

ARTICLE 4
DIVISION 4: SIGNS

Sec. 86-210 - Purpose

The purpose of this Chapter is to permit and regulate signs and to minimize outdoor advertising within the City so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Vassar Master Plan and Zoning Ordinance; and enhance the aesthetic appearance and quality of life within the City. The standards contained herein are intended to be content neutral.

These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the City so as to:

- a. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- b. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- c. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the City's image, property values and quality of life.
- d. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- e. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- f. The regulations and standards of this Chapter are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- g. Prevent off-premise signs from conflicting with other allowed land uses.
- h. Maintain and improve the image of the City by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings. This includes preventing light trespass onto adjacent properties.
- i. Prohibit portable signs in recognition of their significant negative impact on traffic safety and aesthetics.
- j. Preserve and enhance the image of the City's downtown.

Sec. 86-211. - Sign Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

Animated Sign: A sign which uses lights, moving parts, or other means to depict movement, motion, action, the impression or appearance thereof, or create an image of a living creature or person.

Awning or Canopy Sign: A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

Business Center: A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of ground signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

Changeable Message Sign: A sign or portion of a sign on which the message is changed mechanically, electronically or manually

Device Sign: Permanent signs on vending machines, gas pumps, ice containers and similar items indicating only the contents of such devices.

Directional Sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs.

Entranceway Sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source including color and intensity.

Ground or Monument Sign: A three dimensional, self-supporting, ground-mounted sign, consisting of two (2) or more sides extending up from the base, and upon which a message is displayed.

Illegal Sign: A sign which does not meet the requirements of this Chapter and does not have legal non-conforming status.

Legal Nonconforming Sign: An existing sign that does not meet current ordinance standards but did so at the time of installation.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

Memorial Sign or Tablet: A sign having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. "Rotating signs" and "feather signs" are types of moving signs. This definition does not include "changeable message signs."

Nameplate: A non-electric, on-premise identification sign.

Non-conforming Sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this Chapter, but were lawfully established prior to its adoption. Signs for which

the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as non-conforming.

Obsolete Sign: A sign for a business or use that has closed.

Off-Premise Advertising or Billboard Sign: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards. Off-premise advertising signs also include video signs and similar technologies.

Portable Sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights and signs mounted on a portable structure including those with wheels.

Projecting Sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

Pylon or Pole Sign: A sign supported on the ground by a pole or braces, without a monument base, and not attached to any building or other structure.

Regulatory Sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Roof Sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Sandwich Board Sign: Also known as a poster panel or "A" frame sign. a moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any structure or to the sidewalk itself.

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Snipe Sign: A snipe sign is a sign made on any material and attached to any object and having no application to the premises where located.

Temporary Sign: A sign not constructed or intended for long-term or permanent use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic event or project, or other special events that occur for a limited period of time such as a garage, yard or estate sale.

Vehicle Sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for displaying a message, rather than for transportation purposes.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside, shall also be considered wall signs.

Window Graphics: A type of window sign that is attached to a window and does not block visibility from

inside the window but displays an image outside the window.

Window Sign: A sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.

Sec. 86-212. - Prohibited Signs

The following signs are prohibited in all districts:

- a. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
- b. Moving signs and signs having moving members or parts.
- c. Animated signs.
- d. Inflatable signs.
- e. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets.
- f. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
- g. Snipe signs, including non-regulatory signs placed in any public right-of-way, as well as those attached to a utility pole, affixed to a tree, street furniture, fences, or waste receptacle.
- h. Off-premise signs, including video signs or similar technologies.
- i. Roof signs unless specifically permitted elsewhere in this Chapter.
- j. Portable signs, as defined, not provided for in this Chapter.
- k. Pylon or pole signs not provided for in this Chapter.
- l. Illegal signs.
- m. Obsolete signs and any sign or sign structure which:
 1. Is structurally unsafe.
 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 3. Is capable of causing electric shock to person who come in contact with it.
 4. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- n. Flashing Signs
- o. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

- p. Any sign not expressly permitted.

