

VILLAGE OF CASS CITY CODE OF ORDINANCES

CHAPTER 46, ARTICLE IV, SECTION 479- SIGNS

Sec. 46-479. - Signs.

(a) *Intent.* The village finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and or general welfare of the residents of the village, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The village finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the village, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the village, and may cause deterioration of business and residential areas of the community. Therefore, the purpose of this section and subsections is to permit and regulate such signs and visual outdoor advertising of all types in all zoning districts. The regulation of outdoor signs is intended to enhance the physical appearance of the village, to preserve scenic and natural beauty and to create a climate that is attractive to business. It is further intended by the provisions of this chapter to improve traffic safety by avoiding sign distractions and the canceling out effect of conflicting overlapping signs.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abandoned or obsolete sign means any sign or window decal that identifies a business that is no longer in operation or identifies an activity or event that has already occurred. This provision shall not apply to permanent signs accessory to businesses that are open only on a seasonal basis, provided that there is a clear intent to continue operation of the business.*

*Accessory sign* means a sign, located on the premises which pertains to the principal use of the premises.

*Awning and canopy sign* mean a type of building sign that is painted, printed or otherwise attached directly to the surface of an awning.

*Banner sign* means a sign of fabric or similar nonrigid material with no enclosing framework, attached at all edges to a building or other structure.

*Business center* means any group of two or more commercial establishments having not less than 100 feet of frontage on a major street and which are under one common ownership or management, have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or share a common parking area.

*Exterior building entrance* means only those available for use by customers or patrons and does not include service or employee entrances.

*Festoon sign* means a sign where incandescent lightbulbs, banners or pennants or other such features are hung or strung overhead and are not an integral physical part of the buildings or structure they are intended to serve.

*Flashing, animated or moving sign* means a sign that intermittently reflects lights from either an artificial source or from the sun or sign which has movement of any illumination such as intermittent,

flashing, scintillating or varying intensity or a sign that has any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources.

*Ground sign* means a sign not attached to any building and supported by uprights or braces or some object on the ground and is a type of freestanding sign.

*Height (for signs)* means the distance from the ground to the highest point of the sign, including the sign frame.

*Inflatable sign* means a sign that is either expanded to its full dimension or supported by gases contained within the sign or sign parts at a pressure greater than atmospheric pressure.

*Mural* means a sign, that is a design and/or artwork that is painted, drawn, or attached in any form on the exterior building wall of a structure that does not promote a business, product, service or activity.

*Nameplate* means an accessory sign stating the name or street number of a person, firm, building or institution of a certain permitted use.

*Nonaccessory sign* means a sign which does not pertain to the principal use of the premises.

*Painted wall sign* means a sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

*Political sign* means a sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

*Portable sign* means a sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing.

*Projecting sign* means a sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

*Real estate development sign* means a sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.

*Real estate sign* means a sign placed upon a property advertising that particular property for sale, rent or lease.

*Sidewalk sign* means a temporary freestanding sign, typically with an "A" or "T" frame.

*Sign* means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as to show an individual firm, profession, business, product or message and which are visible to the general public.

*Sign area* means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

*Snipe sign* means a sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

*Temporary sign* means a sign not permanently anchored or secured to a structure or the ground.

*Vehicle business sign* means a vehicle upon which a sign is painted or attached and is parked or placed upon the owner's premises primarily for advertising purposes.

*Wall sign* means a sign erected or fastened to the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected or fastened. For the purposes of this chapter, a sign affixed to a marquee, canopy, awning, or mansard roof projection from a facade shall be considered a wall sign and shall not project more than 12 inches beyond the projecting face of the structure.

