

CHANGES HIGHLIGHTED

ORDINANCE NO. _____

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

THE CITY OF ROCHESTER HILLS ORDAINS:

Chapter 134 - SIGNS

Article I – Purpose, Intent, and Definitions

Section 134-1. Purpose and Intent

The City of Rochester Hills has determined that:

- A. Regulation of the number, size, location, placement and other features of signs is necessary to:
 1. Enable the public to locate goods, services and facilities without difficulty and confusion;
 2. Prevent wasteful use of natural resources by businesses competing for attention;
 3. Prevent hazards to life and property; and
 4. Ensure the continued attractiveness of the community and protection of property values.
- B. 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.
- C. The appearance of the city is adversely affected by excessive signs.
- D. 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.
- E. 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.

Section 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 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.

Section 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.

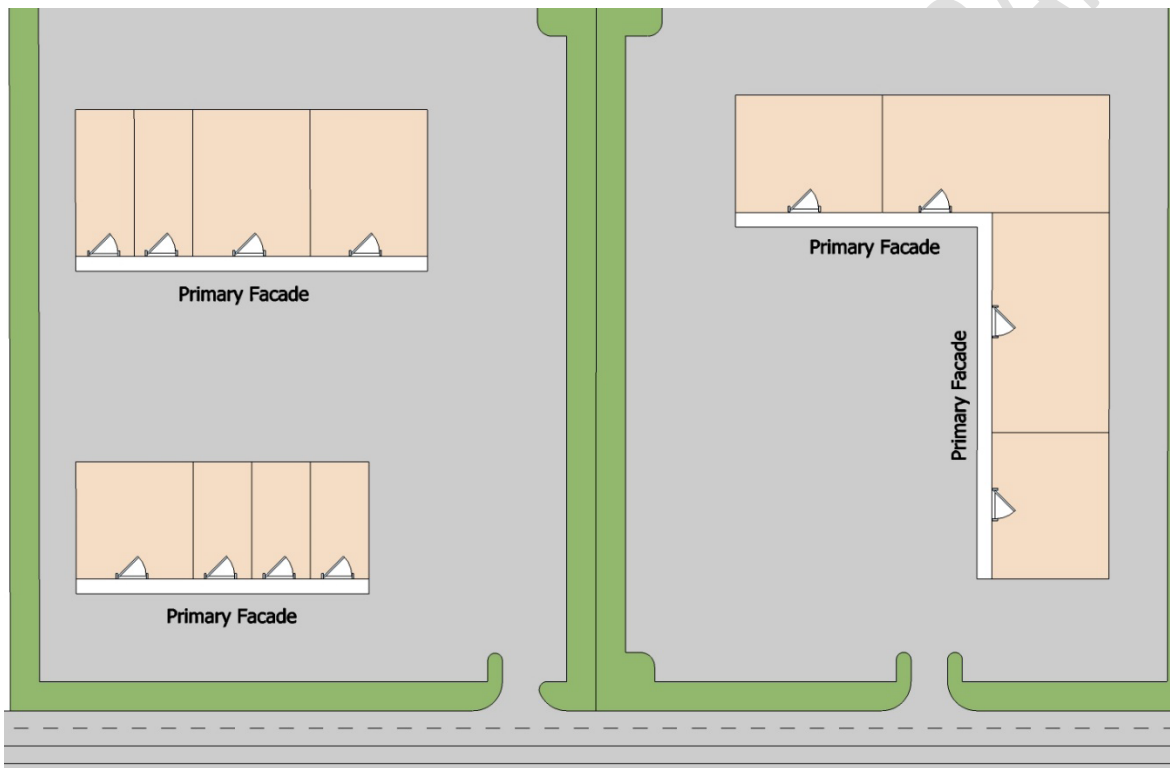
Changeable sign. A sign with manually changeable content or message.

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

Façade. 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.

