

**CITY OF STANDISH
COUNTY OF ARENAC
STATE OF MICHIGAN**

**ORDINANCE #239
AMENDMENT TO ORDINANCE #223
SIGN ORDINANCE**

An Ordinance to amend and replace existing Ordinance No. 223 to provide for the regulation, placement, erection, and/or use of advertising and other informative signs and devices in the City of Standish, and to provide for penalties for violation thereof.

THE CITY OF STANDISH ORDAINS:

SECTION 1. FINDINGS: The City Council finds that signs and other visual outdoor advertising are necessary to commerce, health, safety and general welfare of the residents of the City. Further, it finds that failure to regulate their size, location and construction may lead to poor identification of individual business, deterioration of the business and residential areas of the City, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices, and safety hazards to pedestrians and motorists. Further, it finds that the city's economic base is dependent on preserving property values and a healthy business climate.

SECTION 2. PURPOSE: The purpose of this ordinance is to permit signs that will not, by their own reason, size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety and morals, and to permit and regulate signs in such a way as to support and complement land use objectives as set forth in the zoning code and to create a more aesthetic environment within the City of Standish.

SECTION 3. DEFINITIONS:

(1) **Abandoned Sign:** "Abandoned sign" means a sign which no longer correctly advertises or directs a person to a bona fide business, person, goods, product, activity or service.

(2) **Area of Sign:** "Area of sign" means the entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other 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 only the structure necessary to support the sign. Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign except:

- (a) If two faces are placed back-to-back and are at no point more than 12 inches from each other, the area of the sign shall be computed as the area of one face:
- (b) If the two faces are of an unequal area, the larger of the two faces shall determine the area; and
- (c) Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on the wall of a building without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

(3) **Business or Shopping Center Sign:** A "business center sign" is one which gives directions and identification to a group of two (2) or more contiguous stores, regardless of the management or ownership arrangement, comprising an aggregate land area of not less than two (2) acres developed for business and parking.

(4) **Changeable Copy Sign:** "Changeable copy sign" means one of the following:

- (a) Manual. A Sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials; or
- (b) Automatic. An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used for public service information or as a message center or reader board.

(5) **Canopy:** A "canopy" is a permanent, roof-like shelter that extends from part or all of a building face. A "canopy sign" is a sign attached to or constructed in or on a canopy or marquee. A canopy sign may be suspended beneath a canopy, ceiling, roof or marquee in those districts such signs are allowed. An awning or marquee shall constitute a canopy. "Free Standing Canopy": A free standing canopy is a permanent roof-like shelter without sides, not attached to a building. If the same advertises a business, activity, or service, it shall be classified as a free standing sign.

(6) **Community Special Event Sign:** A "community special event sign" is a sign, other than a public building bulletin board, which is erected for a limited time to call attention to special events of interest to the general public and sponsored by non-profit groups, associations or corporations.

(7) **Construction Sign:** A "construction sign" is a sign identifying the names of the project developers, contractors, engineers and architects which is located on a site being developed or improved.

(8) **Electronic Message Board:** A sign on which copy changes automatically on a lamp bank or through mechanical means.

(9) **Erected:** "Erected" means attached, altered, built, constructed, or reconstructed, enlarged or moved and includes the change in a copy on permanent signs, but does not include the copy changes on changeable copy signs.

(10) **Festoon Sign:** A "festoon sign" is a sign consisting of strings or exposed incandescent light bulbs, balloons, or strings of pennants hung overhead to draw attention to items on display or a particular business establishment.

(11) **Flashing Sign:** A "flashing sign" is a sign which contains an intermittent or flashing scintillating, blinking, or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

(12) **Free-Standing Sign:** "Free-standing sign" means a sign erected on a free-standing frame, mast or pole and not attached to a building.

(13) **Height of Sign:** The "height of a sign" is the vertical distance measured from the ground elevation to the highest point of any sign or its projecting structure.

(14) **Identification Sign:** An "identification sign" is a sign which is limited to the name, address and number of a building, business, institution or person and to the activity carried on in the building or the occupation of the person.

(15) **Illuminated Sign:** An "illuminated sign" is a sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light with the source so obscured and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

(16) **Merchandise Sale Sign:** A "merchandise sale sign" or "garage sale sign" is

a sign or poster used for the primary purpose of directing attention to an individual or group sale of new or used goods and products in a residential area for a limited period of time.

(17) **Moving Sign:** A "moving sign" is a sign which revolves, turns, gyrates, or otherwise moves mechanically. Such sign does not refer to methods of changing copy.

(18) **Non-Conforming Sign:** A "non-conforming sign" means a sign which lawfully occupied a building or land at the effective date of this ordinance or any amendment thereto, that does not conform to the present regulations.

