

# Article 18

## SIGNS

### Section 18.01 PURPOSE

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry, and other activities, in attaining their identification and informational objectives.

As described in the Village of Sterling Master Plan, a key goal of the Village of Sterling community is to protect the scenic integrity of the natural environment and the accompanying view sheds. It is a basic tenet of this Article that unrestricted signage does not support the existing picturesque character of the Village and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage, which undermines the intended character of such areas.

### Section 18.02 DEFINITIONS

1. For the purposes of this Article, the following terms and definitions shall apply. See Figure 22-1 for examples of sign types.
  - A. **Alter:** To change or otherwise modify a sign, including structural modifications and modifications to nonstructural elements of the sign such as the frame and sign copy.
  - B. **Awning Sign:** A sign, which is painted or attached directly to an awning.
  - C. **Billboard:** A large sign which directs attention to a product, commercial or non-commercial venture or matter not exclusively related to the premises where such a sign is located. A billboard is subject to the requirements of the Highway Advertising Act. PA 106 of 1972 (as amended).
  - D. **Canopy Sign:** A sign, which is painted or attached directly to a canopy.
  - E. **Decorative Display:** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
  - F. **Erect:** To build, construct, attach, hand, place, suspend, affix or paint.
  - G. **Electronic Message Center:** A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
  - H. **Freestanding Sign:** A sign other than a ground, pole or portable sign which is not attached to a building and is capable of being moved from one (1) location to another on the site on which it is located.
  - I. **Ground Sign:** A sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height not in excess of eight (8) feet.

- J. **Marquee Sign:** A sign attached to or hung from a marquee, canopy or other covered structure protruding from and supported by the building and extending beyond the building wall, building line or street lot line.
- K. **Pole Sign:** A display sign supported by one (1) or more columns, uprights or braces in the ground surface and having a height in excess of eight (8) feet.
- L. **Portable Sign:** 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. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another and shall not be considered freestanding signs under this Ordinance.
- M. **Projecting Sign:** Projecting sign means a sign which is affixed to any building or structure, other than a marquee, awning or canopy, and any part of which extends beyond the building wall more than eighteen (18) inches.
- N. **Pylon Sign:** A ground sign in excess of eight (8) feet in height.
- O. **Roof Sign:** A sign, which is erected, constructed, and maintained on or above the roof of a building.
- P. **Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names or marks, or other representations, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, product or other matter, which is located upon any land or on or in any building, in such a manner as to attract attention from outside the premises and intended to convey information to the public.
- Q. **Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed and structural and nonstructural trim. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two(2) such faces are placed back-to-back, parallel to one another and less than twelve (12) inches apart from one another, the area of the sign shall be the area of one (1) face.
- R. **Sign Copy:** Text and images that are included on a sign.
- S. **Temporary Sign:** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. This definition includes real estate signs, garage sale signs, and construction signs.
- T. **Vehicle Sign:** A sign attached to a vehicle or placed within or upon such vehicle, which advertises products for sale other than the identification of the vehicle owner or operator.
- U. **Wall Sign:** A display sign, which is painted on or attached directly to the building wall and protruding not more than eighteen (18) inches from the wall.
- V. **Window Sign:** A sign affixed to a window so as to be observable from the opposite side of the window to which such sign is located or affixed.

## **Section 18.03 GENERAL REQUIREMENTS FOR ALL SIGNS**

**NOTE – Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.**

1. **Illumination:** Internally and externally lighted, reflectorized, glowing, and other forms of illumination shall be permitted on all signs, except as otherwise regulated in this Ordinance. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the County Building Code. In no instance shall such illumination be located as to be hazardous to traffic.
2. **Signs Not to Constitute a Traffic Hazard:** No sign shall be erected in such a manner as to obstruct free and clear traffic vision.
3. **Face of Sign Shall Be Smooth:** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices, which may extend over the top and in front of the advertising structure.
4. **Obscene Matter Prohibited:** It shall be unlawful for any person to display upon any sign or other advertising structure any obscene matter.
5. **Removal of Certain Signs:** Any sign no longer being used shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within thirty (30) days after written notice from the Zoning Administrator. This provision may be waived by the Planning Commission for signs having historic value as determined by the Planning Commission.
6. **Public Right-of-Way:** No sign shall be erected or placed in the public right-of-way unless specifically authorized by the Michigan Department of Transportation in writing. The owner of any sign, which has been removed by the Village from the right-of-way because it is in violation of this provision shall pay to the Village the sum of twenty-five dollars (\$25.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.
7. **Sign Setbacks:** All free standing, ground, pole, portable and pylon signs shall be setback not less than five (5) feet from all street right-of-way lines except as otherwise provided herein.
8. **Construction:**
  - A. All pole signs shall be securely built, constructed, and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground and embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning-grounding device shall be provided in accord with applicable electric codes.
  - B. All letters, figures, characters, or representations in cutout or irregular form, maintained in conjunction with, attached to, or super imposed upon any sign shall be safely and securely built or attached to the sign structure.
  - C. All wall signs shall have noncombustible material.
  - D. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strip of wood or nails.
9. **Signs located in the M-76 Right of Way**

In addition to the requirements contained within this ordinance, a Michigan Department of Transportation permit shall be required for any sign located in the M-76 Right of Way. All conditions required by said Department shall be complied with during and after sign erection.