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

Figure 134-3: Primary Façade



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 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 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 ordinance 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

134-4. General Standards

A. Sign Permits

1. **Signs Not Requiring a Permit.** The following signs shall not require a permit:
 - a. *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
 - b. *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.
 - c. *Official signs.* Signs posted by duly constituted public authorities in pursuance of their public duties.
 - d. *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.
 - e. Temporary signs less than twelve (12) square feet.
2. **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 134-4.A.1, 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.
3. **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 at least the following information:
 - a. *Name.* Name, address and telephone number of the applicant and the owner if different from the applicant.
 - b. *Location.* Location of the building, structure, or lot on which the sign is to be attached or erected.
 - c. *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.
 - d. *Position of sign.* Position of the sign in relation to nearby buildings, structures, and property lines.
 - e. *Plans for sign.* Two copies of the plans, specifications and method of construction and attachment to the building or the ground.
 - f. *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.
 - g. *Sign erector.* The name and address of the sign erector.
 - h. *Insurance.* The insurance policy as required in this article.
 - i. *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.

- j. *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.
 - k. *Identification.* On any sign requiring a permit within the city it shall clearly identify the permit holder on the sign.
4. **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.

B. Prohibited Signs

- 1. **Roof signs.**
- 2. 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.
- 3. **Animated and moving signs.**
 - a. Signs that move or have any moving or animated parts or image, whether movement is caused by machinery, electronics, wind or otherwise.
 - b. 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.
- 4. **Open flames.** In no case shall any open spark or flame be used for display purposes unless specifically approved by the building department.
- 5. **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 ten days for pickup by any person who might claim them.
- 6. Any sign not expressly permitted by this ordinance shall be prohibited.