(19) **Off-Premises Sign:** "Off-premises sign" means a sign identifying or advertising a business, person, activity, or service located off the premises where the sign is installed, and includes billboards.

(20) **On-Premises Sign:** "On-premises sign" means a sign identifying or advertising a business, person, activity, or service located on the premises where the sign is located and maintained.

(21) **Projecting Sign:** "Projecting sign" means a sign other than a flat wall sign, which is attached to and projects perpendicular from a building wall or other structure not specifically designed to support the sign.

(22) **Portable Sign:** "Portable sign" means a sign and sign structure which is designated to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters and/or hitches for towing.

(23) **Real Estate Sign:** "Real estate sign" means a sign pertaining to the sale, lease, or rental of a building or land.

(24) **Roof Sign:** "Roof sign" means the actual sign which is placed anywhere on a building roof.

(25) **Sign:** "Sign" means a structure, device, letter, word, model, banner, balloon, pennant, insignia, emblem, logo, painting, placard, poster, trade flag, or representation illuminated or non-illuminated, which is visible from a public place, including but not limited to, highways, streets, alleys, rear walls or public property, or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed merchandise, except as otherwise stated herein. For the purpose of removal, "sign" includes all sign support structures.

(26) **Square Footage:** "Square footage" refers to the area of any sign which

displays, represents, or shows any writing, emblems, logos, figures, letters, numerals, or symbols attached to said sign.

(27) **Special Purpose or Seasonal Signs:** "Special purpose" or "seasonal" signs means a sign, other than an on-or-off premises sign, including, but not limited to, traffic signs; restroom signs; vending machines; door opening directions; residential merchandise sale signs; flags bearing the insignia of government institutions or organizations; and signs, such as Christmas decorations, used for a historic holiday and installed for a limited period of time.

(28) **Substantially Altered:** "Substantially altered" means a change in a sign or sign structure, as differentiated from maintenance or repair, including a change in height, location, area, shape or material.

(29) **Temporary Sign:** "Temporary sign" means a sign which is not permanently affixed, including but not limited to, devices such as banners, pennants, search lights, twirling or sandwich-type signs, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type including portable signs, strings of lights and balloons or other air or gas filled figures.

(30) **Wall Sign:** "Wall sign" shall include signs attached, painted or presented on the exterior of any building. It shall also include alphabetical letters, numerics and characters to display location, business, products and hours. No wall sign shall protrude from the exterior of the building eighteen inches (18") or more.

Section 4. SIGN PERMITS:

(1) Application for a permit to erect or replace or substantially alter a sign shall be made to the City Manager or his designee by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information:

- (a) The property owner's name and address in full.
- (b) Applicant's name and address.
- (c) Address of property on which sign is to be situated.
- (d) Business to which sign belongs or relates.
- (e) Total display area in square feet.
- (f) Proposed setback from right-of-way.
- (g) Sign type.

- (h) Sign purpose.
- (i) Sign height.
- (j) Height and width of building or lot to be served, if applicable.
- (k) Drawings or sketch showing size, heights, colors, content, structural character, method and extent of illumination and materials to be used.

Section 5. ERECTION; ALTERATION; PERMIT REQUIREMENTS:

No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the City of Standish or cause the same to be done, without first obtaining a sign permit for each sign, as required by this ordinance. The requirement shall not be construed to require a permit for a change in copy, or the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, or for a non-conforming sign, so long as the sign or sign structure is not substantially altered.

Section 6. PERMIT LIMITATIONS:

A sign permit issued shall become null and void if the construction permitted thereon is not commenced within 120 days from the date of issuance. If the work which is authorized by such permit is suspended or abandoned for 180 days any time after the work is commenced, a new permit shall first be obtained before construction is again commenced.

Section 7. ISSUANCE AND DENIAL OF PERMITS:

The City Manager or his or her designee shall approve the application for a sign permit when it is found that a sign will comply with the provisions of this ordinance. When a sign permit is denied, a written notice of denial shall be given to the applicant, together with a written statement of the reason for such denial and that an appeal may be heard by the City Council. A request for appeal must be filed with the City Clerk within thirty (30) days of denial.

Section 8. MAINTENANCE OF UNLAWFUL SIGNS:

No permit for a sign issued under this ordinance shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit hereunder constitute a defense in action to abate an unlawful sign.

Section 9. PERMIT FEES:

Application fees for permanent sign permits shall be thirty-five and 00/100 (\$35.00) for businesses. Churches, units of government, hospitals, and non-profit businesses are exempt from fees. City Council shall from time-to-time establish fees by resolution. Fees for request for a variance shall be fifty and 00/100 (\$50.00) dollars.

Section 10. INSPECTION:

After a sign permit is issued, the person erecting, constructing, enlarging, altering or converting a sign shall notify the City Clerk or the City Manager upon completion of the work for which permits were required.