## **Section 18.04 PERMITTED SIGNS IN Residential District**

Wall, ground, and temporary signs, as defined in this Ordinance, are allowed in all Residential Districts provided such signs shall not be illuminated unless otherwise provided for in this Ordinance and subject to the following conditions by type.

1. Residential Use Signs: Wall, ground, and temporary signs, as defined in this ordinance, are allowed in all Residential Districts provided such signs shall not be illuminated unless otherwise provided for in this Ordinance and subject to the following by type:

### **A. Multiple-Family Residential Units and Mobile Home Park Districts:**

Any person owning or operating any multiple-family residential units or mobile home park may erect a sign, such sign not to exceed thirty-two (32) square feet in area and not to exceed an overall height of six (6) feet above the ground level, such sign may be lighted during the hours of darkness and which shall contain no advertising or information other than the name of the development and status of occupancy. No more than one (1) sign may be erected for each development entrance.

### **B. Wall Signs:**

1. **Dwelling Nameplate:** For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area indicating named occupant.
2. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood, or nails.

### **C. Temporary Signs:**

- Bo/D*
1. Signs during the development of a Subdivision or Multi-Family Development: It shall be permissible to erect one (1) sign not to exceed a total surface area of thirty-two (32) square feet nor an overall height of ten (10) feet, the lower edge of which shall not be less than eighteen (18) inches above surrounding ground level. No such sign shall be erected or maintained within one hundred (100) feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained.
  2. **Banners and Pennants:** During periods of "open house" for new homes, banners and pennants may be allowed for periods not to exceed thirty (30) consecutive days as designated in the sign permit.

3. **Single Family Residential Construction Period Signs:** During the time a single-family residential building is constructed, one (1) sign shall be allowed not to exceed six (6) square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.

- Property for sale!*
4. During the time a property is up for rental, sale, or lease one (1) shall be allowed not to exceed six (6) square feet and not to exceed a height of six (6) feet.

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5. Sign during election period – One additional sign up to 16 square feet in size may be displayed 30 days prior to an election. Such sign shall be removed within 10 days after the election. An election is any ballot issue conducted under federal, state, county, or Village laws or ordinance in which residents of Sterling Village are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or Village officials, any ballot questions, referendum, or advisory vote.

- ### **D. Non-Residential Signs:**
- Churches, schools, colleges, buildings housing governmental functions and utilities of the Village, County, or State or any subdivision thereof, are permitted to erect a sign in the residential districts. Such signs may be illuminated. Such signs, when of a permanent nature, shall be constructed of materials approved by the Zoning Administrator and shall meet all the requirements of this Ordinance and shall be limited to ground, portable and temporary signs as defined in this Ordinance and subject to the following conditions.

1. **Ground Signs:** There shall be no more than one (1) sign.
  - a. Such signs shall be set back from the lot line at least one-third (1/3) of the distance from the lot line to the nearest building but need not be set back more than one hundred (100) feet from the property line.
  - b. No sign shall exceed twenty (20) square feet in area, unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of setback, but in no event shall such sign exceed fifty (50) square feet in area.

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2. **Temporary Signs:**
  - a. During the period of construction, not more than one (1) shall be allowed to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
  - b. During the time a property is up for rental, sale, or lease, one (1) sign shall be allowed not to exceed six (6) square feet and not to exceed a height of six (6) feet.

*Bold*

3. **Portable Sign:**
  - a. Portable signs not exceeding thirty-two (32) square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven (7) consecutive days in a twenty-eight (28) day period on anyone (1) lot and not to exceed twenty-eight (28) days in anyone (1) year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle driver.
  - b. Connections to an energy source for lighting shall be in accord with all codes of the Village and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs
  - c. Sign during election period - One additional sign up to 16 square feet in size may be displayed 30 days prior to an election. Such sign shall be removed within 10 days after the election. An election is any ballot issue conducted under federal, state, county, or Village laws or ordinance in which residents of Sterling Village are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or Village officials, any ballot questions, referendum, or advisory vote.

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**Section 22.07 PERMITTED SIGNS IN COMMERCIAL/INDUSTRIAL DISTRICTS**

1. Ground, pole, pylon, wall, projecting, marquee, awning, canopy, banner, portable, and temporary signs are permitted in Commercial Districts. Either one (1) ground, one (1) pole, or one (1) pylon sign, and any two (2) additional signs of the applicant's choice from those signs listed in A through G below not including additional ground, pole, or pylon signs shall be permitted. On a corner lot or in those instances where business building entrances exist on more than one (1) wall, or (1) wall sign in addition to those allowed above may be permitted.



**A. Ground Sign:**

1. One (1) ground sign shall be allowed and may be provided to identify a building or group of buildings. Such sign, not exceeding thirty-two (32) square feet per sign face shall be allowed. Buildings grouped on a site such as a strip shopping area, shopping plaza or shopping center may provide in addition to the thirty-two (32) square feet allowed an additional twenty (20) square feet of sign face per each building unit occupying the grouped buildings on the site.
2. Not more than one (1) ground sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants, or uses contained therein.
3. No ground sign shall be erected to a greater height than five (5) feet.
4. No ground sign shall be located within any existing or proposed right-of-way line.
5. Ground signs shall be utilized only for identification of the uses allowed in the zoning district and shall not be utilized to advertise products for sale.

