CHARTER TOWNSHIP OF GENESEE GENESEE COUNTY, MICHIGAN

**ORDINANCE NO. 2021- 608**

AN ORDINANCE AMENDING THE GENESEE TOW NSHIP ORDINANCES BY THE ADOPTION OF A SIGN ORDINANCE TO PROVIDE FOR THE REGULATION OF SIGN S WITHIN THE TOWNSHIP AND TO PROVIDE FOR THE PENALTY FOR THE VIOLATION THEREOF

**THE CHARTER TOWNSHIP OF GENESEE ORDAINS:**

**SECTION** I

This ordinance shall be known as and may be cited as the Charter Township of Genesee SIGN ORDINANCE.

**SECTION** II

The Charter Township of Genesee SIGN ORDINANCE shall read as follows:

# PURPOSE.

Thi s chapter is intended to:

* 1. Enhance and protect the physical appearance of the Chart er Township of Genesee.
	2. Promote and maint ain visually attractive, residential, commercial, and industrial areas.
	3. Pro m ot e the economic well-being of the community by creating a favorable physical image.
	4. Ensure that signs are located and designed to:
		1. Provide ar.i effective means of way -fi nding in the community;
		2. Afford the community an equal and fair way to advertise and promote its products and serv ice s;
		3. Reduce sign clutt er and the distractions and conf usion that maybe contributing factors in t raff ic congestion and acciden ts, and maintain a safe and orderly pedestrian and vehicular environment;
		4. Minimize the d is ruption of the sce nic views which when maintained protect important comm unit y values; and
		5. Afford businesses, individuals, and inst it ut ions a reasonable oppor t unit y to use signs as an eff ect ive means of communication.
	5. Provide review procedures that assure that signs are consistent with the township's objectives and within the township' s capacit y to efficiently administer the regulation s.
	6. Prohibit all signs not exp ressl y permitted by this chapter.

### SUBSTITUTION CLAUSE.

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices (bil lboards), allowed under th is ord in ance. Such substitution of message may be made without any addit ional approval, permitt ing, registration or notice to the t ownship.

Ill. **DEFINITIONS.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

* 1. BANNER. Sign intended to be hung, displayed, or mounted in the ground either with or without frames, possessing characters, lett ers, illu str at ions, or ornamentations applied to paper, plastic, vinyl, or fabri c of any kind. Banners shall be temporary signs under the terms of this chapter and , where applicable, sub ject to the regulations thereof.
	2. BILLBOARD. A sign advertising products not made, sold, used, or served on the premise displaying the sign or that conveys an informational or noncommercial message.
	3. COM M ERCIAL SIGN. A sign which ident ifies, advert ises, or dir ects attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitat ion , any sign naming a brand of good or service and any sign which is not a noncommercial sign.
	4. ELECTRONIC SIGN. A sign that is capable of displaying words, symbols, figures, or images and t hat can be electronically or mechanica lly changed by remote or automatic means.
	5. NAME PLATE. A bui ldin g sign not exceeding 2 square feet indicat ing the street number, name of the person, business, profess ion, or activity occupying the lot, building or part thereof; or other information pertaining to the use on the lot.
	6. NONCOMMERCIAL SIGN. A sign which in no way identifies, advertises, or direct s attention to a business or is intended to induce a purchase of a good, property, or service, or portrays or symbol izes a good, property, or serv ice, especially, but, without limitation, a brand or trade name, an ident ifi able containe r shape, or a trademark.
	7. SIGN. A visual communication display, object, device, graphic, structure or part, situated outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract att enti on to, or to anno unce or promote, an object, product, place, activity, person, institution, organization or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, de vice,

designs, colors, symbols, fixtures, images, illumin ation s or representat ion used as, or which is in the nature of, an announcement, direct ion or advertisement.