Section 11. EXEMPT SIGNS:

The signs and devices listed in this section are exempted from requirement of permit and may be used without approval when not in violation of any law or safety standard or any other portion of this ordinance.

- (1) Signs erected by an official government body or agency and deemed necessary for the protection of the public health, safety, or welfare.
- (2) Sign required by law to be displayed.
- (3) Holiday decorations and greetings in season, provided that these signs do not interfere with traffic safety.
- (4) Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation, provided, however, that no such vehicle is parked on a premises for the primary purpose of advertising any project or service.
- (5) Profession or name plate signs not to exceed three square feet in area and located on a building.
- (6) Signs not exceeding two (2) square feet in area containing only non-commercial messages designating such things, as restroom locations, telephones and prohibition of trespassing, dumping, loitering, etc.
- (7) One residential merchandise sale sign (garage type sales) per lot, not to exceed six square feet in area, provided that no such sign shall be placed within the public right-of-way or on utility poles. Consent of property owner or occupant shall be obtained. Such signs erected in violation hereof may be removed by City officials without notice.
- (8) Community special event signs as approved by the City Council.
- (9) Real estate signs which do not exceed six (6) square feet in area and six (6) feet in height. Such signs may be located in the required front yard in any district or attached to the face of a building. Such sign shall not be located in the public right-of-way, and shall be removed within thirty (30) days after the sale or lease of the property.
- (10) Political signs which do not exceed six (6) square feet in area and four (4) feet in height. Such signs may be located in the required front yard in any district or attached to the face of a building. Such sign shall not be located in the public

right-of-way, and shall not be installed for a period of more than sixty (60) days prior to and ten (10) days after each Federal, State, County, School or Municipal election. Permission from the owner or occupant of the property must be obtained. No such sign shall be affixed to public property or utility poles without being subject to removal without notice by the City.

(11) Signs designating location of parking area.

Section 12. TEMPORARY SIGNS:

A portable sign not exceeding thirty two (32) square feet advertising a business, product, or event, is lawful for a period not to exceed thirty(30) days. No such sign shall be redisplayed on the same premises until the expiration of an interim period of ninety (90) days. While no regular permit or fee shall be necessary, registration of same shall be required in advance with the City Manager or his designee for the sole purpose of monitoring compliance with this provision.

Section 13. PROHIBITED SIGNS: The signs and devices listed in this section shall not be permitted, erected, or maintained in the City of Standish.

(1) Moving signs.

(2) Signs or posters attached to fences, trees, utility poles, benches, street lights, or placed on any public right-of-way except official signs of a governmental body as permitted by Section 11(1).

(3) Abandoned signs, including the related sign structure.

(4) All portable signs at any location, except as allowed by Section 12 and Section 11(8).

(5) Any sign which:

- (a) Bears or contains words, or pictures which in character are crude, indecent, vulgar, debasing, or explicitly sexual, or has as its primary purpose any of the above qualities:
- (b) Advertises matters in a fraudulent manner, contrary to State or Federal law;
- (c) Employs a picture projection or emits sound, odor or visible matter;
- (d) Resembles official traffic signs or bears the words, "Stop," "Go Slow," "Caution," "Danger," "Warning" or other similar words.
- (e) Conflicts with current local and state zoning laws and ordinances.

- (f) By reason of its size, location, content, coloring, or manner of illumination may be confused with a traffic control sign or emergency vehicle, or obstructs the view of any traffic sign or control device on public streets or roads.

(6) Festoon signs: Multi-Prism Signs, Bare Exposed Light Bulbs and Off Premises Signs (Billboards).

Section 14. PERMITTED SIGNS:

(1) No individual establishment, business, or commercial endeavor shall have more than three (3) signs of any permitted kind and the total square footage of all of such signs shall not exceed four hundred (400) square feet in area, cumulatively. No individual sign shall exceed two hundred (200) square feet in area. A non-conforming sign shall be counted as a permitted sign until removed.

- (a) A wall sign or canopy sign shall not protrude past a building corner more than twenty four (24) inches.
- (b) A roof sign shall not be erected higher than two (2) feet above the roof peak, nor exceed 50% of the roof area on the side of the roof where attached.
- (c) The sign face area of a wall sign may not occupy more than ten (10) percent of the building frontage to which it is attached or fifty (50) square feet, whichever is less. The Board of Appeals may vary the maximum allowable square footage depending upon unique site conditions, building configuration, etc.
- (d) A free standing sign for an individual business shall not exceed thirty six (36) feet in height. A free standing sign which encompasses more than one sign on the same support structure shall constitute and be one sign; provided, however, that the cumulative area of such multiple sign does not exceed two hundred (200) square feet. Any free-standing sign shall be located at least one (1) foot behind state and local right-of-way and easement lines and shall not be located closer than three (3) feet to any above ground or underground utility lines.
- (e) A projecting sign shall not have its bottom edge closer to the ground level than eight (8) feet. The outer edge of same shall not project away from a building or support structure more than six (6) feet. The same shall not project more than six (6) feet above a roof line. The same shall be of rigid construction so as to prevent movement or swaying because of wind.
- (f) A business or shopping center sign shall not exceed thirty six (36) feet in height nor exceed four hundred (400) square feet, whether the same consists of one sign or multiple signs. Such sign shall be located at least one (1) foot behind state and local right-of-way and easement lines and shall not be

located closer than three (3) feet to any above ground or underground utility lines.