**B. Pole Sign:**

1. One (1) pole sign having a sign area of not more than eighty (80) square feet per sign face shall be allowed. The height of such pole sign shall be governed by the maximum building height allowed in the district and shall have its lowest point of the sign face not less than eight (8) feet from the ground. Not more than one (1) pole sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants or uses contained therein. A setback of not less than five (5) feet shall be provided. Buildings grouped on a site such as a strip shopping area, shopping plaza or shopping center may provide in addition to the eighty (80) square feet allowed an additional twenty (20) square feet of sign face per each building unit occupying the grouped buildings on the site.
2. Time and temperature signs shall be allowed as one of the signs permitted.
3. Auto dealerships may have one (1) pole sign provided such pole sign may identify more than one (1) make of vehicle on such sign.

**C. Pylon Signs:**

1. One (1) pylon sign having a sign area of not more than eighty (80) square feet per sign face. Not more than one (1) pylon sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein. The height of such sign shall be governed by the maximum building height allowed in the district. A setback of not less than five (5) feet shall be provided.
2. Time and temperature signs shall be allowed as one of the signs permitted.

**D. Wall Signs:**

1. The total surface area of all wall signs placed on the front, side or rear of a building shall not exceed ten (10) percent of the area of the wall being utilized (including doors and windows of the principal building) or where a single principal building is devoted to two (2) or more business or commercial uses, the operator of each such use may install a wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the wall being utilized (including doors and windows) of the principal for the wall of the each such use and applying such proportion of the total sign area permitted for the wall of the building or the percent agreed to by the occupants, total not to exceed the above area limitations.
2. Time and temperature signs shall be permitted and shall be allowed as one of the signs permitted and shall not exceed the height of the building.

3. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
4. No wall sign shall have a greater thickness than eighteen (18) inches measured from the wall to which it is attached to the out surface. Wall signs may project over the public right-of-way or pedestrian walkways not to exceed eighteen (18) inches.

**E. Projecting:**

1. One (1) projecting sign limited to not more than thirty-two (32) square feet of sign area for each sign face.
2. No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extended below a minimum height of eight (8) feet.
3. Every part of a projecting sign, with a total surface area greater than ten (10) square feet, shall be constructed of noncombustible material.
4. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
5. Projecting signs of a greater total surface area than ten (10) square feet or fifty (50) pounds in weight shall not be attached to nor supported by frame buildings nor the wooded framework of a building. All projecting signs shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces.
6. Any movable part of a projecting sign, such as the cover of a service opening, shall securely be fastened by chains, hinges, or other suitable fastening device.
7. Time and temperature signs shall be allowed as one of the signs permitted.

**F. Marquee:**

1. No marquee sign shall have a total surface area exceeding thirty-two (32) square feet.
2. No marquee sign shall extend below a minimum height of ten (10) feet.
3. Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials.
4. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, or braces.

**G. Awning or Canopy:** Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:

1. Letters or lettering shall be computed as a part of the maximum allowable sign area as provided for wall signs.
2. No awning or canopy sign shall extend below a minimum height of seven (7) feet.

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3. Any awning protruding more than thirty-six (36) inches shall be required to have a building permit.
  2. **Electronic Message Center (EMC):** No more than thirty-two (32) square feet of any allowable sign shall be an electronic message center.
    - A. An EMC sign may be a portion of a building or freestanding sign or may comprise the entire sign area.

- B. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings in order to reduce the EMC lighting level at night down to a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before sunset as determined by the National Oceanic and Atmospheric Administration (NOAA). The sign must comply with this maximum luminance level throughout the night until sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- C. Flashing and full motion video or film display is not permitted. Full motion video as described shall be permitted by special exception only.

3. **Temporary Sign:**

- A. During the period of construction, not more than one (1) shall be allowed, not to exceed thirty-two (32) square feet in total surface area, and shall be located on the premises being utilized for construction. The sign shall not be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
- B. During the time a property is up for rental, sale, or lease, one (1) sign shall be allowed not to exceed six (6) square feet and not to exceed a height of six (6) feet. A corner lot shall be allowed two (2) signs, one facing each street.
- C. When a new business opens, one (1) additional sign up to thirty-two (32) square feet in total surface area is allowed for up to three (3) months. The sign shall not be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
- D. Sign during election period - One additional sign up to 16 square feet in size may be displayed 30 days prior to an election. Such sign shall be removed within 10 days after the election. An election is any ballot issue conducted under federal, state, county, or Village laws or ordinance in which residents of Sterling Village are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or Village officials, any ballot questions, referendum, or advisory vote.
- E. One (1) temporary sign not exceeding thirty-two (32) square feet in surface area shall be allowed up to 90 days in any one (1) year. In no instance shall such sign be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision, and lighting shall be of a type so as not be confused with traffic controls and not to cause distraction to vehicle drivers. Connections to an energy source for lighting shall be in accord with all codes of the Village and shall not be exposed in any way that may constitute a safety hazard to the public.
- F. Banner, Pennants, and inflatable signs may be utilized subject to the following conditions:
  - 1. Pennants, banners, and inflatable signs may be erected for a period of not to exceed ninety (90) days in any calendar year.
  - 2. No banner shall be strung across any public right-of-way except as authorized by the Village Council and County Road Commission for special community events only. Banners strung across M-76 will also require permission of the Michigan Department of Transportation.
- G. General Rules regarding temporary signs
  - 1. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the Village Council and County Road Commission.

