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Battle Creek Code of Ordinances

CHAPTER 1296

Signs

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CROSS REFERENCES

Defacing on private property - see M.C.L.A. Sec. 750.385

Posting without permission - see M.C.L.A. Secs. 752.821 et seq.

Removing or defacing notices of the Health Officer - see GEN. OFF. 672.06

Sign specialty licensure - see B. & H. 1422.12

1296.01 SHORT TITLE.

This chapter shall be referred to as the "Sign Ordinance of the City" or just the "Sign Ordinance."

(Ord. 13-17. Passed 12-19-17.)

1296.02 PURPOSE STATEMENT.

The purpose of this chapter is to permit signs that will not, by way of their own reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or otherwise endanger public health or safety, and to permit and regulate signs in such a way as to support and compliment land use objectives as set forth in this Zoning Code to support a more aesthetic environment within the City.

(Ord. 13-17. Passed 12-19-17.)

1296.03 DEFINITIONS.

(a) “Abandoned sign.” A sign structure which does not have a panel, or has a blank panel, for 90 days or more.

(b) “Animated sign.” A sign that includes any action or motion of the sign or its message, copy or text. It includes signs or devices environmentally activated or motivated by wind, thermal changes or other natural environmental input, and includes spinners, pinwheels, pennant strings, and/or devices or displays that respond to naturally occurring external motivation.

(c) “Area of sign.” The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign, except:

(1) If two such faces are placed back-to-back and are at no point more than four feet from each other, the area of the sign shall be computed as the area of one face.

(2) If the two faces are of an unequal area, the larger of the two faces shall determine the area.

(3) Where a sign consists solely of writing, representation, emblems, logos or any other figure of similar character which is mounted on the wall of a building without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

(d) “Billboard.” A sign intended to allow for visibility from high traffic volume roadways that is designed and constructed for the purpose of leasing the sign face.

(e) “Building frontage.” The linear length of any one side of a building.

(f) “Canopy.” A permanent, roof-like shelter that extends from part or all of a building face or which can be a separate structure, and is constructed of some durable material such as metal, wood, glass, plastic or other synthetic derivative.

(g) “Canopy sign.” A sign attached to or constructed in or on a canopy.

(h) “Changeable copy sign.” A sign that includes any of the following:

(1) “Manual.” A sign on which copy is changed manually, such as reader boards with changeable letters or pictorials; or

(2) “Automatic.” An electronically or computer controlled sign whose message, copy, or content consists of alphabetic or pictographic components or a combination thereof arranged on a display surface and changed by computer or other electronic means. Such signs include displays using incandescent lamps, light emitting diodes, liquid crystal displays, or a flipper matrix.

(i) “Erected.” Attached, altered, built, constructed, reconstructed, enlarged, or moved, but does not include copy changes on changeable copy signs.

(j) “Flashing sign.” A sign which contains an intermittent, flashing, blinking, or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. They are considered to be flashing if they change more frequently than every 2.5 seconds.

(k) “Freestanding sign.” A sign erected on a freestanding foundation, frame, mast, or pole and not attached to a building or structure.

(l) “Height of sign.” The vertical distance as measured from the lowest point of the natural grade at the base of the sign to the highest point of the sign.

(m) “Illuminated sign.” A sign that provides artificial light directly on or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by an external lighting source.

(n) “Multiprism sign.” A sign made of a series of multisided vertical panels that turn and stop or index to show a series of pictures or messages. A multiprism sign where the message changes more frequently than 2.5 seconds is a flashing sign.

(o) “Nonconforming sign.” A sign, which lawfully occupied a building or land at the effective date of this Zoning Code, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

(p) “Permanent sign.” Any part of a sign or sign structure that require the use of tools or machinery for installation or removal regardless of the length of time the sign or sign structure is to remain.