* 1. SIGN, ABANDONED. Any sign that is st ill on a property for 60 days after a busi n ess or service no longer operates at the location.
	2. SIGN, BUILDING. A sign, or any portion thereof, erected, constructed, or affixed to the roof, wall of building, awning, or window, whether the principal support for

the sign is on the roof, wall, window, or any ot her st ruct ural ele ment of the building.

* 1. SIGN, FREESTANDING. A sign, or any portion thereof, erected, const ruct ed or projecting upon a parcel of lan d which includes a sign structure permanent ly installed in the ground; the bottom of which is mo re than 24 inches abo ve t he finished grade, and which is supported by a structure, poles, or braces which are less than 50% of the width of the sign.
	2. SIGN, IN FLATABLE. An infl at able shape or figure designed or used to attract

att ention to a bu siness event or locat ion. Infl at able promot ional devices shall be temporary signs under the terms of this chapter and , where applicable, subject to the regulations thereof.

* 1. SIGN, MONUMENT. A sign, the bottom of which is lessthan 24 inches above t he fini shed gra d e, and which is supp ort ed by a st ru ct ur e having a width of more than 50% of the width of the sign
	2. SIGN, TEMPORARY.A sign t ha t is designed to be used only t emporarily and is not int ended to be permanently att ached to a building wall or sign struct ure or perman ent ly inst alled in the ground.
	3. SIGN, WALL. A sign painted or attached directly to and parallel to the exterior wall of a building . A wall sign shall ext end no great er than 12 inchesfr om the exterior face of a wall to which it is at ta ched, shall not project beyond the wall to which it is at tached , and shall not extend above the roof line of t he building to which it is attached.

### EXEMPTIONS FROM REGULATIONS.

The fo ll owing signs are permitted in all zoning dist ricts and are exemp t from regulat io ns:

* 1. Signs placed, constructed, erected, or displayed by any entity of federal, state, or local gove rnment 1 or signs required to be placed, const ructed, erect ed, or displayed by such entit y(ies), in cluding but not limit ed to public notice signs and any sign which confo rm s or is req uired by law to conform to the Manual of Uniform Traffic Con t ro l Devices.
	2. Signs placed, const ruct ed, or erect ed on any parcel of proper ty or right-of -way owned or maint ained by any ent it y of federa l, st at e, or local government.
	3. Traffic control signs and other signs related to public saf ety that the t ownship inst alls or requires to be installed.

### EXEM PTIONS FROM PERM ITS.

The following signs are permitted in all zoning districts and are exempt from the permit requirements of this secti on, but shall in all other respects comply with the requirements of this code unless expressed below:

* 1. A sign not exceeding sixteen square feet on property in which construction work is being done to warn of danger or hazardous conditions. Such sig n is also exempt from the setback, limitat ion on number of fr eestandin g signs, and total sign area regulatio ns of this section.
	2. A work of art that in no way ident ifi es or advert ises a prod uct, service, or business or impedes traffic safety.
	3. A pr ivate t ra ff ic dir ectional sign within a property t hat does not exceed 3 squa re feet per face in area and 6 feet in height, does not cont ain any advertising or trade name ident ificat ion, and is not il lum inated, int ernally illuminated, or indirectly illuminated.
	4. Signs that are not visible from abutti ng property or public rights-of-way.

### GENERAL RESTRICTIONS AND REQ UIREM ENTS.

* 1. No sign sh all be erected, const r u cted, or maintained within the t ownship wit hout obtaining the prior permission of the owner or the person in possession of the prope rty upon which it is placed.
	2. A sign perm it shall be required for the erection, construction, or alterat ion of any sign, except as provided in Sections IV and XI of t his ordinance an d all such signs shal l be approved by the Township Zoning Adm inist rat or or his or her designee in conjunction with the building inspector or his or her designee as to comp liance

w it h the requirements of the zoning district wherein the sign or signs are to be located and the requirements of this section.