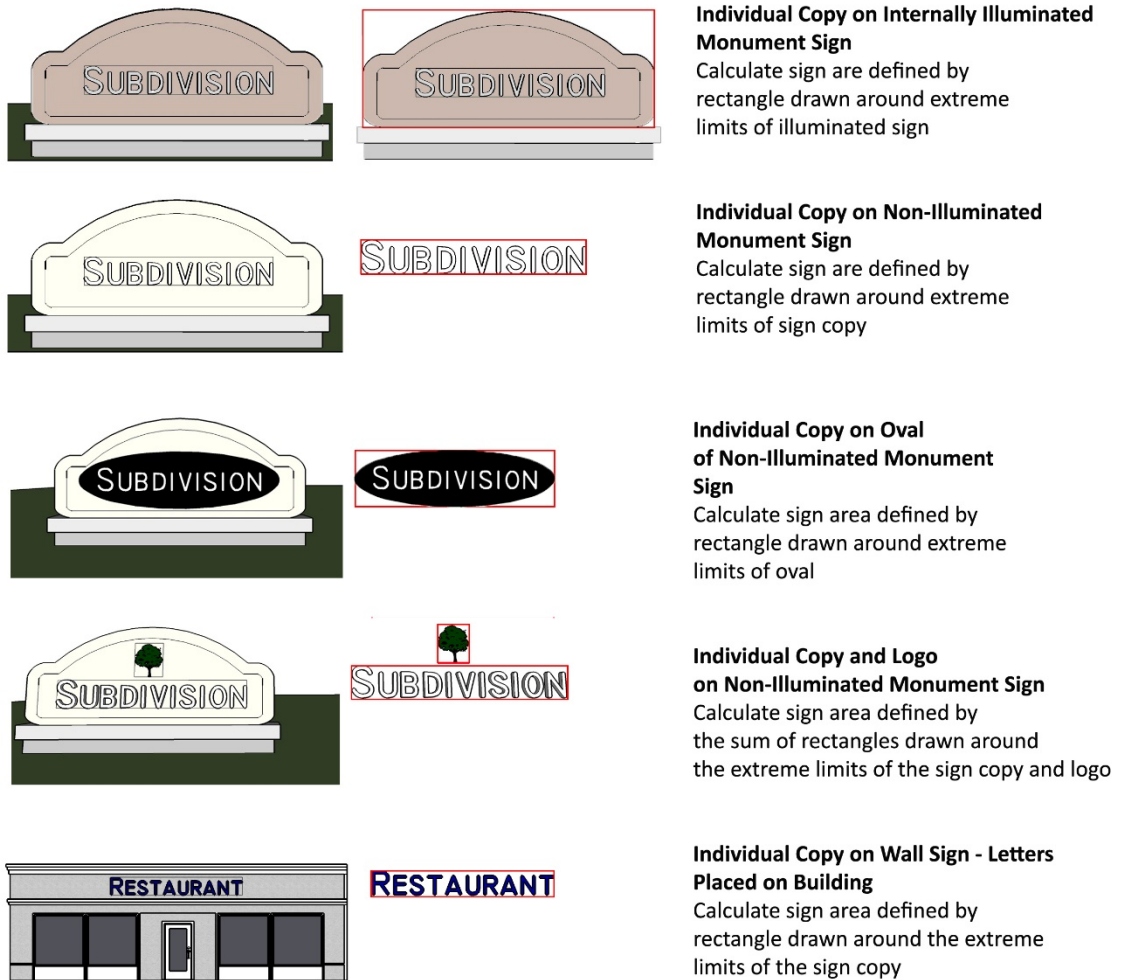
C. Locational Requirements

- 1. **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 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.

- 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.

D. Measurement of Sign Area and Height.

Figure 134-4 D: Measuring Sign Area



Sign Area Calculation Guidelines

- 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 five-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 two. Any filling, berming, mounding or excavating primarily for the purpose of locating the sign shall not be included in the calculation of average grade.
- 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.

E. Illumination.

1. Illuminated signs shall not be of the flashing or intermittent type.
2. The source of illumination may be internal or external. The source of the light shall not be exposed.
3. External sources of illumination shall be shielded and directed to prevent glare onto public right-of-way or neighboring properties.
4. 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.
5. 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.
6. When permitted, electronic message signs shall comply with the following standards:
 - a. Multi-colored messages may be used where the words, letters or pictures are not in motion
 - b. 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

- c. Signs shall be programmed to go dark in the event of a malfunction.
- d. 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 **thirty (30)** seconds. The change from message to message shall be instantaneous.
- e. Electronic displays shall not mimic traffic controls.

F. 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.

G. Substitution Clause. Nothing in this ordinance shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.

Article III –Sign Standards

Section 134-5. Monument Signs & Wall Signs.

A. 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
Residential Development			
Single family dwellings	Not permitted	Not permitted	N/A
Multi-family and subdivision complexes	Seven	20	One 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	Seven	20	10 ft. setbacks
Recreational, church, institutional, public and quasi-public uses			
Public & private recreation uses	Seven	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	Seven	150 sf when placed in front of the hospital from which it is addressed; one additional sign with a maximum area of 20 sf is permitted per major road frontage	10 ft. setbacks
Office, professional and research uses			
Medical offices	Seven	Total maximum size of 100 sf with no single sign exceeding 48 sf	One sign per vehicular entrance, separated by a minimum of 300 ft.; 10 ft. setbacks
Professional offices			
Research facilities			
Commercial, retail and industrial uses			
General commercial, retail, restaurant uses	Seven	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	Seven	1 sf per each five ft. of linear street frontage, up to a maximum of 100 sf	On 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	Seven		
* In the case of nonconforming buildings located within 15 ft. of the proposed right-of-way, signs may be placed up to five 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.			

B. Specific Standards: Monument Signs

1. 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.
2. Monument signs are not permitted in the road right-of-way unless otherwise specified
3. Monument signs shall be placed out of the required corner clearance area as provided in Section 134-4.C
4. 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.
5. 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.
6. Monument signs for subdivision entrances shall not be internally illuminated.
7. Monument signs may incorporate electronic message signs, provided that such signs do not exceed 2/3 of the sign area. See Section 134-4 E. for additional standards.

Section 134-6. Wall Signs.

