

Chapter 28

SIGNS*

* **State Law References:** Highway advertising act, MCL 252.301 et seq.

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Sec. 28-1. Applicability.

This chapter applies to all persons and entities that own, occupy, control, or manage any premises located within the city.

(Code 1972, § 22.401; Ord. No. 194, § 1.0, eff. 8-28-2003)

Sec. 28-2. Purpose.

(a) This chapter is intended to regulate the size, number, location, and manner of display of signs in the city consistent with the following purposes:

- (1) To protect and further the health, safety, and welfare of residents, property owners, and visitors;
- (2) To prevent traffic hazards and pedestrian accidents caused by signs that obstruct vision, distract or confuse drivers, or are improperly secured or constructed;
- (3) To conserve and enhance community character;
- (4) To promote uniformity in the size, number, and placement of signs within the various districts defined in this chapter;
- (5) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely and effectively direct motorists to their destination; and

(6) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with businesses' and nonbusinesses' right to communicate.

(b) This chapter is not intended to regulate the content of any sign.

(c) The regulations and standards of this chapter are the minimum amount of regulation necessary to achieve a substantial government interest in public safety, aesthetics, protection of property values, and economic growth.

(Code 1972, § 22.402; Ord. No. 194, § 2.0, eff. 8-28-2003)

Sec. 28-3. 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:

Changeable copy sign, automatic, means an electronically controlled sign on which different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign.

Changeable copy sign, manual, means a sign on which a copy is changed manually, such as a sign with changeable letters or graphics.

Commercial establishment means:

- (1) A business operating independent of any other business and located in a freestanding building;
- (2) In a strip mall, a business completely separated from other businesses by walls from the ground up and with a door or entrance that may regularly be used by the public for exclusive ingress and egress to that business;
- (3) In an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance that may regularly be used by the public for exclusive ingress and egress to that business and that may be closed to the public even while the common area is open to the public; or
- (4) In an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Community event sign means a sign that is used to call attention to special events of interest to the general public that may be sponsored by government entities, schools, civic or religious organizations, or other not-for-profit groups whose purpose is charitable, philanthropic, religious, or benevolent.

Community service group sign means a sign that displays the name or logo of an entity whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lion's Club or Ambuc's.

Construction sign means a sign that identifies the owners, financiers, contractors, architects, and

engineers of a project under construction.

Directional sign, off-site, means a sign that gives directions or instructions for a temporary use, such as real estate or auction sales that are not located at the premises advertised.

Directional sign, on-site, means a sign that gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs, and that is used exclusively for traffic-control functions.

Downtown business district means the main business area for the city depicted in figure 1 on file in the office of the city clerk.

Essential services sign means a sign related to the provision, by public or private agencies, of streets and sidewalks, underground or overhead gas, electric, steam, water, or sewerage supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and other similar facilities but not including buildings.

Flag sign means a flag that is attached to a pole and contains the name, logo, or other symbol of a commercial entity.

Flashing sign means an illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when the sign is in use. An automatic changeable copy sign is not a flashing sign.

Freestanding sign means a sign not attached to a building or wall, which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground. Ground signs and pole signs are freestanding signs.

General business district means the business area other than the downtown business district. The general business district is depicted in figure 1 on file in the office of the city clerk.

Government sign means a sign erected or required to be erected by the City of Portland, Ionia County, state or federal government, or any agency thereof.

Ground sign means a freestanding sign supported by a base that rests directly on the ground. The width of the base must be at least 25 percent of the width of the sign in order to be a ground sign.

Historical marker means a plaque or sign describing state or national designation as an historic site or structure.

Incidental sign means a small sign emblem or decal informing the public of facilities or services available on the premises, including but not limited to a building entrance sign, a credit card sign, a restroom sign, or a sign indicating hours of business.

Industrial district means the industrial area of the city as depicted in figure 1 on file in the office of the city clerk.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee sign means a sign painted on or attached to a permanent overhanging shelter that projects from the face of the building, including but not limited to signs on awnings and canopies.