- (c) *General provisions.* The following conditions shall apply to all signs erected or located in any use district:
- (1) Except for signs erected by the village, Elkland Township, the county, village public schools, or state or federal governments, no sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement. Signs illegally located within a public right-of-way may be immediately removed by the zoning administrator without notice.
  - (2) Signs mounted on a building shall not project beyond or overhang the wall by more than 12 inches. Canopies and awnings located on the front and rear facades of buildings are excluded from this subsection.
  - (3) Signs shall not project above the cornice, wall facade, parapet or eave of the building to which it is affixed. Roof signs are not permitted.
  - (4) Signs shall be permitted in any required yard and for the purposes of determining required height and required setbacks, signs shall be exempt from other provisions of this chapter and the standards provided in this section shall apply.
  - (5) No sign shall be erected which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner that, in the opinion of the zoning administrator, may interfere with, mislead, or confuse traffic.
  - (6) Except for signs displaying stock market index information, time, or temperature, no illumination will be intermittent, oscillating or flashing.
  - (7) Accessory signs shall be permitted in any use district, subject to the requirements of this chapter.
  - (8) Nonaccessory signs shall be permitted only in the I-1 and I-2 industrial districts, subject to the requirements of this chapter.
  - (9) Wall signs may be placed upon the face of marquees, awnings or canopies. When canopies include a mansard roof, signs are permitted on the roof of the canopy, parallel to the face of the building, but in no instance projecting beyond the face of the mansard roof.
  - (10) All signs are subject to section 46-482, corner clearance.
  - (11) All signs shall be constructed in conformance with the following:
    - a. The construction, support, and location of any sign shall in no way constitute a hazard to the safety of the public or to adjacent property, the provisions of this section notwithstanding.
    - b. Illuminated signs shall conform in all respects to the electrical codes of the county building codes.
    - c. All signs are subject to section 46-480, exterior lighting.

- d. Signs using glass shall be constructed and located so as to pose no safety hazard if broken.
  - e. Signs and all necessary supports shall be constructed to withstand a horizontal force of 30 pounds per square foot applied to the sign display area. The manufacturer of any sign must provide documentation verifying that this requirement will be met prior to issuance of a permit.
- (12) Temporary portable business advertising signs are intended for the promotion of a particular product, grand opening, announcement of service, management, or event, including signs used by churches, service clubs, and civic organizations for the promotion of charitable purposes and events. Temporary portable signs shall have a minimum setback of ten feet from any future street or road right-of-way line. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with traffic safety devices or highway signs. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility. Temporary portable business advertising signs, not to exceed 32 square feet in surface display area per face, or 64 square feet if double faced, other than those specifically provided for, are allowed in any district with approval and issuance of a permit by the zoning administrator. Temporary portable signs may be allowed for up to four times, for no more than a total of 80 days, in any one calendar year. For the purposes of this section, a shopping center or other collective grouping of buildings shall have the same rights as an individual use.
- (13) Abandoned or obsolete signs shall be removed by the owner of the property within 30 calendar days of the cessation of operation, activity or event, or within 30 days from the date this amendment is enacted, whichever occurs later.
- (14) This ordinance applies to any sign or window decal that identifies a business that ceased operation before this amendment was enacted or that identifies an activity or event occurred before this amendment was enacted.
- (d) *General exceptions.* The following signs shall not require a permit:
- (1) Temporary, accessory, real estate signs in residential districts, provided that such signs shall not exceed six square feet in area per sign face nor exceed 42 inches in height. Such signs shall be located on the property to be rented, leased or sold, and placed at least 15 feet from any road right-of-way or property line. Any such sign shall be removed within seven days after the consummation of the lease or sale transaction.
  - (2) Temporary, accessory, real estate signs in nonresidential districts, provided that such signs shall not exceed 15 square feet in area per sign face, nor exceed ten feet in height, and, if they are freestanding, such signs shall be set back a minimum of 25 feet from the nearest edge of existing pavement of adjacent streets. Any such sign shall be removed within seven days after the consummation of the lease or sale transaction.
  - (3) Temporary, off-premises real estate signs for the purpose of direction shall be permitted in any district provided that such sign shall not exceed six square feet in area per sign face. Such signs may be located off-premises between the hours of 9:00 a.m. and 9:00 p.m. and only for two consecutive days and for two days each week. Such sign shall not have a height exceeding 42 inches. Permission to locate the subject sign shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of such sign.
  - (4) Temporary seasonal decorations.