A. **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
Residential Development	
Single family dwellings	Not Permitted
Multi-family and subdivision complexes	20
Housing for elderly	20
Recreational, church, institutional, public, and quasi-public uses	
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
Office, professional, and research uses	
Medical offices	20 sf per tenant, up to a maximum of 100 sf per building;
Professional offices	Buildings with two major street frontages: one additional sign up to 20 sf.
Research offices	Buildings with freeway frontage; two additional sign areas are permitted, up to a maximum of 100 sf each.
Commercial, retail, and industrial uses	

Use	Maximum Area in Square Feet of all Wall Signs
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 one sign is 200 sf, provided such sign is placed on the elevation facing the 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

B. Specific Standards: Wall Signs

- i. Wall signs shall not project beyond the roof or parapet of any building.
- ii. Wall signs shall not face a residential district unless separated by a major street.
- iii. 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.
- iv. 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.
- v. 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.
- vi. Multiple Story Buildings. Signs are permitted at the storefront level only, below the expression line separating the ground floor from upper floors.
- vii. 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

Section 134-7. Specific Standards for Other Sign Types

A. Awning Signs.

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

B. Projecting signs.

- i. Projecting signs shall be mounted below the second-floor window sill in multi-story buildings.

- ii. Projecting signs shall be small in scale and provide a minimum vertical clearance of eight feet between the lowest point of the sign and the sidewalk.
- iii. The maximum sign area for projecting signs is five square feet.
- iv. Mounting hardware shall be attractive and an integral part of the sign design.

C. Hanging signs.

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

Section 134-8. Permanent and Temporary Window Signs

- A. Window signs shall be permitted in all non-residential zoning districts.
- B. Window signs shall be permitted to occupy up to 25 percent of the total window glazed area of any given façade regardless of whether they are temporary or permanent.
- C. Etched or applied lettering or designs that are within the lower eight 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 eighty (80) percent of the width of any window to or on which they are placed.
- D. Window signs shall contain a static message and shall not flash, scroll or otherwise give the appearance of movement or intermittent change.
- E. 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.

Section 134-9. Temporary Signs

- A. Temporary signs shall be permitted as follows:

134-9 A. Maximum size, maximum height, and permitted type of temporary signs				
Use	Permitted Types	Maximum Area of All Temporary Signs	Maximum Area of Any Individual Sign	Maximum Height (Freestanding)
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.				

- B. 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 thirty (30) days between display of the same temporary sign on the same zoning lot.

- C. 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.
 - i. For residential lots less than one acre in size, the freestanding sign area limits in Table 134-9 A apply.
 - ii. For residential lots greater than one acre in size, the maximum freestanding sign area for any individual sign may be increased to ten (12) square feet.
- D. In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies for a period of sixty (60) days prior to until three (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 sixty-four (64) square feet in all districts. The maximum area of an individual sign remains as stated in the table above during this period.
- E. 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 fourteen (14) days.
- F. 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.
- G. Temporary signs shall be subject to the maintenance standards of this section.

Article V – Administration and Enforcement

Section 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:

- A. 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.
- B. 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.
- C. 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 six months.
- D. 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.
- E. Discontinuation of nonconforming signs; amortization. Nonconforming signs or sign structures shall be removed when:
 - 1. The responsible parties voluntarily change or relocate the nonconforming sign;
 - 2. The name of the premises or business the nonconforming sign pertains to changes;
 - 3. The nature or type of premises or business the nonconforming sign pertains to requires a new certificate of occupancy;

4. Significant changes or improvements are made to the premises where the nonconforming sign is located requiring site plan review and approval; and
5. 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 134-11 Construction Standards & Maintenance of Signs.

A. Construction Standards

1. 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.
2. 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.
3. 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.
4. 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.

B. Maintenance of Signs & Property.

1. 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.
2. 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.
3. 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.

Section 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 requirements for which the city construction board of appeals shall have jurisdiction.

A. Hearings.

1. 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.

