

AN ORDINANCE TO AMEND CHAPTER 21, “SIGNS,” OF THE CITY OF HARPER WOODS CODE OF ORDINANCES

THE CITY OF HARPER WOODS ORDAINS:

CHAPTER 21 - IN GENERAL

That Chapter 21, “Signs,” shall be amended to read in its entirety as follows:

Section 21-1 – Statement of Purpose

The purpose and intent of this Sign Code is to create the legal framework for a comprehensive and balanced system of regulating signs and outdoor advertising. Such regulations are concerned with communication along streets and highways, and deal with symbols and letters as they appear on signs, billboards, banners, store fronts, marquees, canopies, and all other stationary visual media whether located on or off the premises of the activity to which the message pertains.

It is the further purpose and intent of this chapter to:

- (a) Encourage good design in the context of the overall image and visual environment of the city, and prescribe sound practices with respect to size, spacing, illumination, type and placement of signs for the purpose of safeguarding and enhancing properties in each of the various types of zoning districts.
- (b) Maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic growth and development while balancing the concerns to lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs that compete for attention and may impinge on pedestrian or traffic safety.
- (c) Protect and encourage the orderly growth and development of the city.
- (d) Provide for signage that is adequate but not excessive and that displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- (e) Regulate the erection of signs in such numbers, sizes, designs and locations as may create a hazard or distraction to pedestrians and motorists in an effort to improve safety upon the streets and highways in the city.
- (f) Recognize the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for vehicular accidents.

- (g) Protect the safety of drivers and others by precluding animated signs and limiting changeable copy signs in a manner intended to lessen the diversion or distractions of a driver's attention from the roadway, particularly with regard to larger signs on heavily-trafficked roadways.
- (h) Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- (i) Establish sign size in relationship to the scale of the lot and/or building on which the sign is placed or to which it pertains
- (j) Protect public investment in public structures, open spaces and thoroughfares.
- (k) Minimize the adverse effects of signs on nearby public and private property.
- (l) Enhance the effectiveness of necessary directional, warning signs, traffic control devices consistent with national and state standards and whose purpose is to promote highway safety and efficiency by providing for the safe and orderly movement of motorized vehicles, non-motorized vehicles and pedestrians
- (m) It is also recognized that there are generally accepted and empirically derived standards for the type, size, spacing, area, and setback of signs based upon the speed limits and number of vehicular traffic lanes on the street which they front. These standards are generally intended to allow signs that can be recognized at a given distance by a motorist, allowing them to safely slow down, turn into and access the site for which the sign advertises. However, these standards do not account for the peculiar characteristics of the City's business corridors. These characteristics include, but are not limited to, the following: unusually narrow widths and shallow depths of commercial properties fronting on the City's major thoroughfares, caused by progressive road widening; the proximity of existing buildings to each other and to property and right-of-way lines; traffic flows and congestion levels; and the goals and objectives of the City's Comprehensive Development Plan and Zoning Code.
- (n) Prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair or distraction to motorists.
- (o) Reduce visual pollution and physical obstructions caused by a proliferation of signs that could diminish the City's image, property values and quality of life.
- (p) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (q) Protect the public right to receive messages as provide by and protected by the First Amendment of the U.S. Constitution.
- (r) Maintain and improve the image of the City by encouraging signs which are compatible with conforming existing signs, have good viewing qualities with

passing motorists, and are compatible with buildings and streets, through the establishment of specific standards for various areas in the City.

- (s) The City of Harper Woods has thus determined that these characteristics warrant modifications to these generally accepted though empirically derived sign standards. The regulations and standards of this chapter represent these modifications and are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. The regulations and standards contained herein are intended to be content neutral while achieving the following objectives

Section 21-2. - CONFLICT OF LAWS.

Where more restrictive with respect to sign location, use, size or height, the limitations of the Zoning Code affecting light and ventilation requirements and the use of land shall take precedence over this chapter.