* 1. No sign shall be erected at the intersection of any streets in such a manner as to obst r uct free and clear vision or at any location w here, by reason of t he pos it ion, shape, or color, it may int erfere with, obstruct the view of, or be confused with any authorized traffic sign, signa l, or device or in such a man ner as to int erfere with, mislead, or confuse traffic. Nor shall any sign, signal, marking, or device be placed, erected, or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.
	2. No light pole, utility pole, telephone pole or other simi lar type st ructu re shall be used for the place.ment of any sign.
	3. Signs must be maintained so as not to endanger life, property, or be in a state of disr epair in t he opinion of the Code Enforcement Officer or Building Insp ector. Any sign which, through lack of maint enance or type of const ruct ion or otherwise, imperils life or property, or leaves any port ion of the sign exposed to weather when it typ ically would be covered, shall be deemed a nu isance.
	4. All signs within the Township may be inspected periodically by the Bui lding Department representative for compliance with this Ordinance.
1. Permitt ed Signs in the C-1 Dist ri ct.

The following signs are permitted in the C-1 Neighborhood Commercial District. In addition to the requirements below, all signs shall be setback a minimum of *five* (5) feet from the front property line and twenty-five (25) feet from all other property lines.

* 1. Wall Signs: One wall sign per street frontage is allowed for establishments. Wall signs shall not exceed an area of thirty (30) square feet.
	2. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted for establishments. Freestanding signs shall not exceed a height of twelve (12) feet and an area of twenty-four (24) square feet. Monument signs shall not exceed a height of six (6) feet and an area of twenty-four (24) square feet.
1. Permitted Signs in the C-2, 1- 1, and 1-2 Districts.

The following signs are permitted in the C- 2, 1- 1, and 1- 2 Districts. In addition to the requirements below, all signs sha ll be setback a m inim um of five (5) feet from the front property line and forty (40) feet from al l other property lines.

* 1. Wall Signs: One wall sign per street frontage is allowed for establishments. Wall signs shall not exceed an area of forty (40) square feet.
	2. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is perm itt ed. Free st an ding signs shall no t exceed a height of sixteen (16) feet and an area of forty (40) square feet. Monument signs shall not exceed a height of six (6) feet and an area of thirty (30) square feet.
	3. Residential Subdi vis ion Signs. One sign at each entrance road to a platted subdivision, mult i-family development, or any other residential development is allo wed. Suc h sign shall not exceed a height of five (5) feet and an area of sixteen

(16) squ are feet.

1. Permitted Signs in the A-R, R-1, R-2, R-3, and R-4 Districts.

The following signs are permitt ed in the A-R, R-1, R-2 , R-3, an d R-4 Districts. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the fr ont property line or Road Right of Way, whichever is furthest from traveled portion of roadway and twenty-five (25) feet from all other property lines.

* 1. Wall Signs: One wall sign per street frontage is allowed for uses other than residential. Wall signs shall not exceed an area of twenty-four (24) squa re feet.
	2. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted for uses other than residential. Freestanding signs shall not exceed a height of eight (8) feet and an area of twelve (12) squ are feet. Monument signs sha ll not exceed a height of five (5) feet and an area of sixteen

(16) square feet.

* 1. Residential Subd ivi sion Signs. One sign at each ent rance road to a platted

sub divi sion, m ult i-fa m ily development, or any other resident ial developm ent is allow ed. Such sign sha ll not exceed a height of five (5) feet and an area of sixt een

(16) square feet.

1. LED Display Type Signs Operation and Regulat ions .
	1. Purpose

While more busine sses desir e to utilize LED types of signs, these newer

t echn ologi es po se addit iona l risks of impact ing ad jacent ar eas and adverse ly dominating the environment in which they operate unlessr egu lat ed in a

reasonabl e fashion. The intent of this section is to estab lish operating standards and r egulat ions for signs which utilize these newer t echnologies in order to minimi ze the secondary effects that often accompany the unregulated display of digit al sign s, preserve the character and repose of adjacent areas (wit h a prin cipal focus on resident ial neighbor hoods), protect property values, and reduce traffic hazards caused by undue distractions.