2. Temporary signs shall be removed promptly at the end of the display period provided for above.
3. Temporary signs found by the Zoning Administrator to be in a torn, damaged, or unsafe condition must be removed by the owner within three (3) days after their receipt of notice to do so from the Zoning Administrator.

**4. Off Premises Directional Sign:**

1. One (1) off premises directional sign not exceeding twenty (20) square feet per sign face shall be allowed and shall not exceed a total of two (2) per use.
2. Permission for the location of directional signs shall be secured by the owner of such signs from the property owner of the property on which such sign is located.

**5. Vehicle Signs:**

1. A vehicle sign shall only be located on the property where the advertising message pertains to the business or use occurring on the property.
2. A set back of not less than twenty (20) feet from street rights-of-way for the vehicle sign shall be maintained at all times.
3. Such signs shall be permitted for not to exceed seven (7) days in anyone (1) month.

**Section 22.09 PROHIBITED SIGNS**

1. The following signs are prohibited within the Village:

A. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene matter.

B. Signs, which incorporate in any manner any flashing, moving lights, or animation, other than electronic message centers.

C. String lights used in connection with business premises for commercial purposes, other than holiday decorations.

D. Any ~~sign~~ unlawfully installed, erected, or maintained.

E. Signs on trees or utility poles on public property.

F. Any ~~sign~~ on the roof of any building except signs on mansard roofs.

G. Freestanding signs.

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**Section 18.10 SIGN PERMITS**

(1) **Permit Required:** Except as provided in (2) below, it shall be unlawful for any person to erect, alter, or relocate within the Village any sign or other advertising structure without first obtaining a permit from the Zoning Administrator and making payment of fee or fees as provided below. Sign permits are not transferable between owners and any changes in the name of a business on a sign shall require a permit. Painting, repainting, servicing, or cleaning of sign, or the changing of the sign copy thereon shall not be considered an erection or alteration which requires a sign permit unless structural change is made. The changing of a name on all nonconforming signs shall be considered an alteration and said sign shall be made to conform to the requirements of this Section. Repair to a conforming sign damaged by winds, vandalism, fire, or an act of God shall not require a permit provided each repair restores sign to original design and meets all necessary structural and electrical codes. Permits for change of sign copy on billboards may be issued on an annual basis for each billboard face by the Zoning Administrator at a fee as provided herein.

2. **Signs Not Requiring a Permit:** It shall be unlawful for any person to erect, alter or relocate any sign within the Village of Sterling as defined in this Ordinance without first obtaining a permit from the Zoning Administrator with the exception of the following:

- A. Wall Signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public, or other institutional building and not exceeding two (2) square feet in area.
- B. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
- C. Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Village.
- D. Sign advertising the rental, sale, or lease of the property upon which it is located.
- E. Gasoline price signs not exceeding six (6) square feet on pump islands.
- F. Directional signs regulating on-site traffic and parking with not more than six (6) square feet of sign area. Flags, bearing the official design of a nation, state, municipality, educational institution, organization, or as approved by the Building Department.
- G. Barber poles when a minimum of seven (7) feet above the pedestrian right-of-way.
- H. Window signs (mounted, attached or lettered on the inside of store windows) and all other interior signs shall not be regulated.
- I. Menu boards at drive through restaurants with a maximum size of sixty (60) square feet.

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*Space*



3. **Application for Sign Permit:** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information.
- A. Name, address, and telephone number of the applicant.

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- B. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- C. Position of the sign or other advertising structure in relation to nearby buildings or structures.
- D. One (1) blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.
- E. Name of person, firm, corporation, or association erecting the structure.
- F. Written consent of the owner where the sign is to be erect structure.
- G. In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code. The Electrical Inspector shall approve and affix his signature to said permit.
- H. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the Village.

4. **Sign Permit Issued if Application in Order:** It shall be the duty of the Zoning Administrator, upon the filing of an application for an erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all requirements of the Village, he shall then issue the erection permit. In the case of illuminated signs, both an electrical permit and an erection permit must be issued.
5. **Sign Permit Fee:** It shall be unlawful in the Village of Sterling for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the Village according to the schedule as shall be established from time to time by resolution of the Village Council.

**Sign Permit Revocable at Any Time:** All rights and privileges accrued under the provision of this Article, or any amendment thereto may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void.