Sec. 86-213. - Exemptions to Permitting

The following signs shall not require a permit provided such signs are outside of the public street right-of-way, are located to ensure adequate sight distance, and meet the requirements of *SECTION 86-215* of this ordinance:

- a. Address signs
 - 1. In all single-family zoning districts, such sign shall not exceed two (2) square feet in area.
 - 2. In all other zoning districts, such signs shall not exceed six (6) square feet in area.
- b. Community owned or approved entrance or welcome signs.
- c. Construction signs meeting the size requirements for Temporary Signs under *SECTION 86-215(C)*.
- d. Temporary signs meeting the requirements of *SECTION 86-215(C)*.
- e. Device signs with the following conditions:
 - 1. Sign area of each device shall not exceed three (3) square feet in area.
 - 2. Limit of one (1) sign per device, such as vending machines, gas pumps or ice containers.
- f. Directory signs. A building with business occupants on the upper floors or the interior space on the first floor of a building may have a directory sign plaque not to exceed ten (10) square feet in area at the street entryway.
- g. Essential service signs denoting utility lines, hazards and precautions or other similar information.
- h. Flags
 - 1. Not to exceed three (3) per zoning lot; and
 - 2. Not to exceed four (4) feet by six (6) feet.
- i. Historic markers.
- j. Incidental signs shall not exceed a total of two (2) square feet, a total of two (2) signs per business. indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance, or window.
- k. Interior signs including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
- l. Memorial signs or tablets shall not exceed four (4) square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
- m. Nameplates.
- n. Real estate signs and real estate open house signs meeting the requirements of *SECTION 86-215(C)*.
- o. Real estate development signs meeting the requirements of *SECTION 86-215(C)*, conditioned upon removal when the building or development is completed.
- p. Regulatory signs including traffic control and street identification signs.

- q. Traffic control signs.
- r. Vehicle signs.
- s. Warning signs that are publicly authorized, such as no trespassing, warning of electrical currents or animals provided such signs do not exceed two (2) square feet in area.

Sec. 86-214. - General Standards for Permitted Signs

Signs which are permitted as on-premise accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Chapter; provided, that no such sign shall be erected or altered until approved by the Building Official and until a sign permit has been issued.

a. Sign Setbacks.

- 1. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line, access drive, or sidewalk located on private property, in all zoning districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way, access drive, or sidewalk. In no instance shall a sign be setback less than 25 feet from the curb line, or road surface when no curbing is present.
- 2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any Residential District.

b. Clear Vision Area. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four (24) inches and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

c. Design and Construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

d. Illumination.

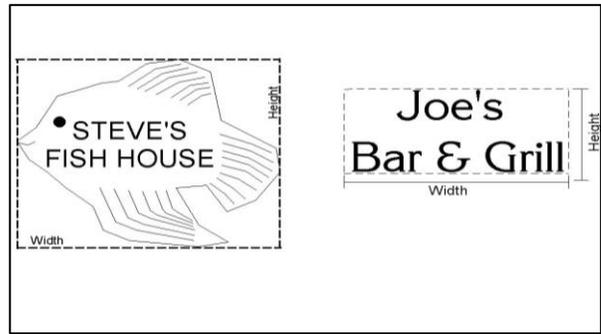
- 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
- 2. Use of glaring undiffused lights, including bare bulbs, neon, or flames, is prohibited.
- 3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
- 4. Underground wiring shall be required for all illuminated signs not attached to a building.

e. Maintenance and Construction.

- 1. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
- 2. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) mph.
- 3. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.

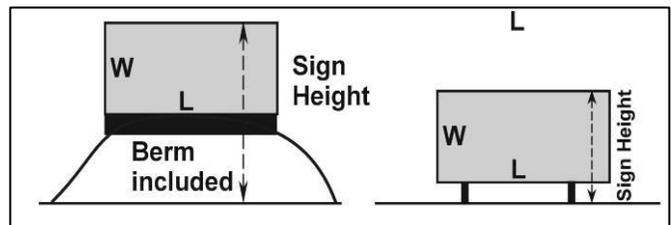
f. **Sign Area.** Measurement of allowable sign area is as follows:

1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
2. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure and are separated by no more than two (2) feet.
3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo.
4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.



g. **Sign Height.**

1. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).