In any case where a provision of this chapter is found to be in conflict with a provision of the City's Code of Ordinances or Zoning Code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of the City's Code of Ordinances or Zoning Code is found to be in conflict with the provisions of this chapter and contain a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall prevail, and such other standards are hereby repealed to the extent that they may be found in conflict with this chapter.

Section 21-3. - DEFINITIONS.

- (a) As used in this chapter:

- (1) "Abandoned sign" means a sign on vacant lot where primary use is no longer valid; or a sign on a vacant unoccupied building.

- (3) "Advertising" means any commercial sign intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, or entertainment.

- (4) "Alteration" means a change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign panel is not an alteration.

- (5) "Animated Sign" means a sign other than a changeable message sign, whereby the sign itself or any part of the sign employs actual motion or the illusion of motion through any means including but not limited to mechanical, electrical, environmental or any other means.

- (6) "Area of sign" means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters

mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. The sign area calculations shall not include the necessary supports of uprights on which the sign is placed, unless such items contain advertising copy or as otherwise specified herein.

(7) “Awning sign” means a sign made of non-rigid material such as heavy canvas that is supported by a framework, which is attached to a building’s substrate. An awning sign extends outward from the building and so provides shaded cover and protection from weather for customers and pedestrians. An awning sign may have lettering and/or graphics painted or screen printed on its exterior surface.

(8) “Awning valance” means that portion of an awning sign that consists of short strips or bands of material hung at the lower edge of the awning.

(9) “Balloon sign” means a sign which is an inflatable device, regardless of size. Unlike inflatable signs, balloon signs retain their shape due to the insertion of helium or other lightweight gas, which allows the device to be suspended in midair, independent of any structure other than that which keeps the device from floating away.

(10) “Banner sign” means a sign made of fabric, cloth, paper, or other non-rigid material that is typically not enclosed in a frame.

(11) “Billboard” means a sign used for outdoor purposes directing attention to a use, activity, message, product, commodity, service, event, activity or entertainment which is usually not conducted on or related to the premises upon which the sign is located. This type of sign may also be known by the term “off-premise sign.”

(12) “Blade sign” means a type of building mounted pedestrian sign that contains two faces and which is perpendicular to the building on which it is mounted.

(13) “Building” or “structure” means a building or structure as defined by the Code of Ordinances and Zoning Code for the City of Harper Woods.

(14) “Building Official” means the Building Code Officer, agent, employee or other individual designated by the City of Harper Woods to investigate and enforce this ordinance.

(15) “Canopy sign” means a sign made of non-rigid material such as heavy canvas supported by a framework that at one end is attached to a building’s substrate and at the other end supported by one or more poles. A canopy sign extends outward from the building and acts as a roof over the area it covers, providing weather protection for customers, pedestrians and possibly even vehicles. A canopy sign may have lettering and/or graphics painted or screen printed on its exterior surface.

(16) “Canopy valance” means that portion of a canopy sign that consists of short strips or bands of material hung at the lower edge of the canopy.

(17) “Changeable copy or changeable message sign (manual)” means a sign, which has a reader-board for the display of text information in which each alphanumeric character, graphic or symbol is changed manually or electronically.

(18) “Directional human sign” means a person who holds a sign or other device intending to direct the flow of vehicular and/or pedestrian traffic to, from, or within a specific area or site.

(19) “Electronic display signs” means a sign that uses changing lights to form a sign message or messages in text or graphic or video display form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by

electronic process. As used in this chapter, the following definitions shall apply to electronic display signs:

- (i) “Electronic changeable message or copy sign” means a sign on which the message changes automatically through the use of electronic display technology. Electronic changeable copy signs may include official or time and temperature signs, a business bulletin board or other changeable copy sign. Electronic changeable copy signs do not include electronic graphic display signs (i.e. static pictures, with or without text) or video display signs (i.e. moving pictures, with or without text) or multi-vision signs. The following graphics are examples, but not totally inclusive, of electronic changeable copy signs.