Memorial sign means a sign, tablet, or plaque memorializing a person, event, structure, or site.

Mural means a design or representation painted, drawn, or otherwise affixed to a wall, which does not advertise an establishment, product, service, or activity.

Nameplate means a nonilluminated, on-premises sign giving only the name, address, telephone number, and/or occupation of an occupant or group of occupants.

Noncommercial sign means a sign that does not advertise commerce, trade, or location and not otherwise defined within this chapter. A political sign is a noncommercial sign.

Off-premises sign means a sign advertising a service, establishment, merchandise, or entertainment that is not sold, produced, manufactured, or furnished at the property on which the sign is located.

On-premises sign means a sign advertising a service, establishment, merchandise, or entertainment that is sold, produced, manufactured, or furnished at the property on which the sign is located.

Placard means a sign not exceeding two square feet, which provides notices of a public nature, such as "No Trespassing," "No Hunting," or "Gas Main" signs.

Pole sign means a freestanding sign that is supported by poles, braces, or structures that are less than 25 percent of the width of the sign.

Portable or temporary sign means a sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as A-frame signs; signs on moveable trailers or vehicles whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), search lights, twirling signs, sidewalk or curb signs, and balloons or other air-or gas-filled figures.

Projecting sign means a sign that is attached directly to a building wall, extends more than 15 inches from the face of the wall, and projects in such a way that the message is not parallel to the wall to which it is attached.

Real estate sign means a temporary sign advertising the real estate on which the sign is located as being for sale, rent, or lease.

Residential district means the residential area of the city depicted in figure 1 on file in the office of the city clerk.

Roof sign means a sign erected above the roofline of a building.

Roofline means the top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Sidewalk sign means a portable, A-frame sign designed to be placed on the sidewalk in front of the use it advertises.

Sign means a device, structure, fixture, or placard designed for the purpose of advertising or identifying a service, establishment, merchandise, or entertainment establishment or otherwise intended or used to advise or inform.

Vehicle sign means a vehicle that is primarily located or used to serve as a sign rather than as transportation. This includes semitrailers either attached or detached from a truck tractor.

Wall sign means a sign painted or attached directly to and parallel to the exterior wall of a building, extending no more than 12 inches from the exterior face of a wall to which it is attached, and located below the roofline. This includes signs attached to a mansard.

Window sign means a sign installed inside a window and intended to be viewed from the outside. (Code 1972, § 22.403; Ord. No. 194, § 3.0, eff. 8-28-2003)

Sec. 28-4. Prohibited signs.

A sign not expressly permitted by this chapter is prohibited. The following types of signs are expressly prohibited:

- (1) Flashing signs, including flashing lights that may interfere with motor vehicle operation by distracting the driver's attention;
- (2) Roof signs;
- (3) Portable signs except sidewalk signs as permitted by section 28-10(4);
- (4) Off-premises signs;
- (5) Pole signs, except as permitted by section 28-11(7); and
- (6) Vehicle signs.

(Code 1972, § 22.404; Ord. No. 194, § 4.0, eff. 8-28-2003)

Sec. 28-5. Exempted signs.

The following signs are exempt from the provisions of this chapter except for the requirements of section 28-6.

- (1) Government signs;

- (2) Community event signs;
- (3) Noncommercial signs two square feet or less;
- (4) Window signs except flashing signs as described in section 28-4(1);
- (5) Memorial signs four square feet or less;
- (6) Murals;
- (7) Signs not visible from off site;
- (8) Essential services signs two square feet or less;
- (9) Placards;
- (10) Community service group signs two square feet or less for each community service group;
- (11) Nameplates two square feet or less;
- (12) Incidental signs two square feet or less;
- (13) Flags of a noncommercial nature, including, but not limited to, flags or insignia of any nation, state, township, community service group, or educational institution;
- (14) Signs atop gasoline service station pumps announcing contents or on-premises sales as long as the signs do not exceed two square feet per pump island structure;
- (15) Signs on gas station pump islands or their structural supports identifying self-serve and full-serve operation. The signs may not contain business identification or advertising. No more than two signs may be displayed per pump island. The signs may not exceed four square feet in area per pump island structure;
- (16) Parking lot signs indicating restrictions on parking, when placed within permitted parking lots. The signs may not exceed ten feet in height or four square feet in area;
- (17) Garage sales, auctions and estate sale signs announcing the sale of household goods on the premises where the sign is located. Only one sign is permitted per premises. The sign must be set back at least five feet from any property line or public street right-of-way. The sign may not exceed six square feet. The sign may not be erected more than seven business days before the announced sale and must be removed within one business day after the announced sale;
- (18) Historical markers 12 square feet or less; and
- (19) Directional signs, off-site, with a city permit. The sign may not exceed four square feet in size or