* 1. Regulat ion s
		1. A digital sign may not allow the disp lay or message to change more frequently than once every eight seconds, with a transition period of one second or less.
		2. A digital sign must have inst alled an ambient light monitor, which shal l continuously monitor and aut omat ically adjust the brightness level of the display based on ambient light conditions consistent wi t h the terms of this art ic le.
		3. The maximum brightness levelsfor digital signs, ot her than a digit al billboar d, shal l not exceed 0.2 foot -candles over ambient light levels measured wit hin 150 feet of the source, consist ent with the terms of this section. Certif ication must be provided to the township demonst rat ing

t h at the sign has be en preset to aut omat ical ly adjust the brightness to these levels or lo wer. Re-inspe ctio n and recalibration may be period ically required by the t ownship in its reasonable discretio n, at the appli ca nt 's expense, to ensure that the spec ifi ed brightness levels are maintained at all times.

* + 1. Brightness of digit al signs sha ll be m easur ed as fo ll ow s:
			1. At least 30 minut es following sun set, a foot candl e met er shall be used to obtain an ambient light reading for the location. This is done while the sign is off or display ing black copy. The reading shall be made with the meter aimed direct ly at the sign area at the pre- set location.
			2. The sign shall then be t urn ed on to full white copy to take anoth er reading with the meter at the same location.
			3. If the difference between the readings is 0.2 foot candles or less, the brightness is proper ly adjusted.

# TEMPORARY SIGNS

* 1. No tem porary sign shall be erected, const ru cted, or maintained for mor e than 30 days imm ediat ely preceding the function, event, or t he complet ion of purpose for which it is placed. Notwithstanding the above rest rict ion, in no event sha ll the

sign be erected, const ruct ed, or maintained for more than a total of 60 days in any calendar year;

* 1. No such sign erected or maintain ed on private property immediately adjacent to a state highway or a township major street shall be larger than 16 square feet or which shall exceed a he ight of 6 feet above the grade at the base of the sign;
	2. No such sign erected or maintained on private property on a t ownsh ip local str eet, or private drive as designated for the purpose of Act 51 of the State of

M ichigan shall be larger than 6 square feet nor shall it exceed a height of 3 feet above the grade at the base of the sign.

### SIGN INSPECTION, MAINTENANCE, & REMOVAL

* 1. Inspect ions.

Signs within the Township may be inspected periodically bythe Bui lding Department representativeforcompliance with this chapter and with other ordinances of the Township.

* 1. M aint enance.

1. All signs and components thereof sha ll be kept in good repair and in safe, neat, clean, and at t ract ivecondit ion.

ii. Signs must be maintained so as not to endanger life, property, or be in a stat e of disrepair in the opinion of the Code Enfo r cement Officer or

Buildi ng Inspector. Any sign which, t hrough lack of maintenance or type of const ru ction or otherwise, imperils life or property, or leaves any portion of the sign exposed to weather when it typicall y would be covered, shall be deemed a nuisance.

* 1. Removal.
		1. The Bu ildin g Department represent at iv e may order the removal of any permanent sign and it s support ing structure erected or maint ained in violation of this chapt er.
		2. He or she shall give thirty days' not ice, in w r it ing, to the ow ne r of such sign, or of the building, structure or premises on which such sign is located, to remove the sign and its su ppo rt ing structure or bring it into compliance.
		3. Any sign erected of a temporary nature shall requ ire writt en notice of only three days. Upon failure to com ply with this not ice, the Buildin g Department representative may r em ove the sign and its support ing structure.
		4. The Building Department representative may remove a sign and its supporting st ruc t ur e im m ed iat ely and without noticeif, in his or her opinion, the condition of the sign and its supporting structure is such as to pr esent an im m ediat e threat to the safety of the public.
		5. The cost of such rem oval by the Township shall be assessed aga inst t he owner of such sign or t h e ow ner of the building, st ru ct ure , or pr emi ses.
1. Abandoned Sign s.
	1. An abandoned sig n and its supporting st ruct ur e shall be removed bythe property owner or lessee of the premises upon which the sign is locat ed .
	2. If the p ro p er t y owner or lessee fails to remove it wit hin sixty days of the date the business becom es inactive, the Build ing Depar t m ent representativemay give the property owner thirty days' written noticeto remove it .
	3. Up o n failure to comply with this notice, the BuildingDep art m en t representative may remove the sign and its supporting str uc t ur e at cost to the property owner.
	4. W here a successor to an in act ive busin ess agrees, within thirty days of the date of writt en notice by the Bu ilding Department represen t at ive to