Sec. 86-215. - Specific Sign Standards

The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table and its accompanying footnotes. Additional standards for specific types of signs are given below.

| Sign Dimensional Standards and Regulations | | | | | | | | |
|--|----------------------------------|-----------|--------------|-------------------------|-------------|---------------------|-----------------------|-------------|
| | WALL, CANOPY, OR PROJECTING SIGN | | GROUND SIGN | | | TEMPORARY SIGNS (c) | | |
| DISTRICT | Number # | Max. Size | Number # (b) | Max. Size per sign face | Max. Height | Max. Size per sign | Total Area per Parcel | Max. Height |
| | | | | | | | | |

CITY OF VASSAR ZONING ORDINANCE

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|---|--------------------------|---|---|----------------------|--------|----------------------|----------------------|--------|
| R1-A, R-1, R-2, R-3 | - | 10% of front façade for all uses other than single-family residential units, duplexes, and attached condominiums | 1 | 24 square feet | 6 feet | 6 square feet | 14 square feet | 4 feet |
| R-T, RM-1, RM- 2, RM-3, MH | | | | | | | | |
| B-1, B-2, B-3 & PD commercial uses (b) | 1 per business (a) | 10% of front façade or 100 square feet, whichever is less (a) | 1 | 48 square feet | 6 feet | 24 square feet | 48 square feet | 6 feet |
| OS-1, & PD office uses | | | | | | | | |
| I-1, I-2 | | | | | | | | |
| P-1 | | | | | | | | |

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) **Wall Signs.** One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two (2) wall signs, one (1) for each front façade. The maximum wall sign area shall not exceed ten percent (10%) of the front façade of the building (any façade which faces a public street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage as follows:

| | |
|---|------------------|
| 201 - 400 linear feet of building frontage facing a public street and having a public entrance | 150 square feet |
| Greater than 400 linear feet of building frontage facing a public street and having a public entrance | 200. square feet |

- (1) **Window Signs.** Window signs shall be permitted not to exceed 25% of the window area of the façade, including window graphics.
- (2) No wall sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.

(b) **Ground Signs.** Ground signs are not permitted in the B-1, Central Business District. Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs permitted according to the following table, however, no site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

| | |
|--|--|
| Frontage along 2 or more rights-of-way | 1 sign up to the maximum sign face area shall be allowed along 2 frontages |
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| | |
|--|-----------------------------------|
| 300 feet of frontage along 1 right-of-way | 1 ground sign along that frontage |
| Greater than 300 feet of frontage along 1 right-of-way | 2 ground signs |

(c) **Temporary Signs**

1. All temporary signs must comply with the sign size and height standards as specified in the *Sign Dimensional Standards and Regulations Table*.
2. Location of Temporary Signs shall comply with the following:
 - a. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way.
 - b. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - c. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - d. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - e. Signs shall not be located within any clear vision triangle, as described in *SECTION 86-214(B)*.
3. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days. Although a permit is not required for temporary signs, property and business owners must maintain a log of dates when temporary sign(s) have been in place showing compliance with the above standard.

Sec. 86-216. - Additional Sign Standards

- a. **Directional Signs.** No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable ground sign square footage, as specified in the Sign Dimensional Standards and Regulations Table.
- b. **Off-Premise Advertising or Billboard Signs.** New off-premise advertising or billboard signs are not permitted but existing ones may be maintained and repaired.
- c. **Projecting, Awning and Canopy Signs.** Projecting signs, awnings and canopy signs may be used as an alternative to wall signs listed in the Sign Dimensional Standards and Regulations Table, provided that they meet the following standards:
 1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
 2. Projecting or canopy signs in the B-1, Central Business District shall be set back at least two (2) feet from any street curb line, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground.
 3. Projecting, awning or canopy signs, other than those in the B-1 District, shall have a minimum ground clearance of ten (10) feet, shall be set back at least six (6) feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than two (2) feet from the building to which it is attached.
 4. No awning, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.
 5. Wood posts or supporting arms shall not be used in conjunction with any projecting sign, unless it is decorative in nature and part of the character of the sign.