four feet in height. To receive a permit, the applicant must submit a letter of authorization from the property owner, permitting the sign to be placed on the property. Only one permit may be issued for any parcel of property. A permit expires six months after it is issued and may not be transferred.

(Code 1972, § 22.405; Ord. No. 194, § 5.0, eff. 8-28-2003)

Sec. 28-6. General standards for permitted signs.

(a) *Clear vision.*

- (1) Signs are not permitted where they may obstruct motorists' vision.
- (2) To ensure adequate sight distance, a minimum clear vision area must be maintained between a height of 30 inches and six feet within a triangular area measured 25 feet back from the intersection of public right-of-way lines. Greater clear vision areas may be required by the Michigan Department of Transportation for streets under its jurisdiction.

(b) *Sign lighting.*

- (1) Signs may be internally or externally illuminated.
- (2) For externally lit signs, the lighting fixture must be mounted on the top only and the light fixture must be shielded so that light is directed downward and no direct rays interfere with the vision of persons on adjacent streets or properties.
- (3) Underground wiring is required for all illuminated signs not attached to a building.

(c) Every sign must be constructed and maintained consistent with the state construction code provisions and must be maintained in good structural condition at all times. All signs must be kept neatly painted, stained, sealed, or preserved, including all metal parts and supports.

(d) Signs may not be placed in, on, or over any public right-of-way or alley except as allowed by section 28-10 or as otherwise permitted by the city, the county road commission, or Michigan Department of Transportation.

(e) A light pole or other support structure not specifically designed as sign support structure may not be used for the placement of any sign.

(f) A sign may not be erected where, by reason of its position, shape, color, or other characteristics, it interferes with, obstructs, or may be confused with an official traffic sign, signal, or device.

(g) A sign may not contain flashing, moving, or animated parts except for automatic changeable copy signs or traditional barber pole signs.

(h) A wall sign may not extend beyond the edge of the wall to which it is affixed.

(i) A sign and its support structure may not extend beyond the lot lines of the property on which it is located.

(j) All signs must be stationary and may pertain only to the business or activity conducted on the premises.

(k) Any projecting sign or marquee sign must maintain a minimum clear space of eight feet from the bottom of the sign to the ground.

(l) Real estate signs are permitted in any district but must be removed within 15 days after completion of the sale, rent, or lease of the property.

(m) Construction signs are permitted in any district but may be no larger than 32 square feet and may not exceed eight feet in height above grade. Construction signs must be removed when an occupancy permit is issued.

(n) On-site directional signs are permitted in any district. An on-site directional sign may not exceed four square feet in area and three feet in height, and it must be set back at least five feet from any lot line.

(o) Noncommercial signs are permitted in all districts subject to the following:

(1) A noncommercial sign must comply with the regulations for signs in the district in which the sign is located;

(2) A noncommercial sign may remain until it is in disrepair and it no longer complies with subsection (c) of this section;

(3) A noncommercial sign pertaining to an election must be removed within seven days after the election even if not in disrepair.

(p) Signs and their supporting structures may not be constructed with plywood, particleboard, or masonite except that signs ten square feet or less may use such materials. However, construction signs and real estate signs may be constructed with plywood, particleboard or masonite.