- (5) Signs erected by the village, Elkland Township, the county, village public schools, or state or federal governments, for any of the following:
  - a. Street identification, or general traffic control.
  - b. Legal notices, identification, or informational signs.
  - c. Signs or markers obtained from a state or federal agency identifying buildings or sites as having been designated as a centennial farm, historic landmark, a state historical site or as a site listed in the National Register of Historic Places.
  - d. Signs to identify public buildings or uses or to establish hours of activity or conditions of use.
  - e. Community event signs.
- (6) One accessory nonilluminated nameplate sign not exceeding one square foot in area shall be permitted in any district.
- (7) Two on-premises, and one off-premises nonilluminated temporary ground sign pertaining to a garage sale, estate sale, or similar type of sale may be permitted in any residential district. Such signs shall not exceed four square feet in area, nor a height of 30 inches. No such sign shall be posted earlier than 24 hours prior to the sale. All signs shall display the dates of the sale and shall be removed within 24 hours after the sale.
- (8) Accessory on-site directional signs, each with an area of not more than four square feet and a height of no more than three feet.
- (9) Political signs not exceeding six square feet in area per sign face and not exceeding 42 inches in height, provided that such signs are removed within ten days after the election for which they were erected. No such sign shall be displayed on public land. All political signs shall have a minimum setback of 25 feet from the nearest edge of existing pavement of adjacent streets.
- (10) Flags, not more than three per zoning lot and not more than four feet by six feet in dimension.
- (11) Signs for essential services denoting utility lines, hazards and precautions.
- (12) Memorial signs which are either cut into the face of a masonry surface or constructed of bronze or other noncombustible material when located flat on the face of a building.
- (13) Exterior banners and pennants are intended for the promotion of business and as such shall be for the purpose of advertising special events, product promotion, and changes in service. These signs do not require a permit; provided, however, that such business advertising signs shall be subject to the following criteria:
  - a. Banners and pennants shall be maintained in a neat and orderly fashion in recognition that they are intended as an enhancement for the promotion of the business community.
  - b. Banners will be changed with regularity and in keeping with the statement of subsection (d)(13)a of this section.
  - c. Banners shall not exceed ten percent of the total square foot area of a building facade.
  - d. Banners and pennants shall not be located closer than ten feet from the future road or street right-of-way. No banner or pennant shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
  - e. Banners and pennants shall only be allowed in the RC, OS-1, B-1, B-2, I-1 and I-2 zoning districts.

(e) *Administration and enforcement.*

- (1) It shall be unlawful for any person to erect, reerect, alter or relocate any sign unless a permit shall have been first obtained from the zoning administrator, except as otherwise provided in this chapter.
- (2) Application for sign permits shall be made to the zoning administrator upon forms supplied by the village.
- (3) The zoning administrator will review the sign for conformance to village standards and has the authority to approve or deny all sign applications in all zoning districts. In all instances, the zoning administrator may require review and approval by the planning commission.
- (4) Applicants have the right to appeal any decision of the zoning administrator or planning commission to the zoning board of appeals in conformance with division 2, article II of this chapter, board of appeals.
- (5) A fee schedule shall be set by the village council which shall be collected with each application for a sign permit, unless otherwise waived by the village council.
- (6) All signs shall be inspected at original installation. Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this chapter, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this chapter within 30 days' notice. All signs for which a permit is required and all supports therefor shall be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit and shall be kept and maintained in a safe condition.
- (7) Signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 24 hours of notification by the village. If the sign is not removed or the violations corrected within the allotted time period, the sign shall be deemed a public nuisance and the zoning administrator may take such action as is necessary to have the sign removed.
- (8) Any owner that fails to remove an abandoned or obsolete sign pursuant to this ordinance will be in violation and will receive a notice from the ordinance enforcement officer to remove the sign. Failure to remove the abandoned or obsolete sign within 14 days from the date of the notice will result in fines and penalties as set forth in (k) Violations; municipal civil infraction.

(f) *Signs in the RA-1, RA-1B, RA-2, RB, RC and MH districts.* In the RA-1 RA-1B, RA-2, RB, RC and MH districts, signs shall be permitted subject to the following:

- (1) One ground sign identifying a subdivision or multiple-family housing development subject to the following:
  - a. A maximum area of 32 square feet.
  - b. A maximum height of six feet.
  - c. A minimum setback of ten feet from the future road right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
  - d. Such signs are to be maintained by the developer until all lots are sold and development is complete, at which time it will be deeded to the village for future care.