Electronic changeable message or copy sign

(ii) “Electronic graphic display sign” means a sign or any portion of a sign that displays static electronic images, including static graphics or pictures with or without alphanumeric characters or symbols (i.e. text), by using electronic display technology, in which the message change sequence is immediate or by means of fade, re-pixelization or dissolve modes. An electronic changeable copy sign may be combined with an electronic changeable copy sign. The following are examples of an electronic graphic display signs.



Electronic graphic display sign

(iii) “Video display sign” means a sign that displays a message or background characterized by motion, movement or pictorial imagery to depict action or a special effect that imitates movement through the progression of frames which that give the illusion of motion. Video display sign may or may not include text, moving objects, moving patterns or bands of light or expanding or contracting shapes. Video display signs use electronic display technology and may be combined with an electronic changeable copy sign. The following are examples of a video display signs.



Video Display Sign

(iv) “Multi-vision sign” means a sign composed of a series of vertical or horizontal slats or cylinders that are designed to rotate at intervals so that each rotation of the group of slats or cylinders produces a different image or message and allows the display of one of two or more images on a single sign structure and at any given time. The following is an example of a multi-vision sign.



Multi-vision sign

(20) “Electronic display technology” means any portion of a sign that contains alphanumeric characters, graphics or symbols that are defined by a small number of matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs or other illuminating devices within the display area. Electronic display technology (EDT) is a computer programmable, microprocessor controlled devices that display and project images and messages onto the sign face.

(21) “Facing of sign surface” means the area of this sign upon, against, or through which the message is displayed or illuminated.

(22) “Flashing, animated or moving sign” means a sign that has intermittently or sequentially reflecting lights, or signs which have movement of any illumination such as intermittent, flashing, scintillating, or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources. Electronic Display Signs, as defined herein, shall not constitute a flashing sign for the purpose of this chapter.

(23) “Frontage” means the length of the property line of any one premise along a right-of-way on which it borders.

(24) “Government sign” means any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local level in the performance of any duty including but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government action, proposed changes of land use, any proposed rezoning, or any other government speech.

(25) “Ground sign” or “freestanding sign” or “monument sign” means a sign in which the entire bottom is in contact with or is close to the ground, or supported by one (1) or more uprights or braces permanently mounted in or upon the ground surface, and in no way attached to a building or structure. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

(26) “Identification and nameplate sign” means a wall sign of four (4) square feet in area or less.

(27) “Illegal sign” means a sign which does not meet the requirements of this chapter and which has not received legal nonconforming status, as defined herein, and has not received a sign variance as permitted herein this chapter.

(28) “Illuminance” means the amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in lux (footcandles x meters). For the purposes of dimming, illuminance is the amount of ambient light that hits a photocell.

(29) “Illuminated sign” means any sign which contains a mechanism that emits artificial light internally or externally. See Zoning Ordinance Section 10-237.

(30) “Indirect illumination” means a light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

(31) “Inflatable sign” means a temporary sign consisting of a flexible material of fabric that takes on a three-dimensional shape when filled with a sufficient amount of air

or other gas. Inflatable signs are commonly used as a temporary sign for special events or promotions.

(32) “Ingress and egress” means a sign at the entrance to or exit from a parcel necessary to provide directions for pedestrian or vehicular and to provide a warning for pedestrian and/or vehicular traffic safety.

(33) “Item of information” means a word, initial, logo or symbol, photograph or picture, emblem, company trademark, abbreviation, number of less than twelve (12) digits, or geometric shape.

(34) “Luminance” means the amount of light that emanates from an internally illuminated sign. This parameter is measured in nits (candelas/square meter). The nit levels necessary for a sign to be legible varies with the ambient light conditions. For example, on a sunny day, the nit levels must be very high, while at night, the nit levels must be very low to prevent the image from distorting and to prevent glare.

(35) “Mansard” means a sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

(36) “Monument sign” means a type of free standing sign that is not supported by a pole structure and is placed on the ground independent of support from the face of a building.

(37) “Marquee sign” means a display sign attached to or hung from a marquee, with or without electronic display technology, canopy or other covered structure projecting from and supported by the building, and extending beyond the building wall, building line or right-of-way line.