(Code 1972, § 22.406; Ord. No. 194, § 6.0, eff. 8-28-2003)

Sec. 28-7. Measurement of signs.

(a) The area of a sign is measured as the area within a single, continuous perimeter composed of any straight line geometric figure that 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.

(b) The area of a freestanding sign or projecting sign that has two or more faces is measured by including the area of all sign faces. However, if two faces placed back-to-back are of equal size and are no more than two feet apart at any point, the area of the two back-to-back faces is counted as one face. If two

back-to-back faces are of unequal size but are no more than two feet apart at any point, the larger of the two faces is counted as the one face.

(c) The height of a sign is measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the nearest adjacent street providing access to the property. (Code 1972, § 22.407; Ord. No. 194, § 7.0, eff. 8-28-2003)

Sec. 28-8. Nonconforming signs.

(a) Any sign lawfully existing at the time this chapter is adopted and that does not fully comply with all its provisions is a legal nonconforming sign and may remain as long as the sign is properly maintained and is not detrimental to the health, safety, and welfare of the community.

(b) Notwithstanding subsection (a) of this section, nonconforming signs may not be:

(1) Expanded or changed to another nonconforming sign;

(2) Relocated, or altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign's structural or basic parts;

(3) Enhanced with any new feature including the addition of illumination;

(4) Repaired under any of the following circumstances:

a. The repair involved exceeds 50 percent of the sign's appraised value as determined by the building official;

b. The repair requires the replacement of both the sign frame and sign panels;

c. The sign's primary support pole, brace, or structure is replaced; or

d. The sign panels are replaced if the sign has no framework;

(5) Replaced with another nonconforming sign;

(6) Reestablished after the activity, business, or use to which it related has been discontinued for 180 consecutive days or longer;

(7) Permitted to continue more than three years if there is a change of use or ownership of the premises, subject to subsection (d) of this section; or

(8) Permitted to continue more than three years if a building on the same premises as the nonconforming sign is expanded by 33 percent or more of the floor area existing as of the adoption date of the ordinance from which this chapter is derived, even if the expansion occurs on a cumulative basis, and subject to subsection (d) of this section;

(9) Permitted to continue more than three years if a building on the same premises as the nonconforming sign is expanded by 33 percent or more of the current state equalized value even if the expansion occurs on a cumulative basis, and subject to subsection (d) of this section. An increase in state equalized value is determined by the city assessor.

(c) The following modifications to a nonconforming sign are permitted:

(1) A change solely in the wording of the copy; and

(2) Routine repair to maintain the sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of the ordinance from which this chapter is derived.

(d) To invoke the three-year grace period allowed in subsections (b)(7)--(9) of this section, the owner must file an affidavit of intent with the city manager or the city manager's agent within 90 days of the change in use, change in ownership, floor area expansion, or SEV expansion. If the owner fails to file the required affidavit, the existing nonconforming sign must be brought into compliance immediately.

(e) The city may acquire by purchase, condemnation, or by other means any nonconforming sign it deems necessary to preserve the health, safety, and welfare of the city's residents. Moreover, all nonconforming signs must be eliminated no later than 15 years after the adoption date of the ordinance from which this chapter is derived.

(Code 1972, § 22.408; Ord. No. 194, § 8.0, eff. 8-28-2003)

Sec. 28-9. Signs in residential districts.

The following signs are permitted in residential districts in addition to those signs allowed by sections 28-5 and 28-6.

Type of Sign	Use	Maximum Size (square feet)	Maximum Height (feet)	Number	Placement
<i>Ground</i>	Nonresidential, multifamily, mobile home park, subdivision site, condominium	40 in total	10	2	Minimum of 5 feet from all lot lines
<i>Wall</i>	Nonresidential	(15 percent of wall to which it is attached)		No limit	
<i>Real estate</i>	Single- and two-family	10	4	One sign per street frontage per lot	
Plats, site condominiums, mobile home parks	40	6	One per 500-foot road frontage	Minimum of 5 feet from all lot lines	
Nonresidential	20	6	One sign per street frontage per lot	Minimum of 5 feet from all lot lines	
<i>Noncommercial</i>	All	10	4	No limit	Not in right-of-way
<i>Home occupation</i>	Individual dwelling units	4	4	1	Minimum of 5 feet from all lot lines

(Code 1972, § 22.409; Ord. No. 194, § 9.0, eff. 8-28-2003)

Sec. 28-10. Signs in the downtown business district.