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**Section 18.14 ~~13~~ SIGNS PLACED ON NONCONFORMING USES**

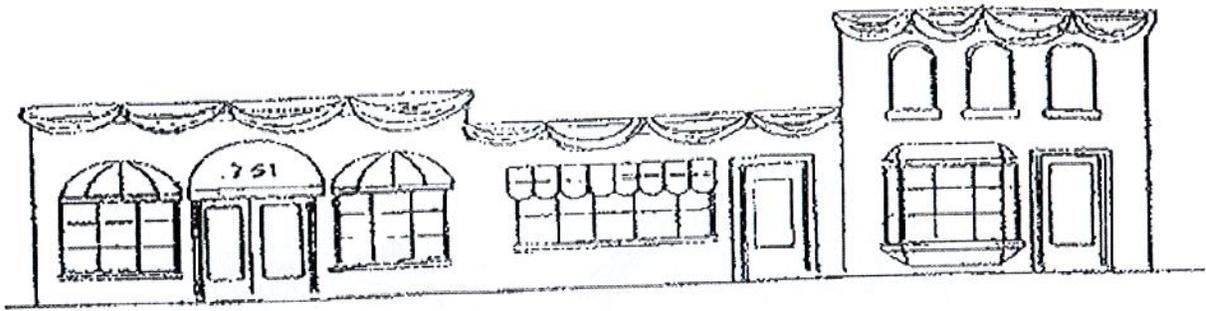
A nonconforming use shall be permitted to erect signs abiding by the same ordinance regulations allowed for a conforming use in the district where the use is located.



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**Section 18.12 UNSAFE AND DAMAGED SIGNS AND SIGN MAINTENANCE**

1. **Unsafe Signs:** When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall, upon receipt of a written notice from the Zoning Administrator, forthwith in the case of immediate danger, and in any case not more than twenty-four (24) hours, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. If the order is not complied within twenty-four (24) hours, the Zoning Administrator may remove such sign at the expense of the owner or lessee. If such expense is not paid, the Village shall have a lien on the property and such cost shall be added to the tax bill for the property.
  
2. **Damaged Signs:** Any sign or advertising structure or supporting structure, which is torn, damaged, defaced or destroyed, shall be repaired, replaced, or removed within ten (10) days of the damage. If a sign or structure is torn, damaged, defaced, or destroyed and not repaired or replaced within ten (10) days of said casualty, the Zoning Administrator shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement, or removal within twenty (20) days, in the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed.
  
3. **Sign Maintenance:** All signs, together with all their supports, braces, guys, and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition. The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.