(38) “Movement” means physical movement or revolution up or down; around or sideways that completes a cycle of change at intervals of less than six (6) seconds.

(39) “Moving sign” means a sign in which the sign itself or any portion of the sign moves or revolves. A “rotating sign” is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

(40) “Nonconforming sign.”

(a) A sign which is prohibited under the terms of this chapter but was erected lawfully and was in use on the date of enactment of this chapter, or amendment thereto.

(b) A sign which does not conform to the requirements of this chapter, but for which a variance has been granted herein this chapter.

(41) “Obsolete sign” Means a sign on vacant lot or vacant building.

(42) “Painted wall sign” means a sign which is applied with paint or similar substance directly upon the face of a wall. A painted wall sign contains a readily discernable message. For purposes of this ordinance, a mural that does not contain a readily discernable message is not considered a sign.

(43) “Parapet” means the extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

(44) “Permanent sign” means a sign which is intended to be and is so constructed as to be of lasting and enduring nature, remaining unchanged in character, condition (beyond normal wear-and-tear) and position and in a permanent manner affixed to the property, wall or building. Unless otherwise provided herein, a sign other than a temporary sign shall be deemed a permanent unless otherwise indicated.

(45) “Planning Commission” means the Planning Commission for the City of Harper Woods.

(46) “Portable sign” means a freestanding sign not permanently anchored or secured to either the building or the ground. This also includes signs worn or carried by a person. Human directional signs are not considered portable signs for purposes of this ordinance.

(47) “Portable message center sign” means a sign designed to be transported easily and not permanently affixed to the ground or to a structure. A portable message center sign may include a non-electronic display, a manual and electronic changeable copy sign, an electronic display sign, a video display sign or multi-vision/tri-vision sign that maybe displayed or affixed to a movable object such as but not limited to a car, truck, trailer or similar transportation device.

(48) “Poster panel” means a board, panel or tablet used for the display of printed or painted advertising matter.

(49) “Projecting sign” means a sign, other than a wall, marquee, awning, or canopy sign, which is attached directly and perpendicularly to the building wall, and is not on the same plane as the wall and is designed to attract the attention of drivers in addition to pedestrians. A projecting sign may be horizontal or vertical.

(50) “Pylon or pole sign” means a sign mounted on a freestanding pole or other type of support which has its base anchored in the ground and with a specified clear space between the bottom of the face of the sign and the established grade of eight (8) feet or more.

(51) “Roof line” means the top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys or similar minor projections.

(52) “Roof sign” means a display sign which is erected, constructed and maintained on or above the roof of the building or structure, or above the exterior wall of a building or structure, or which is attached to any exterior wall at a height above the horizontal plane of the roof abutting such wall.

(53) “Rotating sign.” See “Moving sign.”

(54) “Sandwich board signs” means an “A-frame” shaped sign consists of two sign boards that are hinged together at the top and on which the message has been factory-imprinted or handwritten or through the use of a manual changeable copy display. Only one sandwich board sign is permitted per parcel. The following are examples of sandwich board signs.



(55) “Search lights” means a sign that is intended to visually communicate or attract the public’s attention to a business or a business location for the purpose of promoting a specific sale and/or event. Search lights are for temporary use only and shall require a special event application.

(56) “Sign” means a device fixture, placard or structure, including its component parts for visual communication that is used to bring attention to an object, product, place, activity, service, opinion, person, institution, organization or place of business or with identifies or promotes the interests of any person or group which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a “public area”) but not signs, which are primarily directed at persons within the premises upon which the sign is located. For the purposes of these regulations, the term “sign” shall include all structural components. The term “sign” does not include flags, or other insignia of any government, fraternal, or similar organization.

(57) “Sign Board of Appeals” means the Zoning Board of Appeals for the City of Harper Woods.

(58) “Sign variance” means a nonuse variance granted to provide relief from a specific standard of this chapter which relates to an area, dimension, or construction requirement.

