

EMPIRE TOWNSHIP

ORDINANCE NO. 01-08

TOWNSHIP SIGN ORDINANCE

AN ORDINANCE TO DEFINE "SIGN(S)" ; TO RECOGNIZE CERTAIN LEVELS OF SIGNAGE PROMOTES COMMERCE; TO PROHIBIT SIGNS FROM BEING UNSAFE DISTRACTIONS OR VISUAL OBSTRUCTIONS TO MOTORISTS; TO PROHIBIT SIGNS FROM DETRACTING FROM THE AREA'S NATURAL BEAUTY; TO PLACE REASONABLE RESTRICTIONS ON THE USE OF SIGNS; TO PROVIDE FOR THE ENFORCEMENT THEREOF; AND TO PROVIDE FOR SANCTIONS FOR THE VIOLATION THEREOF.

EMPIRE TOWNSHIP HERBY ORDAINS:

Section 1. Intent

The Empire Township Planning Commission and the Empire Township Board recognizes that a certain level of signage is necessary in the Township to promote commerce. However, both boards also recognize and conclude that an excess of signs or certain signs designs along the roads of the Township can be unsafe distractions or visual obstruction to motorists. It is further recognized that an excess of signs can detract from the area's natural beauty, which is an important base for tourism in the Township. It is the intent of the Township, through the provisions of this section, to place reasonable restrictions on the use of signs in order to foster safe conditions for motorists and to help preserve the natural beauty of the Township for the enjoyment and economic well-being of both residents and visitors.

Section 2. General Regulations

1. Construction: The maximum overall height for freestanding signs shall be twelve (12) feet.
2. Placement: No sign requiring a permit, other than directional signs, shall be placed within the road or unimproved road right-of-way.
3. Maintenance: A sign shall be maintained in a good state of repair and appearance.
4. Illumination standards:
 - a. Signs shall be illuminated only with steady, stationary, shield light sources directed solely onto the sign without causing glare.
 - b. Signs shall not be illuminated directly or indirectly between the hours of 11 p.m. and 6 a.m. unless the premises are open during such hours.

- c. Illuminated signs shall not be permitted to shine directly onto residential properties and traveled ways.

Section 3. State of Michigan or Leelanau County Permits

If a sign permit is also required from the State of Michigan or Leelanau County such permit must be obtained before a permit under this Ordinance is issued.

Section 4. Definitions

1. Sign(s): Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, to inform or attract attention including berms.
2. On-premises signs: Any sign that calls attention to or identifies the occupant of the premises on which the sign is maintained, or advertises any product or service available or business transacted on the property, or advertises the property itself or any part thereof.
3. Off-premises signs: An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.
4. Directional signs: A sign alongside a road or unimproved road that provides direction.
5. Multiple signs: A group of signs clustered together on a single sign structure for the same building or building complex, or for a group of businesses choosing to advertise or to give directions together, or for a group of residents who live remotely on a private road or private unimproved road.
6. Moveable or portable signs: A freestanding sign not permanently anchored or secured to a building or the ground, but usually anchored or secured to a trailer or frame capable of being moved from place to place.
7. Area of signs:
 - a. Shall be based upon the entire area of the sign, including any frame or border.
 - b. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters and symbols.

- c. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is functionally proportional and incidental to the display.
 - d. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
8. Height of signs: The height of any sign or support measured from the natural grade under the sign to the highest point of the sign or support.

Section 5. Signs Requiring No Permit

The following signs shall be allowed without having to obtain a permit, if they meet the particular requirements listed or referenced. Such exemption, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance. Signs shall not be located so as to obstruct the vision of drivers or to constitute a traffic hazard.

1. Small signs which have an area of not more than two (2) square feet.
2. Official state and national flags, which are exempted from any size limitations. Other flags no larger than twenty-four (24) square feet, bearing the official design of a church, educational institution, municipality, or non-business organization, and those conveying a patriotic or holiday theme. This does not allow flags to be used in any way with advertising of any kind.
3. Political/election signs.
4. Governmental signs owned or controlled by a governmental entity.
5. Public/semi public institutions may erect a bulletin board or similar sign not exceeding twenty-four (24) square feet in area, in connection with any church, museum, library, school, or similar public institutions, provided that it does not possess any of the characteristics listed in Section 7. "Prohibited Signs".
6. Community event signs which direct attention to a special event sponsored by a nonprofit association or corporation for a charitable, educational, or public purpose may be displayed up to twenty (20) days prior to the event. There shall be a maximum of four and they must be removed within seven (7) days after the event.