Signs for commercial establishments in the downtown business district are subject to the following regulations:

(1) *Wall sign.*

- a. Wall signs may not exceed 15 percent of the area of the wall to which they are attached.
- b. A wall sign may not project more than 12 inches from the building surface. If a wall sign projects over a public walkway, it may not be attached to the outer wall at a height of less than eight feet. If a wall sign projects into a public driveway, alley, or other street right-of-way, it may not be attached to the outer wall at a height of less than 15 feet.
- c. A wall sign may not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.
- d. A wall sign may not extend above the lowest point of the roof or beyond the ends of the wall to which it is attached.
- e. Wall signs on facades adjacent to the city boardwalk must be pedestrian in scale and may only be placed within a single area no greater than four square feet located above the elevation of the boardwalk and below the top of the door or boardwalk level windows of the building.

(2) *Projecting signs.*

- a. A projecting sign may not project more than five feet from the building and must be pinned away from the wall by at least six inches.
- b. A projecting sign must project from the wall at a 90-degree angle.
- c. A projecting sign may not extend vertically beyond the windowsill of the second story.
- d. A projecting sign may not exceed ten square feet.
- e. A projecting sign must maintain a minimum clearance from the ground of eight feet.
- f. A projecting sign must be mounted to the building by a single mounting bracket and may be supported from above by a support chain or wire.
- g. A projecting sign must be at least five feet from any adjoining building.

(3) *Awnings/canopies/marquees.*

- a. The size restrictions of a marquee sign are the same as the size restrictions for wall signs as described in subsections (1)a--c of this section.
- b. A marquee sign may not project more than six feet into the public right-of-way or be erected closer than three feet to any street curbline.
- c. A marquee sign must maintain a minimum clearance from the ground of eight feet.
- d. Marquee signs are not allowed on facades adjacent to the city boardwalk. Awning/canopy signs are only permitted on the lower 25 percent of the awning/canopy and may not be backlit on facades adjacent to the city boardwalk.

(4) *Sidewalk signs.*

- a. A sidewalk sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk sign may not exceed eight square feet per side.
- b. One sidewalk sign is permitted per commercial establishment.
- c. The sidewalk sign must be placed in front of the commercial establishment that the sign promotes.
- d. A minimum of four feet of unobstructed sidewalk must remain between the sidewalk sign and the building.
- e. A sidewalk sign may not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or interferes with snow removal operations.
- f. A sidewalk sign may not be illuminated by any means and may not have any moving parts.
- g. A sidewalk sign must be properly maintained and must not be allowed to become unsightly.
- h. A sidewalk sign may only be in place during the commercial establishment's business hours.
- i. The person displaying the sidewalk sign must sign a document that holds the city harmless from any accidents, damages, or personal injuries involving the sign.

(5) *Vehicle service station signs.* Establishments that provide repair services or gasoline for vehicles either as a principal or accessory use may display one directional sign over each individual door

or bay. The size of each sign may not exceed three square feet. Customary lettering, insignias, or symbols that are a permanent or structural part of the gasoline pump are also permitted if they meet the requirements of sections 28-5(14) and 28-5(15).

(6) *Noncommercial signs.*

- a. A noncommercial sign may not exceed four square feet, and the total area of all noncommercial signs on any one premises may not exceed 20 square feet.
- b. Noncommercial signs may not be attached to any utility pole, other sign, other sign parts, or landscaping, including trees.
- c. Noncommercial signs are not allowed on facades adjacent to the city boardwalk.

(7) *Real estate signs.*

- a. One real estate sign per street frontage is allowed for each commercial establishment.
- b. A real estate sign may not exceed six square feet.