(q) “Portable sign.” A temporary sign whose supporting structure is intended, by design or construction, to be moved easily and may be propelled by its own power or by another vehicle to which it may be attached. "Portable signs" are not permanently affixed to the ground or structure, and may or may not have wheels, changeable letters and/or hitches for towing.

(r) “Projecting sign.” A sign, which is perpendicularly attached to, and projects from, a structure or building frontage.

(s) “Public right-of-way.” Area on, below, or above a public roadway, highway, street, alley or easement.

(t) “Roof sign.” A sign erected upon, against, or directly above the eaves line of a roof.

(u) “Sidewalk sign.” A temporary sign designed to be placed on, but not affixed to, the public sidewalk.

(v) "Sign." A structure, device, light, letter, word, model, banner, balloon, pennant, insignia, billboard, emblem, logo, placard, poster, trade flag or representation, which is visible from a public place, including but not limited to, highways, streets, alleys, rear walls or public property, or is located on private property and exposed to the public. For the purposes of this ordinance, "sign" includes all sign support structures.

(w) "Substantially alter." A change in a sign or sign structure, as differentiated from maintenance or repair, including a change in height, location, area, shape or material, except that which occurs in manual or automatic changeable copy signs, including the wording, style or size of the lettering.

(x) "Temporary sign." A sign that can be installed and removed without any mechanical means or equipment.

(y) "Wall sign." A sign directly attached to the exterior wall.

(z) "Window display sign." A sign which is attached to the exterior or interior surface of a window.

(Ord. 13-17. Passed 12-19-17.)

1296.04 PERMIT REQUIRED.

No person shall erect or substantially alter a permanent sign without first acquiring a permit from the Community Services Department. Drawings showing to scale the dimensions, construction supports, sizes, electrical wiring, component materials of the sign, and method of attachment shall be submitted with the permit application. This requirement shall not be construed to require a permit for the replacement of a sign panel, or the change in copy on a changeable copy sign.

(Ord. 13-17. Passed 12-19-17.)

1296.05 SIGNS EXEMPT FROM PERMITS.

(a) Temporary signs.

(b) Building signs that are incorporated into the architecture of the building, including memorial tablets and historic markers attached to, embossed or engraved on the face of the building.

(c) Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation provided that no such vehicle is parked on a premises for the primary purpose of advertising.

(d) Sidewalk signs for commercial buildings where the building is setback less than three feet from the public rights-of-way are permitted subject to the following requirements:

(1) Only one sidewalk sign is permitted per building tenant frontage;

(2) Permitted sidewalk signs are strictly limited to a maximum area of eight square feet per side, including any supporting structure or frame, and a maximum height of four feet, measured from the ground to the top of the supporting structure or frame;

(3) Sidewalk signs shall not be illuminated;

(4) Sidewalk signs shall be placed so as to maintain at least five continuous feet of clear sidewalk, as measured from the nearest edge of the sign or sign frame to the nearest curb or building wall for pedestrian passage;

(5) Sidewalk signs must be securely anchored or weighted to prevent the sign from being blown so as to cause danger to the public or property, but may not be attached to a building, or secured to or placed in the ground, nor attached to any element including but not limited to trees, signs, light poles, planters, or similar objects;

(6) A sidewalk sign shall not be placed so as to present an obstruction to visibility or movement of vehicular or pedestrian traffic at any driveway or street intersection;

(7) No sidewalk sign shall be placed in a manner that obstructs or impedes sidewalk plowing or cleaning;

(8) Sidewalk signs shall be constructed of wood, metal, or other similarly durable material;

(9) All signs shall be maintained in a high quality state; no peeling, broken, cracked or faded paint or vinyl;

(10) Environmentally activated devices such as flags, festoons, balloons, ribbons or other attachments, including wheels or hitches for towing, are not permitted on a sidewalk sign;

(11) All signs placed on a public sidewalk or within any portion of the public right-of-way must be well maintained to prevent any injury;

(12) Sidewalk signs may only be displayed during the hours of operation of the business, and must be removed from the sidewalk at the close of business each day.