2. Application filing. The application in subsection (a) of this section shall be filed within 21 days after the notice or order is served by the city on the petitioner.
3. 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). [appeals procedure]

B. Action of sign board of appeals.

1. 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 three 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

C. 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.

D. 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.

E. Variances.

1. *Findings of fact.* A variance to this chapter may be allowed 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:
 - a. 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.
 - b. 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.
 - c. 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.
2. *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.
3. *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.
4. *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:
 - i. The relevant administrative records and administrative orders issued relating to the appeal.
 - ii. A notice of appeal.
 - iii. 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.

Section 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:

- A. *Annual registration.* Sign erectors shall register each calendar year with the building department in accordance with the following:
 - 1. *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.
 - 2. *Fee.* A registration fee as set forth in section 110-401 shall be paid.
- B. *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.
- C. *Changes in insurance.*
 - 1. *Cancellation or material change.* No cancellation or material change in insurance may occur without 30 days' written notice to the city.
 - 2. *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.

Section 134-14. Penalties.

- A. *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.
- B. *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.

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

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

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.

Facade. The front of the building or tenant space measured from side to side and from grade to top of wall.

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

Freeway. A high speed, divided, limited access highway.

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.

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

Model sign . An on-premises sign limited to six square feet with a maximum height of five feet advertising a newly constructed residential or nonresidential building model.

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

Monument sign. 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 is not attached to or dependent on freestanding vertical support from any building, exposed pole, or uprights for support. The base of the sign shall not be less than 75 percent of the width of the sign panel.

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.

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

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.

Premises sign . An on-premises indirectly illuminated sign identifying solely the name of the subdivision, mobile home community, or a multiple family development of five or more dwelling units.

Real estate development sign . 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 . An on-premises sign advertising the premises for sale, rent or lease. See section 134-147.

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 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 . 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 . 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 . 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.

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. 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 5. 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 6. 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 7. Exemptions.~~

~~The following signs shall not require a permit:~~

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

~~(2) *Certain premises signs; for sale and help wanted 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 or for help wanted.~~

~~(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 ten days prior to the date of the activity or event and shall be removed within two days after the activity or event. One sign not larger than 16 square feet and a maximum height of seven feet may be placed where the activity is taking place. Additional signs no larger than six square feet in size and four 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 two activities or events per calendar year for each non profit community service organization.~~

~~(4) *Flags.* The flag of any civic organization, municipal, state or nation respectfully displayed including one flag, not exceeding 24 square feet, bearing the official design insignia, name or~~

logo of the on-premises 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.

- (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 three square feet per pump and projecting no higher than two feet above top of pump.
- (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.
- (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 six square feet or maximum height of five feet.
- (11) ~~Official signs.~~ Signs posted by duly constituted public authorities in pursuance of their public duties.
- (12) ~~Open house sign.~~ One off-premises 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 six square feet with a maximum height of five feet and may be displayed only between the hours of 11:00 a.m. to 5:00 p.m. These signs may not be located in the public right-of-way.
- (13) ~~Political signs.~~ Political, ideological or expressive signs advocating or opposing a candidate for public office, an ideology or a position on an issue. On election day, political signs 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.
- (14) ~~Premises identifying signs.~~ Signs having an area of not more than two square feet, the message of which is limited to conveying the name of the premises, the name of the owner of the premises and the name of the occupant of the premises.
- (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-premises 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.