(8) *Sign lighting.*

- a. Exterior signs on building facades adjacent to the city boardwalk may only be illuminated by gooseneck-style lighting or directed spots.
- b. Backlit signs and neon are prohibited on the outside of the building facades adjacent to the city boardwalk.

(Code 1972, § 22.410; Ord. No. 194, § 10.0, eff. 8-28-2003; Ord. No. 194A, § 1, eff. 6-12-2008)

Sec. 28-11. Signs in the general business district.

Signs for commercial establishments in the general business district are subject to the following regulations:

- (1) *Wall signs.* The total area of all wall signs may not exceed 15 percent of the area of the wall to which it is attached.
- (2) *Ground signs.*
 - a. One ground sign of no more than 50 square feet is permitted for each parcel.
 - b. The height of a ground sign may not exceed 20 feet.
 - c. A ground sign must be set back at least five feet from all lot lines.
 - d. A ground sign must conform to the requirements for clear vision contained in section

28-6(a).

- e. For parcels with two or more commercial establishments, a ground sign with a maximum size of 75 square feet is permitted.

(3) *Noncommercial signs.*

- a. One noncommercial sign per candidate or issue is permitted for each lot.
- b. A noncommercial sign may not exceed ten square feet in area and four feet in height.
- c. Noncommercial signs must be set back at least five feet from all lot lines.

(4) *Real estate signs.*

- a. For each commercial establishment, one real estate sign for each public or private street frontage is permitted.
- b. A real estate sign may not exceed 20 square feet in area and six feet in height.
- c. Real estate signs must be set back a minimum of five feet from all lot lines.

(5) *Vehicle service station signs.* Establishments that provide repair services or gasoline for vehicles either as a principal or accessory use may display one directional sign over each individual door or bay. The size of each sign may not exceed three square feet. Customary lettering, insignias, or symbols that are a permanent or structural part of the gasoline pump are also permitted if they meet the requirements of sections 28-5(14) and 28-5(15).

(6) *Flag signs.*

- a. One flag sign per lot is permitted.
- b. A flag sign may not exceed 24 square feet.
- c. If a flag sign shares the same pole as the United States flag, the flag sign must be the smaller of these two flags and must be displayed below the United States flag.

(7) *Pole signs.* One pole sign is permitted for each commercial parcel that is located within 1,320 feet of the centerlines of Grand River and the I-96 rights-of-way at Exit 77, as depicted in figure 1 on file in the office of the city clerk. A pole sign may not exceed the minimum height necessary to provide visibility from the highway and allow vehicles to safely exit, as determined by analysis and documentation provided by a registered professional engineer and reviewed and approved by the city engineer. The dimensions of a pole sign may not exceed 15 feet by 15 feet. Pole signs cannot be located in front of the principal structure.

(Code 1972, § 22.411; Ord. No. 194, § 11.0, eff. 8-28-2003)

Sec. 28-12. Signs in the industrial district.

Signs for commercial establishments in the industrial district are subject to the following regulations:

- (1) *Wall signs.* The total area of all wall signs may not exceed 15 percent of the area of the wall to which it is attached.
- (2) *Ground sign.*
 - a. One ground sign of no more than 50 square feet is permitted for each lot.
 - b. The height of a ground sign may not exceed six feet above ground as measured to the top of the sign.
 - c. A ground sign must be set back at least five feet from all lot lines.
 - d. A ground sign must conform to the requirements for clear vision contained in section 28-6(a).
- (3) *Industrial park identification sign.* One sign may be erected at each industrial park entrance to identify the park and the industries within. An industrial park identification sign must comply with the requirements for ground signs. An industrial park identification sign may be a ground sign or a wall sign and must be constructed primarily with carved wood, brick, stone, wrought iron, glazed tile, or other similar decorative material and must be appropriately landscaped with low-level lighting.
- (4) *Noncommercial signs.*
 - a. One noncommercial sign per candidate or issue is permitted for each lot.
 - b. A noncommercial sign may not exceed ten square feet in area and four feet in height.
 - c. Noncommercial signs must be set back at least five feet from all lot lines.
- (5) *Real estate signs.*
 - a. For each commercial establishment, one real estate sign for each public or private street frontage is permitted.
 - b. A real estate sign may not exceed 20 square feet in area and six feet in height.
 - c. Real estate signs must be set back a minimum of five feet from all lot lines.
- (6) *Flag signs.*
 - a. Multiple flag signs are permitted.