(13) The owner of the sign shall be strictly liable for and indemnify the City for any injury or damage to person or property caused by the size, placement or maintenance of a sidewalk sign, which occupies or extends over any portion of a public sidewalk or right-of-way.

(Ord. 13-17. Passed 12-19-17.)

1296.06 AGRICULTURAL, RESIDENTIAL, AND OFFICE ZONING DISTRICTS.

(a) All uses located within Agricultural, Residential, and Office zoning districts are permitted temporary signs. Each temporary sign shall not exceed six square feet of area or three feet in height. Temporary signs shall be located at least three feet away from the rights-of-ways and interior property lines.

(b) Multi-family apartment complexes and permitted non-residential uses:

(1) One wall sign is permitted per frontage along rights-of-way, not exceeding eight square feet per sign. Such sign shall only be illuminated by reflective light only from an obscure source.

(2) One freestanding sign is permitted, not exceeding 24 square feet. The sign may not be closer than ten feet from the street's right-of-way line, ten feet from any interior property line, six feet in height, and 25 feet from any street intersection, measured from the intersection of the street's right-of-way lines.

A. For properties in any residential or agricultural zoning district having a street frontage of more than 300 feet, an additional 25 percent of sign area shall be allowed for each additional 150 feet of street frontage, 50% of which can be electronically changeable copy; however, the maximum size allowed for a sign shall not exceed 48 square feet.

B. Illuminated signs. Internally lit signs are not to exceed 100 watts or 1,600 lumens. This is to be measured from one foot away of the signs face, and at midpoint of the sign face. External lights shall have the source so obscure and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

(Ord. 13-17. Passed 12-19-17.)

1296.07 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(a) Legal non-conforming residential uses in the commercial and industrial zoning districts are permitted signs as outlined in Section 1296.05.

(b) Each parcel used in accordance with permitted uses in the commercial and industrial zoning districts or legal nonconforming non-residential uses are permitted:

(1) Temporary signs not to exceed a total of 24 square feet, while no individual sign shall exceed 12 square feet of area, and the maximum height of a sign will not exceed four feet. Parcels greater than 300' frontage are permitted an additional 12 square feet of temporary signage. Temporary signs shall be located at least three from the rights-of-way and interior property lines.

(2) One freestanding sign per property. The allowable area is no greater than 1.2 times the parcel frontage, not exceeding 100 square feet. The sign may not be higher than 25 feet and shall be set back at least ten feet from any street right-of-way. Where more than one tenant or buildings shares a single parking area, there shall be permitted only one freestanding sign.

(3) Wall signs. Wall signage shall not exceed the 1.2 times building frontage. They shall not project more than 18 inches, and cannot exceed 10% of the walls total area. In C-4 and C-7 zoning district, the maximum height of a wall sign shall be the lowest point of the second floor windows, or if there are no windows, two feet below the roof line or cornice. These signs are permitted to be on any side of the building facing a parking lot or street so long they are not facing any residential district or use.

(4) Window display signs shall not to exceed 30% of the total window area.

(5) Canopy sign are not to exceed 1.2 times the canopy frontage in square footage in total this can be used in combination with other specified signs.

(6) Drive-up/drive-thru businesses. Drive-up or drive-thru businesses are allowed one sign per drive up lane in the side or rear yard not to exceed 32 square feet, with a maximum height of

eight feet from grade, and each additional service window is allowed one sign not to exceed 24 square feet.

(c) Illuminated signs. Internally lit signs are not to exceed 100 watts or 1,600 lumens. This is to be measured from one foot away of the signs face, and at midpoint of the sign face. External lights shall have the source so obscure and shielded that no direct rays from it are visible from a public right-of-way or from an abutting property.

(d) Properties having frontage on more than one street rights-of-way are allowed a freestanding sign on each, however each secondary sign shall not exceed 50% the size of the primary sign.