- (g) Hospitals are permitted all necessary and required signs as long as a permit is obtained.
- (h) Electronic Message boards must be part of another permitted sign and may not exceed twelve (12) square feet or one third (1/3) of the total sign size allotment, whichever is less. The size of lettering appearing on the electronic message board shall be a minimum of four (4) inches in height but no more than fifteen (15) inches in height. Signs shall concentrate the illumination upon the area of the sign and shall prevent glare upon the street or adjacent property. Only fade in/fade out modes are permitted. Voids in or burned out lamping shall be promptly fixed. The sign shall be a minimum distance of fifty (50) feet from any residential structure. The sign shall be dimmed at dark. Only soft amber lighting is permitted for lamping and readouts. The message shall not change more than once in one (1) minute, excluding time and temperature. The sign may only be used to promote activities, product, or services pertaining to the subject property; time and temperature or other public service oriented messages.

Section 15. NONCONFORMING SIGNS:

(1) Signs lawfully erected prior to the effective date of this Article which do not meet the standards thereof may be maintained except as hereafter provided.

(2) No nonconforming signs:

- (a) Shall be changed to another nonconforming sign.
- (b) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message.
- (c) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.
- (d) Shall be re-established after the activity, business, or usage to which it relates has been discontinued for 90 days or longer.
- (e) Shall be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the replacement cost as determined by the City Manager.

(3) If the owner of a sign or the premises on which a sign is located changes the

the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.

Section 16. STANDARDS FOR GRANTING SIGN VARIANCE:

(1) Pursuant to Section two (2) of this ordinance, the City of Standish intends to regulate signs but allow some flexibility when conditions warrant deviation from the strict terms of this ordinance.

(2) A variance from the strict and literal enforcement of the provision may be granted as follows:

- A. Applicant shall furnish a site drawing, photographs or other materials showing the proposed sign(s) for which variance is sought.
- B. The City Council shall act upon the request at a public meeting and consider whether the granting of such request would create an at-large precedent for the future applicants or whether the applicant's property or building is so uniquely situated or constructed that a practical difficulty exists which is distinguishable from other locations in the city at large.
- C. It must be shown that allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this ordinance, the individual hardships that will be suffered by a failure of the City Council to grant a variance, and especially the rights of others whose property would be affected by the allowance of the variance.

Section 17. ENFORCEMENT:

If the City Manager shall find any of the provisions of this ordinance are being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. If compliance is not accomplished within a prescribed thirty (30) days, the City Attorney shall be contacted and appropriate enforcement action may begin.

Section 18. CONFLICT AND SEVERABILITY:

(1) If any portion of this ordinance is found to be in conflict with any other provision of any zoning, building, fire safety or ordinance of the City or State law, the provision which establishes the higher standard shall prevail.

(2) The provisions of this ordinance are severable. If any Section, subsection, sentence, clause or phrase of this ordinance or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this ordinance is in and shall remain in full force and effect.

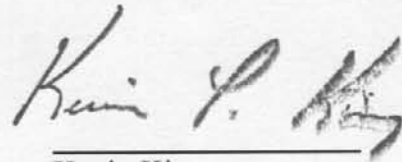
Section 19. PENALTIES FOR VIOLATION OF ORDINANCE:

Any person, firm, or corporation violating the provisions of this ordinance shall, upon conviction thereof, before a court having jurisdiction, be guilty of a misdemeanor and the violator shall be punishable by a fine not exceeding FIVE HUNDRED and 00/100 DOLLARS (\$500.00), or by imprisonment of not more than ninety (90) days, or by both such fine and or by imprisonment in the discretion of the Court. Each day during which a violation continues shall be deemed a separate offense. The imprisonment of any sentence shall not exempt an offender from compliance with the provisions of this ordinance. The City shall also be entitled to injunctive relief, or such other appropriate relief, as may be provided by law.

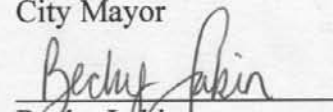
The above Ordinance was duly enacted at the Regular meeting of the Council of the City of Standish held on June 18, 2007.

First Reading: May 21, 2007

Second Reading: June 18, 2007



Kevin King
City Mayor



Becky Lakin
City Clerk