- b. A flag sign may not exceed 24 square feet.
- c. If a flag sign shares the same pole as the United States flag, the flag sign must be the smaller of these two flags and must be displayed below the United States flag.

(Code 1972, § 22.412; Ord. No. 194, § 12.0, eff. 8-28-2003)

Sec. 28-13. Dangerous, unsafe, and illegally erected signs.

(a) *Dangerous signs.* Any sign that constitutes an immediate hazard to health or safety is deemed a nuisance and may be immediately removed by the city. The cost of removal will be charged against the owner of the property on which the sign was installed.

(b) *Unsafe signs.* Any sign that the zoning administrator deems unsafe but that does not represent an immediate health or safety hazard must be removed or brought into compliance with the requirements of this chapter.

(Code 1972, § 22.413; Ord. No. 194, § 13.0, eff. 8-28-2003)

Sec. 28-14. Administration.

(a) *Administration.* This chapter is administered by the city manager or the city manager's agent.

(b) *Appeals; review.* The planning commission hears and decides appeals from and reviews any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this chapter.

(c) *Variance.* The planning commission may authorize a variance from the terms of this chapter where the variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would violate the intent of the chapter. A variance may be granted for height, area, and size of structure, sign setback, or other dimensional limitation, to the maximum allowed in other areas of the city as specified in this chapter.

(1) The planning commission may only grant a variance from the provisions of this chapter when it finds, based on the evidence presented, that all of the following standards have been met:

- a. Compliance with the strict enforcement of the provisions of this chapter would unreasonably prevent the applicant from using the property for a permitted purpose;
- b. Conditions and circumstances exist that are unique to the property;
- c. Granting the variance applied for would do substantial justice to the applicant as well as to other property owners in the vicinity or that a lesser variance than that applied for would give substantial relief to the applicant and be more consistent with justice to other property owners; and
- d. The problem is not created by the applicant.

(2) Further, in granting a variance, the planning commission must find that the spirit of this chapter is observed, public safety is secured, and substantial justice is done.

(d) *Conditions of approval.* In authorizing a variance, the planning commission may attach conditions reasonably necessary to further the intent and spirit of this chapter and to protect the public interest.

(e) *Time limitations on variances.* Any variance granted automatically terminates 12 months after the date granted unless all of the following requirements are met:

- (1) Before the variance expires, the owner must apply for a 12-month extension of the variance;
- (2) The owner must show good cause why the variance was not implemented; and
- (3) The owner or the owner's agent must have taken substantial steps in implementing the variance.

(f) *Procedure.*

- (1) An appeal or application for a variance or from any ruling of the officer administering this chapter must be made to the city manager or the city manager's agent. The applicant shall pay a fee as established, from time to time, by resolution of the city council. The application must contain all information required by the city manager or agent. The city manager or agent must transmit the application and all other pertinent information to the planning commission.
- (2) The planning commission must fix a reasonable time and place for the appeal hearing and must give 15 days notice of the hearing to all persons owning real property within 300 feet of the premises in question. The notice may be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll.
- (3) The planning commission must conduct a public hearing on the appeal, during which any affected party may appear in person or by agent and must be given an opportunity to be heard. The applicant or the applicant's agent must appear at this hearing to present or answer questions regarding the appeal.

(g) *Decisions of the planning commission.*

- (1) The planning commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed and must make whatever order, requirement, decision, or determination it deems appropriate. To that end, the planning commission has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- (2) A majority vote of the members of the planning commission is necessary to reverse any order, requirement, decision, or determination of the city manager or agent or to take any action under this chapter.