(59) “Snipe signs” means a sign made of any material when such sign is tacked, nailed, posted, pasted glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of-way, public street furniture, or other public property.

(60) “State Highway Advertising Act” means Michigan Public Act 106 of 1972, as amended, known as the Highway Advertising Act (MCLA 252.301).

(61) “Subdivision identification sign” means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or similar residential development.

(62) “Temporary message sign” means a permanent structure where the message inside the structure may be changed manually, electronically or otherwise.

(63) “Temporary sign” means any sign or other device intended for use not permanent in nature. Portable signs or any sign not permanently affixed to the ground, to a building or other structure. Unless otherwise provided herein, a sign with an intended use of twelve (12) months or less or for a period of time related to an event shall be deemed a temporary sign unless otherwise indicated elsewhere in this article.

(64) “Three-dimensional sign” means a sign that has depth or relief on its surface of greater than six inches. A three-dimensional sign permanently attached to a building or structure is known as a protruding sign.

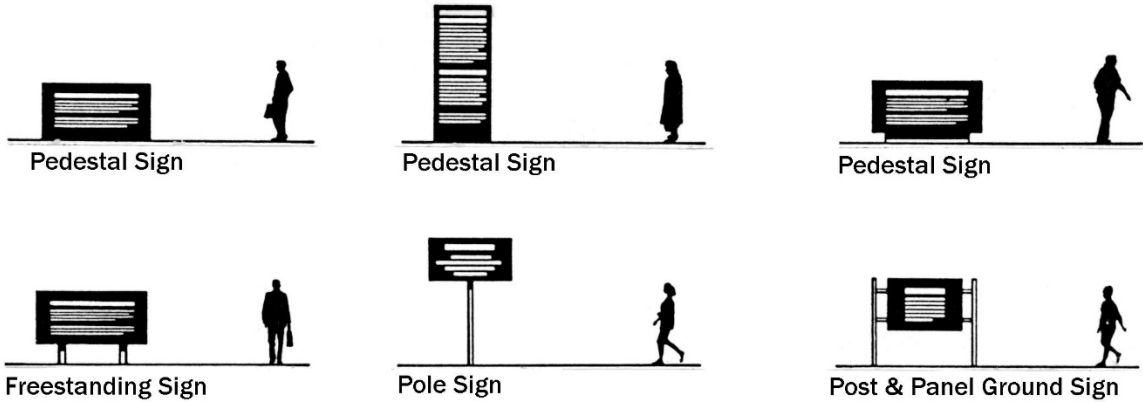
(65) “Traffic control device” means any government sign located within the right-of-way that is used as a traffic control or pedestrian safety device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) or approved by the Federal Highway Administrator. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations) warning signs guide signs and other geographical, recreational or cultural information.

(66) “Vehicle sign” means a sign where the vehicle upon which the sign is painted or attached primarily for advertising purposes and not for the delivery of goods and services and is parked or placed upon any parcel or within any right-of-way within the City in a manner so as to be used for identification or advertising purposes.

(67) “Wall sign” means a sign which is attached parallel to and extending not more than twelve (12) inches from the face of the wall of a building nor more than three (3) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

(68) “Window sign” means a sign located, **applied, affixed or attached to the interior of any building window or which is displayed through the glass area** visible from the outside **or exterior of the building**. ~~Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs.~~

