision or other premises for a period not exceeding two years with 1 year subsequent renewals without approval of the sign board of appeals, one sign, stating the name of the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding 36 square feet in area and a height not exceeding seven feet, is permitted. Permits for real estate development signs shall be obtained only by the developers of the premises or their agent. In no case shall the sign continue to be displayed once 80% of the development has received a certificate of occupancy.

Sec. 134-147. Real estate sign.

Premises in excess of one acre shall be allowed ~~permitted~~, by permit, one real estate sign per road frontage not exceeding 36 square feet in sign area and not exceeding seven feet in height. Premises of less than one acre shall be permitted one real estate sign of not more than six square feet and no greater than seven feet in height. Permits for real estate signs greater than six square feet shall be valid for a period of one year with annual renewals authorized by the building department.

~~Sec. 134-148. Model signs.~~

~~Model signs measuring six square feet or less shall be permitted for a period not exceeding two years without approval from the sign board of appeals. Model signs shall be located within the subdivision where the model is located.~~

Sec. 134-149. Temporary signs: banners, pennants, strings of flags or streamers, freestanding and hand-held portable signs and sandwich boards.

~~Temporary signs may be authorized by permit by the building department for not more than 60 days per year under permit upon a determination by the building department, on the basis of written information furnished by the applicant, that the proposed sign is necessary for the direction of the public, will not create an obstruction or a traffic hazard or be incompatible with the general area where it is to be located, and will not be contrary to the spirit and purpose of this chapter. The building department may consider the following in determining whether a permit should be issued for a temporary sign, not by way of limitation, to authorize a permit for a temporary sign: the presence of other existing temporary signs, absence of permanent signs, change of use of the premises, change in basic service provided by the occupant, and special events sponsored by more than two occupants. Temporary signs shall be in compliance with all provisions of the table in section 134-180 of the following provisions. Further, this sign area shall not be charged against the allowable square footage for the building or tenant.~~

Temporary wall or freestanding portable sign: Temporary wall and freestanding signs, except grand opening signs, may be erected on any business establishment for a maximum period of fourteen (14) consecutive days with the maximum number of four (4) temporary wall signs in any twelve-month period.

Temporary grand opening signs. Temporary wall or freestanding grand opening signs for new business establishments may be erected for one (1) time only for a maximum period of thirty consecutive days.

Area and height- Temporary wall signs may not exceed 50% of the allowable sign area or maximum single sign area for the tenant or premise with to a maximum of 100 square feet, whichever is less. Temporary wall signs shall not exceed the height limitations in table 134-180. Freestanding portable signs shall not exceed 16 square feet in area and six (6) feet in height to the top of the sign.

Removal. All temporary signs, freestanding or wall shall be removed within 24 hours of the expiration of the permit.

Damaged or unsafe. Any temporary freestanding or wall sign found by the building department to be in a deteriorated, damaged, unusable or unsafe condition must be repaired or removed by the sign contractor or owner within 48 hours following notice from the building department.

ARTICLE VI. REQUIREMENTS FOR SIGNS ON CERTAIN PREMISES

Sec. 134-176. Signs permitted for on residential premises development.

The following signs shall be permitted on residential premises:

(1) For each subdivision, residential development, or mobile home park, two premises signs shall be allowed within 100 feet of each vehicle entranceway intersecting ~~onto~~ a road right-of-way. Such signs shall be limited to 20 square feet in sign area with a maximum height of seven feet. Such signs shall be exempt from the setback requirements of the zoning ordinance in chapter 138, but shall not be located in a proposed or existing public right-of-way, with the exception of an island placed sign. No other signs may be attached to or be supported by the premises sign structure. Where the sign consists solely of lettering or other elements or printed on a wall without any distinguishing border pattern or background the perimeter and writing/image shall be considered as a single sign for sign area computation. The entrance wall when approved in conjunction with an planned development shall be excluded for height limitations only. In no instance shall the sign height be more than seven feet from grade.

~~(2) — Real estate development signs.~~

~~(3) — Real estate signs.~~

~~(4) — Model signs.~~

Sec. 134-177. Signs permitted on recreational, church, institutional, public, and quasipublic premises.

This section shall apply to premises with public and private recreation; municipal buildings and uses; public, private, and parochial schools; cemeteries; nursery schools, day nurseries, and child care facilities; funeral homes; ~~hospitals~~; colleges; civic organizations; housing for the elderly; churches and places of worship; and other similar uses. The following signs shall be permitted:

~~(1) — Wall or ground signs. If a wall sign, it shall not exceed a sign area of 20 square feet, and if a ground sign, it shall not exceed seven feet in height.~~

(1) One monument sign limited to a maximum of 20 square feet and a maximum height of seven feet.

(2) One wall sign limited to 20 square feet in area and a maximum height of 20 feet from grade.

~~(3) — Real estate development signs.~~

~~(4) — Real estate signs.~~

(3) Temporary signs.