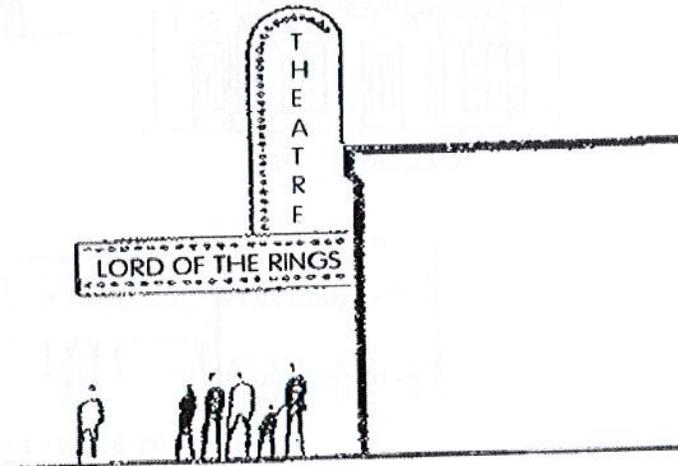
DECORATIVE DISPLAY – FIG. 1



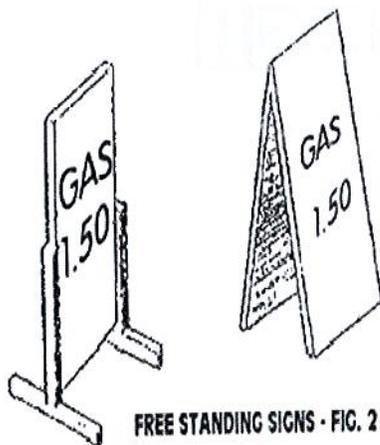
POLE SIGN – FIG. 3



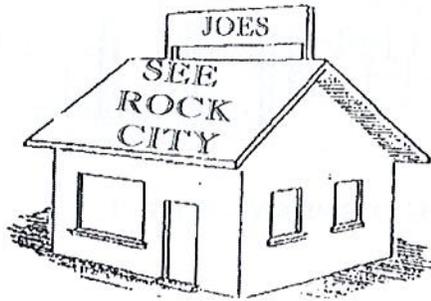
PORTABLE SIGN – FIG. 4



MARQUEE SIGN – FIG. 5



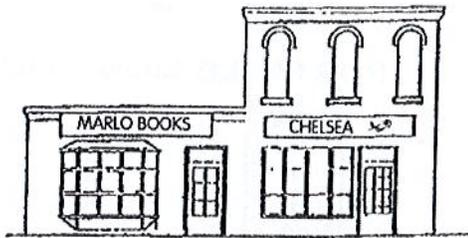
FREE STANDING SIGNS - FIG. 2



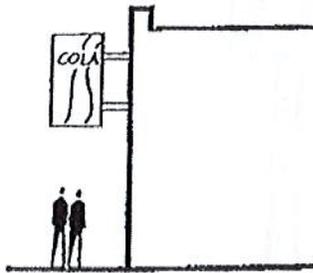
ROOF SIGNS - FIG. 6



REAL ESTATE SIGN - FIG. 7



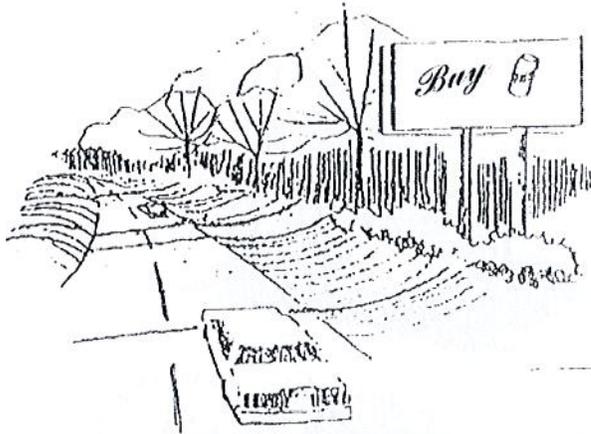
WALL SIGNS - FIG. 9



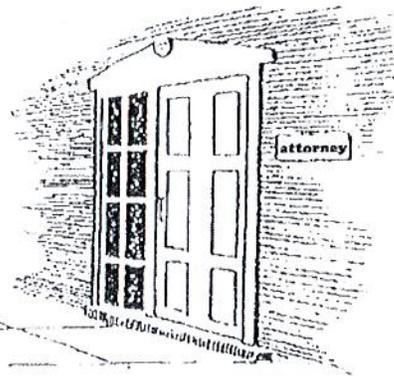
PROJECTING SIGN - FIG. 8



TEMPORARY SIGNS - FIG. 10



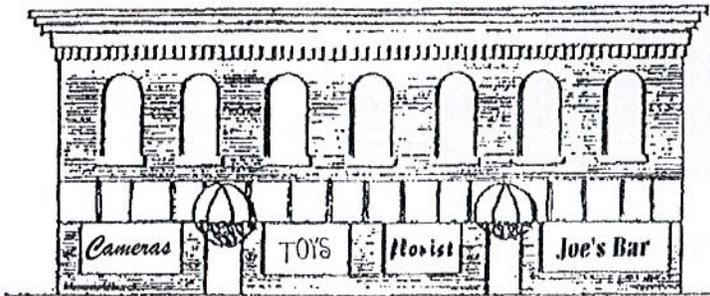
**BILLBOARD – FIG. 11**



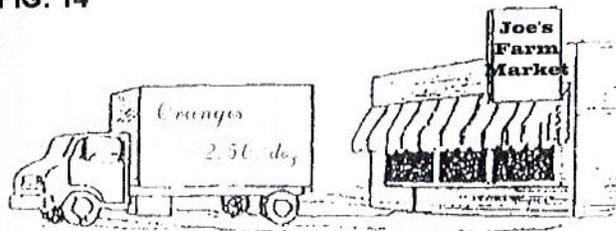
**IDENTIFICATION NAME PLATE – FIG. 12**



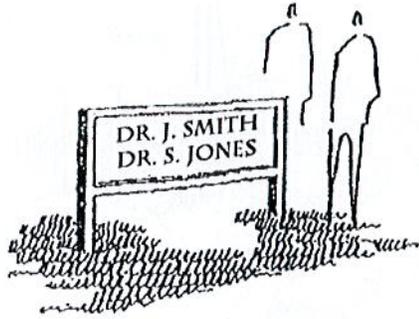
**BANNER SIGN – FIG. 13**



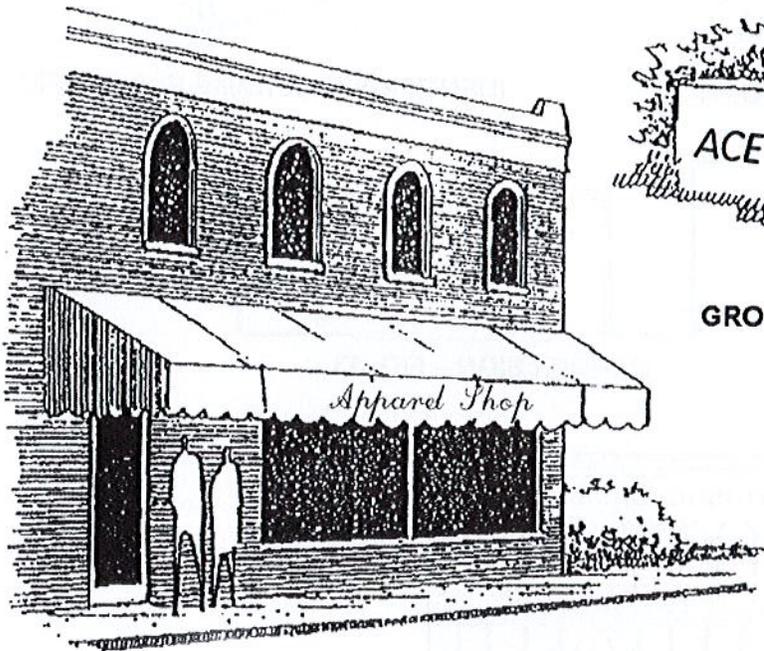
**WINDOW SIGN – FIG. 14**



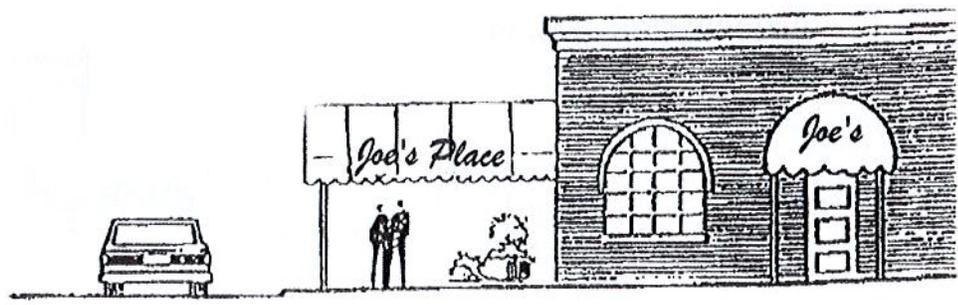
**VEHICLE BUSINESS SIGN – FIG. 15**



GROUND SIGNS - FIG. 16



AWNING SIGN - FIG. 17



CANOPY SIGNS - FIG. 19

# Article 19

## LANDSCAPING AND SCREENING

### Section 19.01 INTENT

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution, improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

### Section 19.02 LANDSCAPING PLAN REQUIRED – Commercial & Industrial Districts

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 6). The landscape plan shall identify all buffer areas (see Section 23.04), site landscaping (see Section 23.06), and parking lot landscaping (see Section 23.05), and shall include, but not necessarily be limited to the following items:

- A. Location, spacing, size, and root type [bare root (BR) or balled or burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
- B. Minimum scale: 1" = 100'.
- C. Existing and proposed contours on-site and one hundred fifty (150) feet beyond the site at intervals not to exceed two (2) feet.
- D. Typical straight cross-section including slope, height, and width of berms and type of ground cover or height and type of construction of wall or fence, including footings.
- E. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proper plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Identification of grass and other ground cover and method of planting.
- I. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

### Section 19.04 BUFFER AREAS – Commercial & Industrial Districts

1. **Side and Rear Yard Buffer Areas:** All commercial and industrial land uses for which a site plan is required shall be screened by a solid wall or fence along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. Such walls and fences shall be eight (8) feet or more in height as measured on the side of the proposed wall having the higher grade.
  - A. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by a solid fence, a solid wall shall be required by the approving body. Such wall shall be eight (8) feet or more in height as measured on the side of the proposed wall having the higher grade.

2. **Front Yard Buffer Areas:** A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a minor or major thoroughfare, and shall be landscaped. The front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

**Section 19.05 PARKING LOT, LOADING AREA, TRASH STORAGE, LANDSCAPING AND SCREENING – Commercial & Industrial Districts**

1. Separate landscaped areas shall be required either within or at the perimeter of parking lots and considered as part of a front, side, or rear yard buffer area. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.