- ~~(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 one sign per road frontage, and no larger than 12 square feet in area or greater than seven feet in height.~~
- ~~(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 premises identification sign. Service station price signs shall comply with the height and setback limitations in the table in section 134-181.~~
- ~~(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 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.~~
- ~~(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.~~
- ~~(21) *Decorative banners.* Decorative banners placed on street light poles by public agencies or private non-profit, community and civic organizations.~~

~~Secs. 134-8—134-35.—Reserved.~~

~~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 grant extensions of time for the performance of any act required of not more than three 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 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) *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) *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 when competent, material and substantial evidence in the official record of the appeal supports all the following affirmative findings:
 - ~~(1) *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) *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 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.~~

~~**Secs. 134 43—134 70. Reserved.**~~

~~**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 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.~~

~~Secs. 134 77 — 134 105. — Reserved.~~

~~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 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 134-114, 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 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 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 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.~~
- ~~(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 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 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. 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. 134-112. 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. 134-113. Open flames.~~

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

~~Sec. 134-114. 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. 134 115.— Off premises signs.~~

- ~~(a) It shall be unlawful to maintain any 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 seven days after receiving written notice from the city to remove the sign. This prohibition shall not apply to exempt open house signs.~~
- ~~(b) The building department may allow, on a temporary basis, one or two off-premises signs of 16 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. In no case shall the sign continue to be displayed once 80 percent of the development has received a certificate of occupancy. A permit approved for this purpose is valid for a period of one year with two one year subsequent renewals.~~
- ~~(c) Off-premises signs shall not be located in public rights-of-way.~~

~~Sec. 134 116.— Roof signs.~~

~~Roof signs shall be prohibited.~~

~~Sec. 134 117.— Monument signs.~~

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

~~Secs. 134 118 — 134 145.— Reserved.~~

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 one-year subsequent renewals, 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 49 square feet in area and a height not exceeding seven feet. 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 percent of the development has received a certificate of occupancy.~~

~~Sec. 134 147.— Real estate sign.~~

~~Premises in excess of one acre shall be allowed, 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.— 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 on the basis 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 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. Temporary signs shall be in compliance with all of the following provisions. Further, this sign area shall not be charged against the allowable square footage for the building or tenant.~~

~~Temporary freestanding signs, banners, or flags: Freestanding signs, banners, and flags may be erected on any business premises by permit. Temporary freestanding signs, banners, and flags may be erected for a period not to exceed 30 consecutive days by permit and no more than four permits in any 12-month period. Freestanding signs or banners are limited to one per property and shall not exceed 32 square feet and seven feet in overall height to the top of the sign. Freestanding flags are limited to two per property and shall not exceed 32 square feet and 12 feet in overall height to the top of the flag.~~

~~Temporary grand opening signs: Temporary wall grand opening signs or banners may be erected by permit for newly established businesses. Grand opening signs may be erected for one time only for no more than 30 consecutive days. Grand opening wall signs are limited to no more than ten percent of the business facade area but not to exceed 100 square feet. Grand opening wall-mounted signs may be erected up to the top of the wall but shall not project above the parapet line of the building. Grand opening freestanding signs may not exceed 32 square feet in area or seven feet in overall height to the top of the sign.~~

~~Temporary wall signs: Temporary wall signs or banners for any other purpose than described above may be issued by permit. Temporary wall signs may be erected for a period of not to exceed 30 consecutive days by permit and not more than four permits in any 12-month period. These temporary signs may not exceed ten percent of the facade to a maximum of 100 square feet in area. Temporary wall signs may be erected up to the top of the wall but shall not project above the parapet line of the building.~~

~~Removal: All temporary signs, whether 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.~~

~~Secs. 134-149—134-175. Reserved.~~

~~ARTICLE VI. REQUIREMENTS FOR SIGNS ON CERTAIN PREMISES~~

~~Sec. 134-176. Signs permitted for residential development.~~

~~The following signs shall be permitted on residential premises:~~

~~For each subdivision, residential development, or mobile home park, two premises signs shall be allowed within 100 feet of each vehicle entranceway intersecting 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.~~

~~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; colleges; civic organizations; housing for the elderly; churches and places of worship; and other similar uses. The following signs shall be permitted:~~