6. Projecting signs shall not exceed ten (10) square feet in area on each side. The area of such sign shall be in addition to any permitted sign provided for herein.
 7. Canopy signs shall not be internally illuminated and must be blackened out on the underside.
- d. **Entranceway Signs.** One (1) permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.
- e. **Changeable Message Signs.** Changeable message signs may be permitted as a portion of, and accessory to, a ground or monument sign in the B-2 and I-1 Districts, in accordance with the following:
1. One (1) changeable message sign or one (1) gasoline price sign shall be permitted per premises.
 2. Message or gasoline price may be changed electronically or manually.
 3. The area of a changeable message sign or gasoline price sign shall not exceed one-third (1/3) the allowable total area of the sign in that district.
 4. Glare shall be reduced/minimize in such a manner as to maintain an appropriate level of contrast during the day and an automatic dimmer shall be required to control brightness at night, reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in footcandles) shall be provided. Illumination levels shall not exceed 1.0 footcandles measured ten (10) feet from the sign and five feet from the ground.
 5. Electronic message signs shall not flash, fade in or out, or scroll.
 6. Electronic messages or gasoline prices shall be displayed for at least thirty (30) seconds, and changes shall take less than one (1) second.
 7. Any voids or burned out bulbs in an electronic display shall be replaced within seven (7) days and any malfunctioning signs must be turned off until repaired.
 8. Electronic changeable message signs shall be at least one hundred (100) feet from any residential district or use, except as modified in subsection 10 below.
 9. One electronic message sign, meeting the above requirements, may be approved by the Planning Commission for institutional uses, meaning a use by a public or quasi-public institution such as a religious organization, church, nonprofit organization, academic institution, library or hospital, located in a multiple-family residential zoning district when meeting the following requirements:
 - i. The institutional use is located on a principal arterial, as designated in the City of Vassar Master Plan;
 - ii. The sign will not create a nuisance for residential properties in the immediate vicinity of the sign, as determined by the Planning Commission and subject to any conditions; and
 - iii. The appropriate size of the sign shall be determined by the Planning Commission but shall be no greater than fifty (50) square feet in area.
- f. **Sandwich Board Signs.** Sandwich board or portable A-frame signs are permitted in the B-1 and B-2 Districts at the customer building entrances to businesses subject to the following requirements:
1. One (1) sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
 2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
 3. Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches.

4. The sign must be located adjacent to the building, no more than ten (10) feet from the customer entrance to the business, be a minimum of two (2) feet from the edge of the curb, and be located so that at least a five (5) foot wide sidewalk is maintained.
5. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
6. All signs must be constructed or weather-proof, durable material and kept in good repair.
7. The sign shall not be illuminated in any manner.
8. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, etc).

Sec. 86-217. - Non-Conforming Signs

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this Chapter, but were lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as nonconforming. It is the intent of this Chapter to bring about, in an expeditious and timely manner, the eventual elimination of signs and their supporting structures that are not in conformity with the provisions of this Chapter. The following provisions apply to nonconforming signs, including the replacement of nonconforming signs with less nonconforming signs to encourage a quicker upgrade. A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this Chapter, however, the following alterations are regulated:

- a. A nonconforming sign shall not be structurally altered so as to prolong the life of the sign or to change the shape, size, type or design of the sign unless the change shall make the sign conforming.
- b. A nonconforming sign shall not be replaced by another nonconforming sign with the exception of pole signs, which can be replaced with a ground or monument sign that is not in compliance with the requirements for ground signs in this Chapter, subject to review and approval by the Planning Commission.
- c. A nonconforming sign shall not be re-established after damage or destruction of the estimated expense of reconstruction exceeds fifty percent (50%) percent of the appraised replacement cost as determined by the Building Official or if fifty percent (50%) or more of the face of the sign is damaged or destroyed.
- d. A nonconforming sign shall not have any changes made in the words or symbols used or the message displayed on the sign unless the sign is designed for periodic change of message.
- e. Signs having a construction design that permits a complete change of the face portion of the sign display area shall not have any faces changed unless the change does not prolong the life of the total sign structure or alter the shape and size of the sign display area.
- f. A nonconforming sign shall not be re-established after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer as defined in *SEC. 86-218, DANGEROUS, UNSAFE, ABANDONED, AND ILLEGALLY ERECTED SIGNS.*

Sec. 86-218. - Dangerous, Unsafe, Abandoned, and Illegally Erected Signs

- a. **Dangerous Signs.** Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance per se and may be immediately removed by the City without notice and the cost thereof charged against the owner of the property on which it was installed.
- b. **Unsafe Signs.** Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Building Official to the health or safety of the public shall

be removed or repaired within thirty (30) days after written notice from the City Building Official.

- c. **Abandoned Signs.** Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is not longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the premises within ten (10) days after written notice from the City Building Official.
- c. **Illegally Erected Signs:** Any sign erected or displayed illegally in violation of this Chapter shall be removed or made to comply with this Chapter within ten (10) days after written notice from the City Building Official.

Sec. 86-219. - Permits and Application Procedures

- a. **Required.** Except as expressly provided in *SECTION 86-213* relating to signs allowed without a permit, and Section 70-6(c) relating to temporary signs, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign or other structure designed to display a message without first obtaining a permit therefor from the city and payment of a fee provided for in this section.
- b. **Application.** Applications for permits to erect, construct, maintain, use, display, alter, convert, repair a sign shall be made upon forms provided for by the City, and shall contain or have attached thereto the following information:
 - 1. Name, address and telephone number of the applicant, property owner(s), and if applicable, the tenant(s) and occupant(s);
 - 2. Location of building, structure, or lot to which the sign is to be attached or erected;
 - 3. Position of the sign in relation to nearby buildings, structures, and property lines;
 - 4. Two (2) drawings of the plans and specifications and method of construction and attachment to the building or in the ground;
 - 5. Copy of stress sheets and calculations, if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the City;
 - 6. Name and address of the person erecting the structure and any applicable licenses;
 - 7. Any electrical permit required and issued for such sign;
 - 8. Insurance policy or bond as required by this Chapter;
 - 9. Such other information as the Building Official, or his or her designee, may require to show full compliance with this and all other applicable laws of the City and the State;
 - 10. In the discretion of the Building Official, or his or her designee, when in his or her opinion the public safety requires it, the application containing the material required by this Section shall, in addition, bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit;
 - 11. In all applications for entranceway signs, the Building Official, or his or her designee, shall require that appropriate provisions have been made to ensure continued maintenance of the sign.
- c. **Fees.** An application, permit, review and inspection fees shall be paid to the City for each permanent permit and each temporary permit required by this Chapter as shall be set by resolution of the council from time to time.
- d. **Ordinary maintenance.** No permit is required for the ordinary servicing or repainting of an existing sign message, the cleaning of a sign, the changing of information on a directory sign, or the changing of advertising on a permitted sign specifically designed for regular change of message without change in structure.

Sec. 86-220. - License and Insurance

Every person who engages in the business of erecting, altering or dismantling signs in the City shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the City and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the City Building Department at least thirty (30) days prior to the date of cancellation. The Building Official shall issue a permit for the sign upon determining that the proposed sign meets the provisions, standards and regulations of this Chapter and any other applicable City Ordinance and after payment of the prescribed fees and deposit.