**Section 19.06 SITE LANDSCAPING – Commercial & Industrial Districts**

1. In addition to any buffer area or parking lot landscaping required by this Article, at least ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped with grasses and other live groundcovers, planting beds, and trees, or combinations thereof. Existing disturbed vegetation may be used to meet the requirements of this Section at the discretion of the approving body.

**Section 19.07 MINIMUM STANDARDS OF LANDSCAPE ELEMENTS – Commercial & Industrial Districts**

1. **Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects, diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species, which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the approving body.
2. **Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Berms:** Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of three (3) feet in width at the highest point of the berm, extending the length of the berm.
4. **Existing Trees:**
  - A. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Village, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Village.
  - B. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the Village, the applicant shall replace them with vegetation which meet Ordinance requirements.



**Section 19.08<sup>7</sup> INSTALLATION, MAINTENANCE AND COMPLETION – Commercial & Industrial Districts**

1. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or within six (6) months of receipt of such Certificate.
2. All landscaping and landscape elements shall be planted, and earth moving, or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
3. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

**Section 19.09<sup>8</sup> FENCING, WALLS AND RETAINING WALLS**

1. **Required Fencing** – Fences and Walls shall be provided according to the provisions of Section 19.04 and 19.05 in addition to the following.

*Spec* A. **Mechanical Equipment:** When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment. (This subsection does not apply to single-family or two-family residential uses, or to any use in an Industrial District unless it abuts a Residential District).

B. **Outdoor Storage in Commercial and Industrial Districts:** To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height.

C. **Public Utility Substations in Any District:** To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and live landscape materials.

D. **Swimming Pools:** See Section 18.04.

2. **Regulations for Fencing, Walls, and Retaining Walls**

**A. Fence Types Allowed:**

- 1) Chain Link
- 2) Split Rail
- 3) Privacy Fence
- 4) Decorative Fence
- 5) Wrought Iron
- 6) Post and wire (allowed only on parcels of five (5) acres or more)
- 7) Barrier Fences containing barbed wire, electrical charges, or sharp materials at the top of a fence or wall are prohibited unless needed to protect the public safety or manage livestock and approved by the zoning administrator.

*Space*

## B. Height

- 1) **Residential Districts:** Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be no more than six (6) feet in height.
  - 1) Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street. Lot size must be 100 feet wide or more.
- 2) **Commercial and Industrial Districts** – Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be no more than eight (8) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.

*Fencing Side*  
C. The finished side of fencing shall face abutting properties.