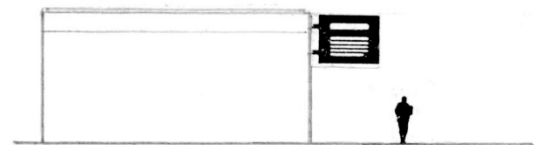
VARIOUS TYPES OF FREESTANDING SIGNS



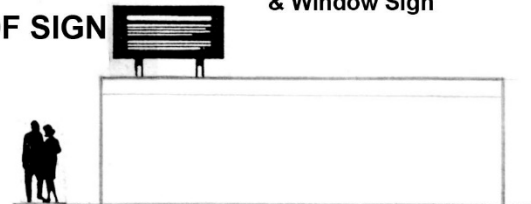
VARIOUS TYPES OF WALL SIGNS



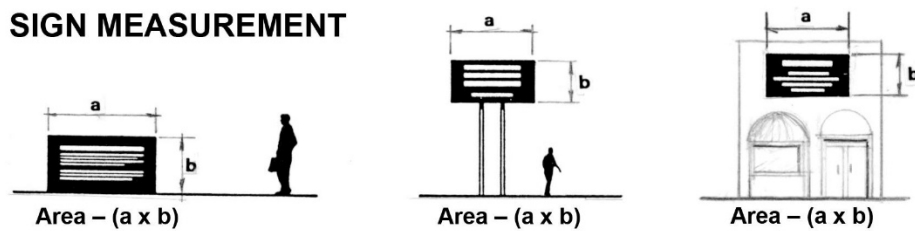
PROJECTING SIGN



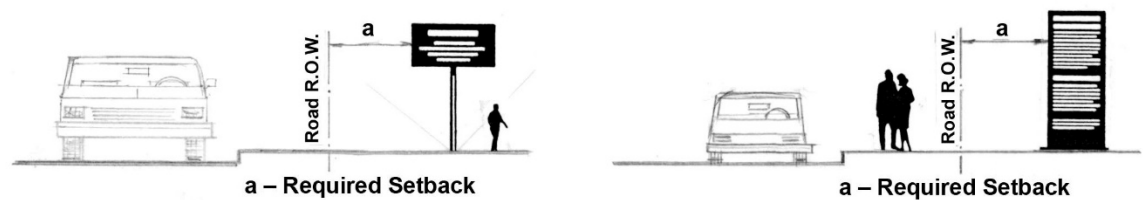
ROOF SIGN



SIGN MEASUREMENT



SIGN SETBACKS



Section 21-4 PERMIT APPLICATION AND ADMINISTRATION

(a) Permit Required. A sign permit must be obtained before erecting, relocating, or modifying any sign which is not otherwise exempted from the provisions of this chapter. Application for a permit shall be filed upon forms provided by the Building Official and shall contain the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) The location of the principal building, structure or lot to which the sign is to be attached or erected.
- (3) The position of the sign in relation to nearby buildings, structures, and property and right-of-way lines.
- (4) Side elevations of all sign faces.
- (5) Two (2) copies of the plans and specifications and method of construction and attachment to the building or in the ground showing the dimensions, materials and required details of construction, including loads, stresses, and anchorage.

If, in the discretion of the Building Official, when the public safety requires, the plans and specifications required herein shall bear the certificate or seal and signature of a registered architect or engineer attesting to the correctness of the calculations and the structural integrity of the sign as a condition of permit issuance.

(6) A copy of the stress sheets and calculations, if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the Building Official.

(7) The name, address and telephone number of the person, firm, corporation or association erecting the sign.

(b) Liability insurance for signs on public property:

If any wall, projecting pole, or roof sign is suspended over a public street or public property, or if the vertical distance of such sign above the street or property is greater than the horizontal distance from the sign to the public property line or parapet wall and is so located as to be able to fall or to be pushed onto the public street or property, then the owner of such sign shall provide at the time of obtaining a permit and keep in force a public liability insurance policy, approved by the city attorney, in the amounts set by resolution of the council or other formal city action. The policy shall indemnify the owner and the city from all damage suits or actions of every nature brought or claimed against the owner and the city for or on account of injuries or damages to persons or property received or sustained by any person through any act of omission or negligence of the owner, his servants, agents or employees regarding such sign. A copy of the liability insurance certificate shall be provided with the application.

(c) Such other information as the Building Official may deem necessary and require to show full compliance with this chapter and other applicable laws and ordinances of the City of Harper Woods and State of Michigan.