(4) One changeable or electronic message sign of 32 square feet when placed on the same sign structure as the monument sign permitted in this section. Electronic

message signs shall have the letters and images of uniform color on a black background where the words, letters or pictures are not in motion and are not changed more often than every ten seconds.

Sec. 134-178. Signs permitted on office, professional and research premises.

The following signs shall be permitted on office, professional and research premises:

(1) One monument sign per vehicle entrance (but no more than two signs per premise) identifying or advertising the office, professional or research premises, which sign shall have an area not exceeding 20 square feet and a height not exceeding seven feet. In addition, when the premises is known by a name different than any occupant, each occupant shall be permitted one identification sign not exceeding eight square feet and located on the same sign structure not exceeding seven feet in height. The total sign area of such identification signs shall not exceed 80 square feet for the premises. Such signs shall be exempt from the setback requirements of the zoning ordinance in chapter 138 and the table in section 134-180, if applicable, but shall not be located in the proposed or existing right-of-way. A monument or wall sign shall be located on frontage facing a major street, unless there is no frontage on a major street.

~~(2) Real estate development signs.~~

~~(3) Real estate signs.~~

~~(4) Temporary signs.~~

~~(5) One wall sign of 20 square feet with a height not to project above the roof or parapet of the building elevation on which it is mounted. Buildings in excess of one story shall be permitted an additional 20 square feet per story to a maximum of 100 square feet in single wall sign area, and no more than 2 wall signs. ~~When the property has a common boundary line with a freeway, excluding service drives, and the sign is mounted on a building elevation that is oriented towards the freeway, In such a case,~~ the wall sign may not project above the roof or parapet of the building elevation on which it is mounted.~~

~~(4) When a single story building abuts two (2) major streets – one sign of 20 square feet shall be permitted per elevation facing a major street.~~

~~(5) No wall sign shall be placed on an elevation facing a residential district unless it is separated by a major street, unless there is not frontage to a major street.~~

Sec. 134-179. Signs permitted on general commercial, retail, and industrial premises ~~and business centers.~~

The following signs shall be permitted on general commercial, retail, and industrial premises ~~and business centers~~:

(1) Window signs on general commercial and retail premises greater than 20% of window area shall require permits and be charged to the allowable sign area as provided in table 134-180.

~~(2) Real estate signs on general commercial premises, retail premises and business centers and shall be exempt from the acreage requirement of section 134-147.~~

~~(3-2) Premises signs on industrial premises in accordance with subsection 134-178(1), except that industrial premises shall be permitted one monument sign pursuant to Table 134-180. However, a sign greater than 20 square feet in area shall be construed as a ground sign and shall meet all sign setback requirements of the premises.~~

~~(4) Real estate development signs.~~

~~(5-3) Temporary signs.~~

~~(6-4) Ground Monument signs and wall signs in accordance with the table in section 134-180.~~

Sec. 134-179A. Signs permitted for hospitals.

The following signs shall be permitted for hospitals that provide 24 hour personal medical and surgical care:

(1) One monument sign of 150 square feet and seven feet in height when placed in front of the hospital from where it is addressed. These signs shall not be located in the proposed or existing road right-of-way and shall maintain corner clearance requirements.

(2) One additional monument entrance sign of twenty (20) square feet, seven feet in height per major road frontage to identify the driveway or emergency entrance location. The signs shall not be located in the proposed or existing road right-of-way and shall maintain corner clearance requirements.

(3) 300 square feet of wall mounted sign area with no single sign to exceed 100 square feet in area and not extend above the parapet line where it is mounted. A greater single sign area may be approved by the Sign Board of Appeals if the Sign Board determines more sign area is necessary to reasonably ensure visibility for the health, safety and welfare of the general public.

Sec. 134-180. Standards.

The following table establishes standards for area, setbacks, height and number of signs permitted:

TABLE INSET:

Table 134-180

	General Commercial and Retail Premises	Business Center	Gasoline Stations and Automotive Service Premises	Industrial Premises	Freeway Service Business
Allowable sign area per site (a)	X=6 Y=60	X=6 Y=60	X=6 Y=60	X=6 Y=60	X=6 Y=60
Additional sign area per site (c)	Z=2	Z=2	0	0	0
Maximum additional sign area per site (c)	400 200 sq. ft.	200 sq. ft.	0	0	0
Minimum monument setback from proposed right-of-way	10' (b), (i), (j),	10' (b), (i), (j)	10' (b), (i), (j)	10' 50' (d), (i), (j)	10'
Maximum wall sign height	20'	20'	20' (g)	(e)	(e)
Maximum ground monument sign height	7'	7'	7'	7'	7' (p)
Maximum single sign area	100 sq. ft. (k), (l), (m)	100 sq. ft.	100 sq. ft. (k)	100 sq. ft. (k)	100 sq. ft. (p)
Maximum number of ground monument signs per frontage (h)	1 (f) (n) (o)	(f)	1	1	1

NOTES TO TABLE:

(a) Allowable square footage of sign area shall be based on the larger of one of the following calculations: (i) "X" times every ten feet or fraction thereof of street frontage; or (ii) "Y" times every acre or fraction thereof. The area of the premises, which may be used, shall include the property between the existing right-of-way and the proposed right-of-way. When any premise has more than one street frontage, only one street frontage shall be considered in computing allowable sign area. At no time shall frontage be considered in computing allowable sign area where there is no access to the premises from such frontage or where the proposed right-of-way abutting the frontage is less than 86 feet in width. When any premise has two or more occupants, permitted area shall be divided among them in the same proportion as they occupy building floor space. The premises owner shall obtain planning commission approval for any apportionment of sign area on a disproportional basis.