(e) For properties having frontage on a limited access highway (I-94/M66), one freestanding sign on their premises, specifically oriented to traffic on the limited access highway. The sign may not exceed 150 square feet and may be erected to a height not exceeding 25 feet above the grade level of the limited access highway (I-94) at its nearest point to the sign. The sign may not be less than 25 feet nor more than 50 feet from the highway right-of-way line and may not be less than 100 feet from any other freestanding sign.

(f) Automatic changeable copy signs shall not exceed 50% of the total allowed sign area for the premises.

(g) Where a commercial parcel abuts a residential parcel, the setback distance of the sign shall be increased one foot for every square foot of signs.

(Ord. 13-17. Passed 12-19-17.)

1296.08 BILLBOARDS.

(a) Except as otherwise prohibited by this section, billboards are permitted in and limited to placement along in Agriculture, C-3, I-1 and I-2 zoning districts when placed along a limited access highway or state trunkline. A billboard is not permitted to be erected or placed on a premises which also contains a freestanding sign.

(b) Billboards are subject to the following conditions:

(1) Such signs shall be placed no closer than 1,500 feet from any other billboard sign on the same side of the right-of-way.

(2) Such signs shall not exceed 672 square feet of area when located on or facing a limited access highway. When all other conditions are met for placement, the setback from a limited access highway or highway shall not exceed 300 square feet. When located on any primary highway as used in the subsection, terms limited access highway and primary highway shall have the same meaning as provided for as in the Highway Advertising Act of 1972, being Public Act 106 of 1972, as amended.

(3) Such signs shall not exceed 35 feet in height.

(4) Such signs shall not be closer than ten feet from any property line, 20 feet from any street right-of-way, and 100 feet from any residential, public or quasi-public structure.

(5) Such signs shall be maintained free of peeling paint or paper, sun-fading, staining, rust or other conditions which impair the legibility, supporting structures, frames, braces, guys and anchors of such signs shall be maintained so as not to be unsafe or in a state of disrepair.

(6) Such signs shall not be illuminated other than by approved electrical devices in accordance with Chapter 1422 "Electrical Code." Underground wiring shall be required for any illuminated sign permitted under this section. Such signs shall not employ flashing, blinking or oscillating lights. Any lighting shall be directed away from adjacent properties, passing motorists and pedestrians.

(c) No billboard shall be erected at any time when there are 75 or more billboard faces in the City. With Administrator approval, a sign owner choosing to remove a legally nonconforming billboard may transfer the billboard's square footage to a new billboard in another location in accordance with this section.

(d) The City reserves all rights it is granted or permitted to regulate signs pursuant to the Highway Advertising Act of 1972 as amended and nothing in this subsection shall be interpreted or construed to in any way limit the ability of the City to regulate, restrict or limit the number and locations of billboards within the City pursuant to the Home Rule City Act, being Public Act 279 of 1909, as amended, the City and Village Zoning Act, being Public Act 207 of 1921, as amended, or the Highway Advertising Act of 1972, as amended.

(Ord. 13-17. Passed 12-19-17.)

1296.09 PROHIBITED SIGNS.

(a) Signs in the public right of way or other City property, except for signs erected by the City or with written approval by the City, or in the case of a permanent sign, an approved lease with the City, or sidewalk signs permitted pursuant to Section 1296.09(c).

(b) Roof and portable signs.

(c) Flashing signs and animated signs.

(d) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled right of way, which are of such intensity as to cause glare or impair the vision of pedestrians or the driver of any motor vehicle, or interfere with the operation of a motor vehicle are prohibited.

(e) Abandoned signs, pursuant to Section 1296.10(b).

(Ord. 13-17. Passed 12-19-17.)

1296.10 MAINTENANCE.

(a) Signs and sign structures must be well maintained with no signs of damage or wear. The sign structure and related pertinence need to be safe. If there are any defective parts, they need to be repaired or replaced, so the structure is not considered dangerous to public health.