(d) Owner's Consent. An application to erect, relocated, or modify any sign shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

(e) New Signs. A new sign shall not hereafter be erected, constructed, altered or maintained except as provided in this chapter and until after a permit has been issued by the Building Official. In addition, the replacement of a sign head, addition of an electronic changeable copy display, or conversion to an electronic display for graphic or video or conversion to a multi-vision display on any existing sign shall be classified as a major alteration or modification which shall require a sign permit as specified herein and approval from the Planning Commission.

(f) Identification. Every sign, for which a permit has been issued, hereafter erected, constructed or maintained, shall be plainly marked with the name of the person owning, erecting, maintaining or operating such sign. The method and location of this identification shall appear on the plans and within the specifications filed with the Building Official.

(g) Alterations. No person shall alter, enlarge, relocate, re-erect or illuminate any sign, except in conformity with the provisions of this chapter for new signs, nor until after a proper permit has been secured.

(h) No permit shall be required for ordinary servicing, repainting of existing sign messages or cleaning of a sign, provided that conditions of the original approval and the requirements of this chapter are not violated. No permit is required for a change of the message of a sign designed for periodic message change without a change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

(i) Performance Guarantees. Where in this chapter there is delegated to Council, the Sign Board of Appeals, or the Planning Commission the function of establishing certain improvements as a contingency to granting site plan approval, special approval, variance, or amendment, the Council, the Board, or the Commission may, to ensure strict compliance with any regulation contained or required as a condition of the issuance of a permit, require the permittee to furnish a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond, to be deposited with the City Clerk, in an amount determined by Council, the Board, or the Commission, to be reasonably necessary to ensure compliance under this chapter and to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public.

(1) The applicant shall submit an itemized estimate of the cost of the required improvements, the amount of which shall be one-hundred percent (100%) of the cost of installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies. The Building Official shall review this estimate before fixing the amount of the performance guarantee. However, in fixing the amount of such performance guarantee the Building Official shall take into account the size and scope of the proposed improvement project, the current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel

the operator to comply by court decree and such other factors and conditions as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application.

(2) The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The City may not require the deposit of the performance guarantee before the date on which the City is prepared to issue the permit. The City shall establish procedures under which a rebate of any cash deposit, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses. This section shall not be applicable to improvements for which a performance guarantee has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (MCLA 560.101 et seq.).

(j) Sign Code Administration. This chapter shall be administered by the Building Official for the City of Harper Woods.

(k) The building official for the City of Harper Woods, or a duly appointed officer or inspector, shall be authorized to issue and serve appearance with respect to any violation of this article.

Section 21-5. - Appeals

(a) Sign Board of Appeals. The Zoning Board of Appeals for the City of Harper Woods shall serve as the Sign Board of Appeals pursuant to actions required by this chapter.

(b) Hearings. Any person aggrieved by a notice or order of the Building Official issued in connection with any alleged violation of the provisions of this chapter or any applicable rules and regulations pursuant thereto, may file with the Sign Board of Appeals a petition setting forth their reasons for contesting the notice or order. Such petition shall be filed ten (10) days after the notice or order is served on the petitioner.

(c) Time of Hearing and Notice. Within sixty (60) days after receipt of a valid petition, the Sign Board of Appeals shall conduct a hearing at their next available regular meeting. The Sign Board of Appeals shall set the time and place of said hearing, and at least ten (10) days prior to the hearing serve petitioner with notice thereof.

(d) Action of Sign Board of Appeals.

(1) The Sign Board of Appeals shall have the power to modify or reverse, wholly or partly, the notice or order, and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the Board finds that there is practical difficulty connected with the performance of this chapter or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare. (2) The Sign Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Notwithstanding the foregoing sentence, the

Board may, in appropriate cases, be permitted an extension of time after hearing the case, in which to make its decision provided such extension shall not exceed thirty (30) days. (3) The concurring vote of four (4) members of the Sign Board of Appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the Building Official, or to decide in favor of the applicant for any matter upon which they are required to pass or to effect any variation in this chapter. (4) After a sign variance has been denied in whole or in part by the Sign Board of Appeals, then such application shall not be resubmitted for a period of one (1) year from the date of the last denial, provided however, that a denied variance may be reconsidered by the Board when, in the opinion of the Building Official, or Board, newly discovered evidence or changed conditions warrant such reconsideration.