D. **Walls** shall be of masonry designed and constructed to facilitate maintenance and not modifying drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

E. **Retaining walls** shall be constructed either as the above-described walls are constructed or of landscaping timbers. The minimum end thickness shall be no less than 6" by 8". Timbers must be secured in such a way as to not allow for bowing.

F. **Fire Hazard:** No fence shall be constructed which constitutes fire hazard either of itself or in connection with the existing structures in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

### 3. Exceptions to Fencing, and Wall and Retaining Wall Requirements : All Districts

- A. **Location Adjustment:** Where property line screening is required, the location may be adjusted so the fence or wall may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission.
- B. **Retaining Wall:** Shall be placed no closer than five (5) feet from property lines unless otherwise determined by the zoning administrator that placement closer to a property line would better serve the purposes of the retaining wall without creating a negative impact on any adjacent properties. Permit application must be signed by adjoining property owners.
- C. **Existing Screening:** Any fence, screen, wall, or hedge which does not conform to the provisions of this Section, and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.

## Section 19.10 **WAIVERS AND MODIFICATIONS**

1. Any of the requirements of this Article may be waived or modified through site plan review and approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

2. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping, or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

# Article 20

## ENVIRONMENTAL STANDARDS

### Section 20.01 INTENT AND PURPOSE

The purpose of this Article is to promote a healthy environment in the Village of Sterling as it relates to the Village's natural resources, sensitive ecosystems, the integrity of the Village's land, water, and air, and the quality of the Village's visual environment. All provisions of this Article apply to all structures and uses unless otherwise noted.

### Section 20.02 NATURAL RESOURCES

*Spill*  
1. **Compliance with Local, County, State, and Federal Regulations:** All land uses, and construction activities shall conform with the provisions of this Ordinance and the regulations and standards of the following:

- A. Published surface water drainage standards of the Arenac County Drain Commissioner.
- B. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshal and Local Fire Code.
- C. Soil Erosion and Sedimentation Control requirements of the Arenac County SESC certified enforcing agent. *(SESC)*
- D. Requirements of the Michigan Department of Public Health and the Arenac County Health Department.
- E. Michigan Department of Environment, Great Lakes & Energy (EGLE) requirements for air and water quality protection, wetlands, stream crossings, and fills in or near water bodies or in flood plains, including the following:
  - 1. Provisions of the Michigan Environmental Protection Act, P.A. 451 of 1994, Pt. 17, as amended.
  - 2. Provisions of the Michigan Wetlands Protection Act, P.A. 451 of 1994, Pt. 303, as amended.
  - 3. Provisions of the Shorelands Protection and Management Act, P.A. 451 for 1994, Pt. 323, as amended.
  - 4. Provisions of the Michigan Inland Lakes and Streams Act, P.A. 451 of 1994, Pt. 303, as amended.
  - 5. Provisions of the Michigan Soil Erosion and Sedimentation Control Act, P.A. 451 of 1994, Pt. 91, as amended.
- F. All local, county, state and federal regulations related to loading/unloading, transport, storage use and/or disposal of hazardous substances.
- G. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.

*Spill*  
2. **Discharges:**

- A. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line. Any atmospheric discharge requiring a permit for the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas, which is injurious or destructive or explosive, is prohibited. *edge*
- B. It shall be unlawful to discharge at any point any materials ~~in such~~ in such a way or of such nature or temperature as can contaminate any surface waters, land, or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by EGLE.

- C. Radioactive materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

**3. Sensitive Lands:**

- A. Where a portion of a parcel is characterized by wetlands, hydric soils, flood plains, or steep slopes, new development on the parcel shall occur on those buildable portions of the parcel void of such sensitive resources where reasonably feasible.
- B. The Village shall not approve any land use, which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.
- C. The Village may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

**4. Clearing, Grading, and Filling:** To protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

- A. **Clearing of a Site:** Stripping and removal of topsoil from the site is prohibited.
- B. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
- C. **Elevation Restrictions:** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner, and approval by the Planning Commission.

**Section 20.03 POTABLE WATER, SEWAGE DISPOSAL AND STORM WATER MANAGEMENT**

**1. Potable Water and Sewage Disposal:**

- A. Any structure for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, mercantile purposes shall not be erected, altered, used, or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and wastewater disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
- B. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the ~~Arenac County Public Health Department~~ Central Michigan District Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Village requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

**2. Storm Water Management:**

- A. All lots shall retain storm water runoff on-site or detain it to allow discharge without any impact on adjacent lands, streams, or water bodies above the existing predevelopment runoff impact.
- B. No new land uses shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage patterns are first made.

**Section 20.04 COMMERCIAL AND INDUSTRIAL USES**

All land uses and structures within commercial or industrial zoning districts shall conform to the following Standards:

- A. All repair and refinishing work shall be done inside to avoid noxious fumes and noise.
- B. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<b><u>Decibels (dba)</u></b>	<b><u>Adjacent Use</u></b>	<b><u>Where Measured</u></b>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

- C. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one (1) inch measured by any lot line of its source.
- D. Any operation producing intense glare or heat shall be performed within an enclosure to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.

# Article 21

## INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, AND EFFECTIVE DATE

### **Section 21.01 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings, or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **Section 21.02 SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

### **Section 21.03 VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Section 21.04 REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Village by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time it was enforced, prosecuted, or inflicted.