m aint ain the sign as provided in this Code,t his r em o va l requirement shal l not apply, provided thatthe existing sign and st r uct ur e m ee t s al l current sign codes.

### VIOLATION

* 1. Rather than immediately confiscat ing, removing and dest ro ying a non-conforming temporary sign, the township may, at its option, elect to notify the individual, corporation or ot her entity advertising its goods or services by first class mail at any add res s displayed on the sign t hat the sig n is in violation of t hi s ordina nce and that in the event the sign is not removed within 5 business days of the date of the mailing of the not ice, the individual, corporat ion or ot her entit y may be charged with a muni cipa l civil infraction and shall be sub ject to such fines and costs as set forth in the Tow nship Ordin ance 559, Civil Infr act ion Pena lt ies.
	2. In the event a sign found to be in violat ion of this Ordinance shall not set forth the address or any busin ess or individual, but sh all display a t elephone number, the

township may elect to place a telephone call to the number displayed and not ify any individual who answers such a t elephone call, or leave a recording on any recording device, t hat t he sign must be removed within 5 busines s days of the

telephone not ifi cation, and that the failure to remove the sign within that time may result in the issuance of a civil infr action cit at ion.

* 1. In the event of a violat ion of any section of this ordinance regarding NON­

t emporary signs, t he Tow nship may notify the individual, corporation or other entity owning th\_e propert y at which the sign is placed by fi rst class mail, at the address on record wit h the Assesso rs off ice, that the sign is in violation of this ordinance and that in the event the sign is not removed, repaired, or brought into compliance of this ordinance wit hin 10 businessdays of the date of the maili ng of the no t ice, the individ ual, corporat ion or other entity shall be charged wit h a municipal civil infr action and shall be subj ect to such fines and costs as set forth in the Township Ordinance 559, Civil Infr action Penalt ies, and/ or subj ect to

immediat e conf iscat ion, removal and destruction by the Charter Township of Genesee, in which all costs will be charged t o the property owner.

1. **APPEALS.**

## Any appeal to t his o rd in ance shall be heard and act ion taken by the Zon ing Boar d of Appeals as outlined in the Township Zoning Ordinance (Ord inance 603).

SECTION Ill

## The pro visions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provisio n is hereaft er declared void or unenforceab le for any reason by a court of competent jurisdict ion, it shall not affect the remainde r of such ordina nce which shal l continue in full force and effect.

**SECTION IV**

## All ord inances or parts of ord inanc es in conflict herewith are hereby repealed.

**SECTION V**

## This Ordinance shall be publish ed in a newspape r of general cir culat i on within the Chart er Township of Gene see, GeneseeCo unt y, Michigan, and sh all become effect ive 30 days aft er publicati on.

**SECTION VI**

## A copy of t his Ordin ance may be inspect ed at t h e Township Clerk 's Offi ce at t he Genesee Township Hall, 7244 N. Genesee Rd., Genesee, M l 48437 duri ng regular

bu sin ess hour s.

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## We hereby cert if y that the foregoing Ord ina nce was adopted on the Second Reading by the To wnship Board of Trust ees on March 16 , 2021.

Fir st Re ad in g: Fe br ua r y 9, 2021

Second Reading: March 16 , 2021

Publication: March 24 , 2021

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