- ~~(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 top of wall.~~
- ~~(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 may display multi-colored messages 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 premises) identifying or advertising the tenant(s) or premises, which sign shall have an area not exceeding 20 square feet and a height not exceeding seven feet. In addition, for multi-tenant buildings, additional identification sign area not exceeding eight square feet per tenant may be located on the same sign structure. The total sign area of each such monument sign shall not exceed 100 square feet for the premises. Such monument signs shall be exempt from the setback requirements of the zoning ordinance in chapter 138 and the table in section 134-181, if applicable, but shall not be located in the proposed or existing right-of-way and required corner clearance. A monument sign shall be located on frontage facing a major street, unless there is no frontage on a major street.~~
- ~~(2) Temporary signs.~~
- ~~(3) One wall sign with a sign area not exceeding 20 square feet per tenant and a height that does not project above the roof or parapet. For buildings in excess of one story, each tenant shall be permitted additional wall sign area of 20 square feet per story occupied, with no single sign exceeding 100 square feet in area. Wall signs shall be located on frontage facing a major street unless there is no frontage on a major street.~~

~~When the property has a common boundary line with a freeway, and the wall sign(s) are mounted on a building elevation facing the freeway, the total wall sign area may be increased to an area not to exceed ten percent of the elevation to maximum of 200 square feet. This area may be used to identify the premises or tenants. No single sign on this elevation may exceed 100 square feet in area.~~

- ~~(4) When a single story/single tenant building abuts two 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~~
- ~~(6) 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 may display multi-colored messages where the words, letters or pictures are not in motion and are not changed more often than every ten seconds.~~

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

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

(1) ~~Window signs on general commercial, retail and industrial premises greater than 20 percent of window area shall require permits and be charged to the allowable sign area as provided in table 134-181.~~

(2) ~~Temporary signs.~~

(3) ~~Monument signs and wall signs in accordance with the table in section 134-181.~~

Sec. 134-180. 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 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) ~~Three hundred 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. 134-181. Standards.

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

	General Commercial/Retail Premises	Gasoline Stations and Automotive Service Premises	Industrial Premises	Freeway Service Business
Allowable sign area per site(c)	10% of Building or Tenant Facade	10% of Building or Tenant Facade	10% of Building or Tenant Facade	10% of Building or Tenant Facade
Monument sign area per site (b)	Z=2	Z=2	Z=2	Z=2
Maximum monument sign area per site (b)	200 sq. ft.	100	100	100
Minimum monument setback from proposed right-of-way	10' (a), (g), (h)	10' (a), (g), (h)	10' (i), (g), (h)	10'
Maximum wall sign height	Top of Wall	(e) Top of Wall	Top of Wall	Top of Wall
Maximum monument sign height	7'	7'	7'	7'(m)
Maximum single sign area	100 sq. ft. (i), (j), (k)	100 sq. ft. (i)	100 sq. ft. (i)	100 sq. ft. (i)
Maximum number of monument signs per frontage (f)	1 (d), (l), (k)	1 (l)	1 (l)	1 (l)

NOTES TO TABLE:

- ~~(a) 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.~~
- ~~(b) The monument sign area shall not be used for tenant or premises wall signs. The monument sign area shall be calculated by multiplying "Z" equals two times every ten feet or fraction thereof of street frontage, but not to exceed the maximum monument sign area.~~
- ~~(c) 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.~~
- ~~(d) One monument sign shall be permitted for each 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.~~
- ~~(e) Two signs, not exceeding 20 square feet each, are permitted to be attached to or be a part of gasoline pump canopies.~~
- ~~(f) 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.~~
- ~~(g) 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.~~
- ~~(h) 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.~~
- ~~(i) In no case shall a sign be placed on an elevation facing residential district unless separated by a major thoroughfare.~~
- ~~(j) 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.~~
- ~~(k) 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.~~
- ~~(l) One changeable or electronic message sign of 32 square feet when placed on the same sign structure as the monument sign. Electronic message signs may display multi-colored messages where the words, letters or pictures are not in motion and are not changed more often than every ten seconds.~~

(m) 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. 134-182. 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 134-182

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 10. 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 11. 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 12. 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.

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.

Tina Barton, Clerk

City of Rochester Hills

PLANNING COMMISSION DRAFT