Sec. 86-221. - Administration, Enforcement, Violations, and Penalties

- a. **Generally.** The regulations of this Chapter shall be administered and enforced by the City Manager or his or her designee.
- b. **Violations.** It shall be unlawful for any person to erect, construct, maintain, use, display, enlarge, alter, convert, repair, or move, any sign in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions, standards and regulations of this Chapter. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- c. **Public Nuisance Per Se.** Any sign erected, constructed, maintained, used, displayed, enlarged, altered, converted, repaired, or moved in violation of any of the provisions, standards, and regulations of this Chapter, including the failure to remove a sign when directed under the authority of this Chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction,
- d. **Municipal Civil Infraction.** Any person, firm or corporation determined to have violated or been in violation of the provisions, standards or regulations of this Chapter shall be responsible for a municipal civil infraction and subject to the penalties and provisions contained in Sections 1-13, 1-14, 2-242 through 2-249 of the City's Code of Ordinances.
- e. **Other Relief.**
 1. In addition to the remedies otherwise provided for, the City may remove and dispose of an unlawful sign on public property.
 2. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this chapter.
 3. In addition to any remedies provided for by the Code of Ordinances, any equitable or other remedies available may be sought and granted.

Sec. 86-222. - Appeals and Variances.

- a. **Appeals.** Appeal from the ruling of any officer, department, board or bureau of the City, including the Building Official, concerning the enforcement of the provisions, standards and regulations of this Chapter may be made by any aggrieved party within thirty (30) days of the ruling to the Zoning Board of Appeals, sitting as an administrative appeal board under this Chapter.
- b. **Variances.** With the exception of requests for variances for multi-tenant ground signs as contemplated in *SECTION 86-345*, which shall be considered by the Planning Commission, the Zoning Board of Appeals shall have the authority to grant variances from the requirements of this

Chapter according to the criteria in *SECTION 86-345*. In making a decision on whether a practical difficulty exists, the Board may also consider the following for sign variance requests:

1. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances are present.
2. In granting a variance the Zoning Board of Appeals may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting or denying a variance, the Zoning Board of Appeals shall state the grounds and findings upon which it justifies granting or denying the variance based on the following criteria:
 - i. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
 - ii. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
 - iii. Existing signs on nearby parcels would substantially reduce the visibility or identification impact of a conforming sign on the subject parcel.
 - iv. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
 - v. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
 - vi. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
 - vii. A sign which exceeds the permitted height or area standards of this Chapter would be more appropriate in scale because of the large size or frontage of the parcel or building.

Sec. 86-223. - Ground Sign Variances for Business Centers

The dimensional requirements (height and area) of *SECTION 86-215, SPECIFIC SIGN STANDARDS*, may be modified by the Planning Commission for business center or shopping center ground signs with multiple tenants and over 20,000 square of gross floor area when the following criteria have been met:

- a. Where the objectives and intent of this Chapter are better served by such modifications, rather than through the strict application of the requirements contained therein.
- b. The sign will provide clearer, uncluttered identification to passing motorists than would otherwise be possible under the dimensional requirements of this Chapter.
- c. The requested modification will improve the aesthetics of the site by minimizing the number of individual signs on the property.
- d. For larger centers, the sign will identify anchor tenants as opposed to all businesses.
- e. The area of a changeable message sign or gasoline price sign still cannot exceed one-third (1/3) the total area of the sign for which a modification is granted.

Sec. 86-224. - Substitution Clause

Notwithstanding any provision, standard, or regulation in this Chapter to the contrary, a noncommercial message may be substituted, in whole or in part, for any commercial message on any sign permitted pursuant to this Chapter. If a noncommercial message is substituted, the sign must still comply with the provisions, standards, and regulations of this Chapter applicable to the original sign prior any substitution. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or messages over noncommercial speech or messages.

Sec. 86-225. - Severability Clause

If any provision, standard, or regulation of this Chapter, or the application thereof to any person or circumstance, shall be found invalid by a Court, such invalidity shall not affect the remaining portion or application, or validity of the remaining provisions, standards, or regulations of this Chapter as a whole, provided such remaining portions are not determined by the Court to be invalid. It is hereby declared to be the legislative intent that this Chapter would have been adopted, had such invalid provision not been included.