- (3) The planning commission must make a decision within 45 days after the completion of the public hearing. Failure to do so will cause the appeal to be approved unless the failure is beyond the commission's ability to control. The applicant may waive this time requirement in writing. A copy of the commission's decision must be furnished to the applicant and the city manager or agent.
- (4) An appeal stays all proceedings in furtherance of the action appealed from, unless the city manager or agent from whom the appeal is taken certifies to the planning commission after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In these circumstances, proceedings may not be stayed other than by a restraining order granted by the planning commission or by the circuit court on application, on notice to the city manager or agent from whom the appeal is taken, and on due cause shown.

(Code 1972, § 22.414; Ord. No. 194, § 14.0, eff. 8-28-2003)

Sec. 28-15. Permits.

- (a) *Permit required.* Except as provided in subsection (c) of this section, no person may erect, structurally alter or maintain, or relocate any sign without first obtaining a permit.
- (b) *Application.* An application for a sign permit must be made to the city manager or agent along with a fee as required by city council resolution. The application, at a minimum, must include the following:
 - (1) Name, address, telephone number, and signature of the applicant and the person, firm, or corporation erecting the sign;
 - (2) Address or permanent parcel number of the property where the sign will be located;
 - (3) A sketch showing the location of the building, structure, or lot on which the sign is to be attached or erected and showing the proposed sign in relation to buildings and structures along with setback from lot lines;
 - (4) Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, and if deemed necessary by the city manager or agent, calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area;
 - (5) Any required electrical permit;
 - (6) The district in which the sign is to be located;
 - (7) Certificate of liability insurance in the amount required by this chapter; and
 - (8) In the discretion of the city manager or agent, when the public safety requires, the drawings, plans, and specifications required with the application must bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.

(c) *Permits not required.* The following signs and those identified under section 28-5 do not require a permit:

- (1) Directional signs;
- (2) Construction signs;
- (3) Real estate signs advertising the premises on which the sign is located as being for sale, rent, or lease, if the signs are not more than six square feet in area for residential property or 32 square feet in area for nonresidential property; and
- (4) Help wanted signs of a temporary nature not more than 32 square feet.

(d) *Liability insurance.* Any person or entity seeking a sign permit must provide proof of insurance with coverage of at least in the amount as currently established or as hereafter adopted by resolution of the city council from time to time.

(Code 1972, § 22.415; Ord. No. 194, § 15.0, eff. 8-28-2003)

Sec. 28-16. Enforcement.

(a) Any act or omission that violates a provision of this chapter is deemed a nuisance per se.

(b) A violation of this chapter is a municipal civil infraction, for which the fine is not less than \$250.00 or more than \$1,000.00 for the first offense and not less than \$500.00 or more than \$1,000.00 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, and expenses provided by law. For purposes of this section, the term "subsequent offense" means a violation of this chapter committed with respect to a separate incident by the same person within 12 months of a previous violation of this chapter for which the violator admitted responsibility or was adjudicated to be responsible.

(c) Each day a violation continues is a separate offense. Any person, including a public official, who commits, participates in, assists in, or maintains a violation may each be found responsible for a municipal civil infraction and may each be liable for the penalties provided in this chapter. Nothing in this chapter prevents the city council or any other public official or private citizen from taking lawful action as necessary to restrain or prevent a violation of this chapter.

(d) In addition to any other available remedy, the city may bring an action in its own name to restrain or prevent any violation of this chapter or any continuance of a violation. The person found violating this chapter must pay the city's costs and expenses in enforcing this chapter, including its attorney fees.
(Code 1972, § 22.416; Ord. No. 194, § 16.0, eff. 8-28-2003)

Sec. 28-17. Conflict with other laws.

In any case where a provision of this chapter conflicts with a provision of any ordinance or code of the city existing on the effective date of the ordinance from which this chapter is derived, the provision that establishes the higher standard for the promotion and protection of public health and safety shall prevail.

(Code 1972, § 22.417; Ord. No. 194, § 17.0, eff. 8-28-2003)