

EMPIRE TOWNSHIP

ORDINANCE NO. ??-24

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 above grade.
2. Placement: No sign requiring a permit 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, shielded light sources directed solely onto the sign without causing glare. Under no circumstances shall the lumens cross the parcel's property lines.
 - 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. Sign, Fixed (free-standing) - A sign mounted on a structure or foundation, which could consist of two sides back to back.
3. Sign, Portable - A sign mounted by posts, wire, plastic, or other means pushed or stuck in the ground and which are not fastened to a foundation.
4. Sign, Sandwich Board - A sign placed on the ground which is portable, temporary and not anchored or secured.
5. Sign, Wall - A sign mounted on or otherwise displayed on the surface of a wall, which could have two sides.
6. Directional signs: A sign alongside a road or unimproved road that provides direction.
7. 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.
8. 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.
9. 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. Signs owned by or erected by or at the direction of a government, governmental agency, or public utility informing the public.
3. Signs not visible to motorists or pedestrians from any road, water body, public lands, or adjacent parcel(s).
4. Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks, when required by local, state, or federal law, regulation or ordinance.
5. Un-illuminated portable signs and sandwich board signs, under a maximum height of six (6) feet and less than thirty (30) square feet in area. However, the sign area of these signs shall be considered when determining the total allowable sign area for a parcel.
6. Signs permitted by the Leelanau County Road Commission and/or the Michigan Department of Transportation within the road right-of-way provided the Township received notice of that permit.
7. 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

Fixed free standing signs, wall signs, and illuminated portable and sandwich board signs are allowed in each zoning district with a permit granted by the Zoning Administrator, so long as they meet the requirements of Table 1 – Sign Regulations by Zoning District and Section 2 – General Regulations of this Ordinance.

Un-illuminated portable signs and sandwich board signs do not require a permit per Section 5 of this Ordinance; however, the sign area of these signs shall be considered when determining the total allowable sign area for a parcel.

Table 1 – Sign Regulations by Zoning District

Zoning District	Maximum Size of Each Sign	Total Signage Square Footage per Parcel
Agricultural Conservation	16 sq ft	32 sq ft
Commercial Development	16 sq ft	32 sq ft
Gateway Mixed Use	16 sq ft	32 sq ft
Public Recreation	16 sq ft	32 sq ft
Residential	9 sq ft	18 sq ft

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.
 - c. Any sign that, by reason of its size, location, 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

This ordinance hereby replaces any and all other language regulating signage in Empire Township.

Should any section, clause or provision of this Sign Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of this amendment as a whole or any other part thereof other than the parts so declared to be invalid.

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 _____, thirty (30) days after publication in the manner provided by law.

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

Voting for:
Voting against:
Absent:

The ordinance was declared adopted.

Carl Noonan
Township Supervisor

CERTIFICATION

The above is a true copy of ordinance No. ??-24, which was duly adopted by the Empire Township Board at a regularly scheduled meeting held on _____.

Christine M. Neiswonger
Township Clerk