- (2) One temporary sign for a new residential development, advertising the sale or lease of lots, buildings or units within such development subject to the following:
  - a. A maximum area of 32 square feet.
  - b. A maximum height of six feet.
  - c. A minimum setback of 20 feet from the future right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
  - d. Such signs shall be allowed on a temporary basis for a period not to exceed two years. However, the planning commission shall have authority to grant authorization to continue such signs for a reasonable period thereafter, upon a showing that a substantial number of lots, buildings or units remain vacant.
- (3) Nonresidential uses permitted in the district such as offices, hospitals, churches and schools shall be allowed the following signs:
  - a. One sign subject to the following:
    1. A maximum area of 18 square feet.
    2. A maximum height of six feet.
    3. A minimum setback of 20 feet from any future road right-of-way.
  - b. One nonilluminated wall sign not to exceed 50 square feet and mounted flat against the wall of the principal building.
- (4) Accessory buildings in the RC and MH districts, such as rental and/or management offices, may be permitted one identification sign subject to the following:
  - a. A maximum area of six square feet.
  - b. Ground signs are limited to a height of four feet.
  - c. Wall signs are limited to a height of ten feet.
  - d. A minimum setback of 20 feet from any future road right-of-way.
- (5) Accessory signs may be permitted in the RC district for hospitals and clinics, such as directional signs for emergency and medical services, parking, and other such purposes.
- (6) Home occupations and bed and breakfast establishments shall be subject to the provisions of this chapter as stated in section 46-153, principal uses permitted subject to special conditions.
- (g) *OS-1 districts.* In the OS-1 districts, signs shall be permitted subject to the following:
  - (1) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed six square feet in area.
  - (2) One ground sign for each zoning lot, subject to the following:
    - a. A maximum area of 18 square feet.
    - b. A maximum height of six feet.
    - c. A minimum setback of ten feet from any future road right-of-way.
    - d. A minimum setback of 100 feet to any adjacent residential district.

- (3) For each use occupying a building, one wall sign, each with a maximum of 18 square feet, shall be permitted.
- (h) *B-1 districts.* In the B-1 districts, signs shall be permitted subject to the following:
- (1) One nameplate sign for each exterior building entrance shall be permitted. Such sign shall not exceed four square feet in area.
  - (2) Wall signs shall be permitted subject to the following:
    - a. For each zoning lot, one wall sign shall be permitted on each building facade that fronts on an adjacent street. Such signs shall be limited in area to 100 square feet.
    - b. For each zoning lot, one wall sign shall be permitted on each building facade that fronts on an adjacent alley. Such signs shall not exceed 15 square feet in area.
    - c. The total area of all wall signs on any one facade shall be limited to an area no greater than ten percent of the area of that facade.
  - (3) One ground sign shall be permitted for each zoning lot subject to the following:
    - a. Ground signs shall not be more than 20 feet in height and shall have a minimum setback of ten feet from any future right-of-way line. Such signs may be multifaced but shall not exceed 32 square feet in surface display area per face.
    - b. A minimum setback of 100 feet to any adjacent residential district.
  - (4) Gasoline service stations are permitted the following signs, in addition to those permitted in this subsection (h):
    - a. Directional signs on the face of the building over doorways necessary for customer convenience such as "restrooms," "lubrication," "bay 1," or words of similar import.
    - b. Signs may be displayed on the gasoline pumps.
- (i) *B-2 districts.* In the B-2 districts, signs shall be permitted subject to the following:
- (1) One ground sign shall be permitted for each zoning lot subject to the following:
    - a. Additional ground signs may be permitted when the following conditions exist:
      1. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
      2. Two signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
      3. For each lot having a frontage of 300 feet or more, one additional sign shall be permitted, provided that such signs are at least 200 feet apart.
    - b. Ground signs shall not be more than 30 feet in height and shall have a minimum setback of ten feet from any future right-of-way line. Such signs may be multifaced but shall not exceed 32 square feet in surface display area per face.
    - c. A minimum setback of 100 feet to any adjacent residential district.
  - (2) A business center shall be permitted one freestanding sign, subject to the following:

- a. A maximum height of 30 feet.
  - b. A minimum setback of ten feet to any future road right-of-way.
  - c. The area of such sign shall not exceed one square foot for each linear foot separating the building from the front street right-of-way line, plus one square foot for each linear foot between the sign and the front street right-of-way line. However, in no instance shall a sign have an area greater than 100 square feet per sign face.
  - d. A minimum setback of 100 feet to any adjacent residential district.
  - e. No such sign shall be closer to a rear or side lot line than a distance equal to its height.
- (3) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than ten percent of the area of the wall of the establishment upon which the sign is placed.
- (4) Gasoline service stations are permitted the following signs, in addition to those permitted in subsection (i)(1) and (i)(2) of this section:
- a. Directional signs on the face of the building over doorways necessary for customer convenience such as "restrooms," "lubrication," "bay 1," or words of similar import.
  - b. Signs may be displayed on the gasoline pumps.
- (5) Restaurants with drive-through windows shall be permitted one menu board ground sign in addition to those permitted in subsections (i)(1) and (i)(2) of this section. Such sign shall be located in a rear yard or interior side yard and shall not exceed a height of six feet, nor an area of 36 square feet.
- (j) *I-1 and I-2 districts.* In the I-1 and I-2 districts, signs shall be permitted subject to the following:
- (1) One ground sign identifying an industrial subdivision subject to the following:
- a. A maximum area of 100 square feet.
  - b. A maximum height of ten feet.
  - c. A minimum setback of ten feet from the future road right-of-way (as shown in the village master plan) of any existing road and a setback of ten feet from the right-of-way of any existing or approved road.
  - d. Such signs are to be maintained by the developer until all lots are sold and development is complete, at which time it will be deeded to the village for future care.
- (2) One ground sign shall be permitted for each zoning lot subject to the following:
- a. Additional ground signs may be permitted when the following conditions exist:
    - 1. Two signs may be permitted on a corner lot that has at least 200 feet of frontage on each of two thoroughfares, provided that only one sign is oriented toward each thoroughfare.
    - 2. Two such signs may be permitted where the zoning lot, not a corner lot, has frontage on two major thoroughfares and has vehicular access via both such thoroughfares, provided that only one sign is oriented toward each thoroughfare.
    - 3. For each lot having a frontage of 300 feet or more, one additional sign shall be permitted, provided that such signs are at least 200 feet apart.

- b. Ground signs shall be subject to the following:
  - 1. A maximum area of 50 square feet per sign face.
  - 2. A maximum height of ten feet.
  - 3. A minimum setback of ten feet from any future road right-of-way.
- (3) Each use shall be permitted one wall sign on each building facade with road frontage. Such signs shall be limited to an area equal to not more than five percent of the area of the wall of the establishment upon which the sign is placed.
- (4) Nonaccessory signs are permitted in the I-1 and I-2 districts subject to the following:
  - a. A maximum height of ten feet.
  - b. A maximum area of 100 square feet.
  - c. A minimum setback of 25 feet from any property line or street right-of-way.
  - d. Nonaccessory signs shall be permitted but shall be spaced no closer than 1,000 feet between signs on the same side of the street right-of-way.
  - e. The height and area of nonaccessory signs may be increased beyond the standards identified in subsections (j)(4)a and (j)(4)b of this section when the following conditions are met:
    - 1. The sign area may be increased by two square feet for every one foot of setback added beyond the minimum setback from any future road right-of-way, but in no instance shall be greater than 300 square feet.
    - 2. The sign height may be increased by one foot for every five feet of setback added beyond the minimum setback but in no instance shall exceed 20 feet.

(Ord. of 3-28-1988, § 1608; Ord. of 3-23-1998; Ord. No. 158, § 1, 6-27-2005)

**(k) Violations; municipal civil infraction**

(1) Any person, firm, corporation, or entity of any kind found violating the provisions of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not more than \$100.00, plus costs and other sanctions, for each violation (as authorized by chapter VI, section 2, of the General Law Village Act, Public Act No. 3 of 1895 (MCL 66.2), and the Village Municipal Civil Infraction Ordinance, article II of chapter 20).

(2) Repeat offenses at the same address under this article shall be subject to increased fines as provided by this section. As used in this section, the term "repeat offense" means a second or any subsequent violation of the same requirement or provision of this article for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this article shall be as follows:

a. The fine for any offense which is a first repeat offense at the same address shall not be more than \$150.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be more than \$250.00 each, plus costs.

(3) The ordinance enforcement officer is designated as the authorized village official to issue municipal civil infraction citations for violations of this article, as provided by the Village Municipal Civil Infraction Ordinance, article II of chapter 20. As used in this article, the term "ordinance enforcement officer" means the village official, employee, agent or other entity assigned to perform the functions and tasks assigned by this article to the ordinance enforcement officer.

(4) In addition to any remedies available at law, the village may bring an action for an injunction or other process against any person to restrain, prevent or abate violation of this article.