(b) In the case of nonconforming buildings located within 15 feet of the proposed right-of-way, signs may project up to five feet beyond the face of the building, but in no case shall a sign extend into an existing right-of-way. Other setbacks, than front yard setbacks, shall be the same as for other structures in the district in which the premises is located.

(c) When any premises has more than one occupant ~~and has a name distinct from that of any tenant~~, as in the case of a shopping center, additional monument sign area as allowed in the table shall be permitted. This additional sign area shall only be used to identify the name of the premises ~~except in the case of a business center where the additional sign area may also be used to identify the name of no more than four occupants~~. ~~The additional sign area shall not be combined with the sign area allowed in note (a) and occupants.~~ The additional sign area shall not be used for tenant or premise wall signs. The additional sign area shall be calculated by multiplying "Z" times every ten feet or fraction thereof of street frontage, but not to exceed the maximum additional sign area.

(d) When a building is located within or at the required setback, 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.

(e) Wall signs shall not exceed 20 feet in height except when the property which has a common boundary line with a freeway, excluding service drives, and the sign is mounted on a building elevation that is oriented towards the freeway. In such a case, the wall sign may not project above the roof or parapet of the building elevation on which it is mounted.

(f) One ~~ground~~ monument sign shall be permitted for each ~~vehicle entranceway to a major street~~, but no more than two ground signs shall be permitted per road frontage abutting a major street, provided however that a second sign shall be allowed for each frontage in excess of 300 feet having more than one entranceway onto a road right-of-way.

(g) Signs are not permitted to be attached to or be a part of gasoline pump canopies.

(h) ~~Ground~~ Monument-signs shall not be permitted to be placed along frontages of thoroughfares with a proposed right-of-way of less than 86 feet in width as designated within the city transportation plan except as provided in this chapter.

(i) When a nonconforming sign is replaced by a sign conforming to this chapter, the building department director may reduce the minimum setback to the extent the director, in the director's sole judgment, determines necessary to achieve reasonable visibility of the replacement sign and to avert or alleviate a potential traffic hazard, but in no case shall the replacement sign be located in the existing public right-of-way.

(j) Along Rochester Road, a 75 feet proposed right-of-way, extending from both sides of the centerline, shall be used for the purpose of measuring the minimum sign setback.

(k) In no case shall a sign be placed on an elevation facing residential district unless separated by a major thoroughfare.

(l) Area of building mounted sign may be increased beyond the limitations of the table in section 134-180 A if the sign is setback from the proposed right-of-way at least 50 feet or more. To determine the maximum area permitted for a wall sign setback from the proposed right-of way 50 feet or more calculate the total maximum sign area permitted by the table in section 134-180. The permitted wall sign area of any single sign may be increased by the applicable factor in Table 134-181 provided that the actual physical size of the sign shall not exceed 100 square feet.

(m) General commercial premises meeting or exceeding a setback distance of 250 feet or more from the proposed road right of way and having a usable floor area of 50,000 square feet or more, may increase the area of one single sign to a maximum of 200 square feet to identify the name of the business only. The sign must be placed on the elevation facing the proposed road right of way from which the setback distance is taken. This sign area will be charged against the total allowable sign area for that business.

(n) Automobile and truck agency sales and showrooms shall be permitted the following monument signs: Each development may have one monument sign identifying the main dealership of the development. A second monument sign identifying used cars and truck sales may be permitted. A third monument sign identifying additional automotive product manufacturers, other than that provided for on the other main development sign may be permitted.

(o) Changeable or electronic message sign when mounted on the same monument structure as the premise identification sign and further limited to one (1) per premise. Electronic message signs shall have the letters and images of uniform color on a black background where the words, letters or pictures are not in motion and are not changed more often that every ten seconds.

(p) For freeway service businesses a greater height and area may be permitted than allowed in the table if the Sign Board of Appeals determines a greater height or area is necessary to assure reasonable visibility of the sign to motorists on the adjacent limited access freeway.

Sec. 134-181. Determination of sign area.

(a) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(b) Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements

printed or mounted upon a wall of a building without any distinguishing border, panel or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

Table 134-181

Location of Sign Setback in Feet from the Proposed Right-of-Way	Factor
50--99	1.10
100--149	1.25
150--199	1.45
200--249	1.70
250 or more	2.00

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 _____, 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 hereby certify that the foregoing ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof on Wednesday,

_____.

Jane Leslie, Clerk
City of Rochester Hills