(b) Any sign structure left open with no sign or blank panel for over 90 days shall be considered abandoned. If the sign or blank panel is removed and the existing structure meets the current zoning regulations, it shall be replaced by another sign or blank panel within those 90 days, or it shall be considered abandoned pursuant to Section 1296.09(e). Any nonconforming sign that is abandoned is the responsibility of the owner and shall be removed by such owner. If the owner fails to comply, after receiving due notice, the Administrator may direct the sign to be removed and assess the costs of removal against the owner of his or her property as a single lot assessment, in accordance with Section 216.13 of the Administration Code.

(c) Any billboard that is a nonconforming sign may be maintained and repaired so as to continue the useful life of the sign. However, under no circumstances may nonconforming billboards be expanded, enlarged or extended. Any nonconforming sign or sign structures substantially destroyed by fire, wind or other casualty shall not be restored or rebuilt.

(Ord. 13-17. Passed 12-19-17.)

1296.11 MANDATORY SIGN REMOVAL.

(a) Emergency conditions. Should the Administrator determine that a sign is so dangerous that it requires immediate removal, he or she shall attempt to provide the sign owner or property owner with a notice of the danger and the need for immediate abatement. Due to the emergency nature of the danger, if such notice is not possible due to the lack of knowledge as to the whereabouts of the sign owner or property owner, or should the sign or property owner not be available or refuse to immediately abate the nuisance, the Administrator shall abate such nuisance. The cost of the abatement, including a service fee of ten percent of the actual costs of such correction, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(b) Nuisance abatement. Any other sign regulated by this charter that fails to comply with the provisions of this chapter" but which does not require emergency action, shall also constitute a nuisance. The owner of such sign and the real estate upon which it is located shall be given written notice of 30 days by regular mail for the abatement thereof. If such abatement is not accomplished within the 30-day period, the Administrator shall abate the nuisance. The cost of such abatement, including a service fee of 10% of the actual cost of such abatement, shall become a lien against the property in accordance with Section 216.13 of the Administration Code.

(c) Remedies cumulative. The action of the Administrator to abate a nuisance under this section shall be in addition to the penalties described elsewhere in this Zoning Code.

(d) Removal by Administrator. Notwithstanding any other provision in this Zoning Code, signs which are affixed in any manner to walls, fences, trees, posts, bridges, utility poles, street signs or traffic signs, or otherwise located in the public right of way may be removed by the Administrator and his or her assigns and may be destroyed without notice to the violator.

(Ord. 13-17. Passed 12-19-17.)

1296.12 ABATEMENT OF NONCONFORMING SIGNS; NOTICE.

The intent of this chapter is to abate nonconforming signs, except as otherwise specifically set forth in this chapter, as rapidly as the police power of the City permits. After the enactment of this chapter, the Administrator or his or her designated agent shall, as soon as is practical, survey the City for signs which do not conform to the requirements of this chapter. Upon determining that a sign is nonconforming, the Administrator shall use reasonable efforts to notify the owner of the sign, in writing, by regular U.S. mail.

(Ord. 13-17. Passed 12-19-17.)

1296.99 PENALTY; EQUITABLE REMEDIES.

(a) Unless otherwise specified, a person who violates or fails to comply with any of the provisions of this Zoning Code is responsible for a Class C Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98.

(b) A person who violates any of the provisions of this Zoning Code that causes an imminent threat to the public health or safety shall be subject to an Order to Correct setting forth a deadline to abate the violation. A person who fails, after receiving notice, to timely correct a condition that causes an imminent threat to the public health or safety is guilty of a misdemeanor and shall be subject to the penalty provided in Section 202.99.

(c) A sign which is not erected or maintained in accordance with this chapter is deemed to be unlawful and a nuisance. Nothing in this section shall preclude or abrogate the availability to the City of any other remedy available at law or in equity to prevent or remedy a violation of any of the provisions of this Zoning Code.

(Ord. 13-17. Passed 12-19-17.)