7. Landmark signs, no more than sixteen (16) square feet in area, including centennial farm signs and historical plaques that are of significance to Empire Township and the character of which warrants their preservation or restoration, may be appropriately located.
8. One construction identification sign, with a maximum area of six (6) square feet, which identifies the name of a site being developed and/or the name of the contractor(s), engineers, or architect. It shall not be placed until on-site work is started, and must be removed within thirty (30) days after the project is completed.
9. Real estate and private for-sale or for-rent signs shall be located only on the property that is for sale or for rent, and shall not be more than six (6) square feet in size. They shall be limited to two (2) signs for each parcel of land. They must be removed seven (7) days after the property is sold or rented.
10. Seasonal farm produce signs shall have an area no greater than sixteen (16) square feet. There shall be no more than two (2) signs, and they must be removed during the seasons of the year when produce is not being sold. Provisions of Section 7. "Prohibited Signs" shall apply.
11. Home based businesses may have one (1) identifying sign not more than four (4) square feet in area without illumination.
12. Multiple signs may be added to a support structure for which a permit has been issued up to maximum size permitted.

Section 6. Signs Requiring a Permit

1. Business identification signs: Each business site may have an on-premises business identification sign not more than thirty-two (32) square feet in area and/or 15% of the front face of the building. A parcel with frontage of three hundred (300) feet or more may have two signs.
2. Off-premises advertising signs: Each business may have one (1) off-premises sign, located in any district except Residential. The parcel on which the sign is located shall be vacant in that there shall be no other business or residential use on the parcel. Off-premises signs shall not exceed thirty-two (32) square feet in area, and shall be placed at least forty (40) feet off the road or unimproved road right-of-way, and fifty (50) feet from all property lines.

3. Directional signs: A maximum of one sign, not to exceed six (6) square feet in size, may be located along each road leading to an intersection. Signs are to be located no closer than two hundred (200) feet or further than eight hundred (800) feet from the center of the intersection. Signs are to be located on the right side of the road facing approaching traffic. An individual business may utilize up to two (2) square feet of each sign with information limited to the name of the business, business logo, directional arrow, and mileage to business.

Section 7. Prohibited Signs

1. A sign not expressly permitted is prohibited.
2. The following signs shall not be permitted, erected, or maintained in any district:
 - a. Signs which incorporate in any manner flashing or moving lights, banners, pennants, spinners, and streamers.
 - b. String lights used in connection with business premises for business purposes, other than holiday decorations. All holiday decorations shall be permitted for a period not to exceed seventy-five (75) days. Each of the provisions of this ordinance is severable and, if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
 - c. Any sign that, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public roads or unimproved roads. Signs which make use of the words such as "Stop," "Look," "Danger," or any other word, phrase, symbol, or character, in such a manner as to interfere with, mislead, or confuse traffic.

Section 8. Non-conforming Signs and Sign Structures

Continuance: Non-conforming signs requiring a permit but lawfully existing at the time of adoption or subsequent amendment of This Ordinance may continue.

Section 9. Administration and Enforcement

1. Administration: No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued. The application shall be on forms prescribed by the Township. At a minimum, all applications shall include a scaled drawing specifying dimensions, illumination, and location on land or buildings, with all relevant measurements.

2. Enforcement: Any sign which is in violation of this Ordinance, as determined by the Township, or any sign which is abandoned or discontinued, shall be corrected or removed, together with its attendant structure, by the person, firm, or corporation responsible for the sign, within thirty (30) days of written notice of such violation.

Section 10. Repeal of Existing Sign Regulations

The existing sign provisions of Section 4.24 of the Empire Township Zoning Ordinance regulating signs are hereby repealed in their entirety.

Section 11. Sanctions; Authorized Township Officials; Schedule of Civil Fines

1. The Zoning Administrator together with officers of the Leelanau County Sheriff's department, are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for any violations of this Ordinance.
2. Schedule of Fines for Citations:
 - a. A person who, as a result of violating any provision of this Ordinance, is issued a municipal civil infraction citation and is responsible for a municipal civil infraction, shall pay a civil fine (of not less than \$100 nor more than \$500.00, plus costs and other sanctions, for each infraction.
 - b. Repeat offenses shall be subject to increased fines, as set forth below. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (i) committed by a person within any 12-month period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any ordinance shall be as follows:
 - 1) The fine for any offense, which is a repeat offense, shall be no less than \$250 plus costs and other sanctions.
 - 2) The fine for any offense, which is a second repeat offense or any subsequent repeat offense, shall be no less than \$500 plus costs and other sanctions.
3. Schedule of Fines for Violation Notices:

A person who, as a result of violating any provision of this Ordinance is issued a "municipal civil infraction violation notice", upon a determination of responsibility thereon, shall pay a civil fine at the Empire Township Municipal Ordinance Violations Bureau as follows:

- a. \$100 for the first violation.
- b. \$250 for the second violation within a 12-month period.
- c. \$500 for a third violation within a 12-month period.

Section 12. Effective Date

This ordinance shall take effect on February 16, 2008, thirty (30) days after publication in the manner provided by law.

Adoption of the foregoing ordinance was moved by Deering and supported by Neiswonger.

Voting for: Deering, Neiswonger, Bolton, Pendleton, and Noonan.

Voting against: None.

The ordinance was declared adopted.

William B. Bolton
Township Supervisor

CERTIFICATION

The above is a true copy of ordinance No. 01-08, which was duly adopted by the Empire Township Board at a regularly scheduled meeting held on January 8, 2008.

Christine M. Neiswonger
Township Clerk