(e) Scope of Hearing. At the hearing, the petitioner shall be given an opportunity to show cause as to why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.

(f) Stay. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Sign Board of Appeals, after the notice of appeal shall have been filed, that by reason of the facts stated in the certificate, an emergency exists, in which case the proceedings shall not be stayed, except by a restraining order or by a court of competent jurisdiction, following timely notice of application therefore, to the Building Official.

(g) Sign Variances. A sign variance to the strict letter of the requirements of this chapter governing area, setbacks, frontage, height, bulk, and density may be allowed by the Sign Board of Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

- (1) That the alleged practical difficulties are exceptional and peculiar to the property of the person requesting the sign variance, are not self-created, and result from conditions which do not exist generally throughout the City of Harper Woods;
- (2) That the alleged practical difficulties, which will result from a failure to grant the sign variance, include substantially more than mere inconvenience, or mere inability to attain a higher financial return, and would prevent the applicant from using property in question for a permitted purpose, or would render conformity with the strict letter of this chapter unnecessarily burdensome; and
- (3) That allowing the sign variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Sign Board of Appeals to grant a sign variance, and the rights of others whose property would be affected by the allowance of the sign variance, will ensure that the spirit of this chapter is observed, will not be contrary to the public purpose and general intent and purpose of this chapter, and will secure the public safety.

(h) The above findings of fact shall be made by the Sign Board of Appeals, which is not empowered to grant a sign variance without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of proceedings of the Board.

If a sign variance to this chapter is requested, the applicant may be required to erect a three dimensional mock up model on site or submit such a model to the Building Official that depicts the variance requested.

Nothing contained herein shall be construed to empower the Sign Board of Appeals to substantially change the terms of this chapter, or to significantly add to the types of signs permitted on any premises.

Sign variances granted by the Sign Board of Appeals shall be for dimensional standards only, i.e., standards for the height, area, setback, and spacing of signs. The Board shall not grant sign variances for the following: signs prohibited by this chapter; requirements for removing nonconforming signs; bonding and insurance standards; or the building code adopted by the City.

(i) Appeal Procedures.

(1) Notice. The City shall provide written notice of the hearing of an appeal, variance, or interpretation in accordance with the provisions in Article VIII Section 10-830 of the Zoning Ordinance.

(2) Persons shall be required to appear in person or to be represented by a duly authorized agent.

(3) The Sign Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:

A. The relevant administrative records and administrative orders issued herein relating to the appeal.

B. A notice of the appeal.

C. Such documents, exhibits, photographs, or written reports as may be submitted to the Sign Board of Appeals for its consideration.

(4) The requisite written findings of fact, the conditions attached, the decision and orders by the Sign Board of Appeals in disposing of the appeal shall be signed by the Secretary of the Board.

(5) An appeal of a Sign Board's decision shall be filed within **30 days** after the Board certifies its decision in writing or approves the minutes of its decision, whichever comes first, and shall be made in the manner provided by Section 606 of Public Act 110 of 2006, as amended.

(j) Appeals to Circuit Court.

(1) The decision of the Sign Board of Appeals shall be final. However, a person having an interest aggrieved by this Sign Code may appeal such decision to the Circuit Court within 30 days after the Sign Board of appeals certifies its decision in writing or approves the minutes of its decision. Upon appeal, the Court shall review the record and decision of the Board to ensure that the decision:

A. Complies with the Constitution and laws of the State;

- B. Is based upon proper procedure;
- C. Is supported by competent, material and substantial evidence on the record;
and
- D. Represents the reasonable exercise of discretion granted by law to the Board.

(2) If the Court finds that the record of the Board is inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board, the Court shall order further proceedings before the Board on conditions which the Court considers proper. The Board may modify its findings and decision as a result of the new proceedings or may affirm its original decision. The supplementary record and decisions shall be filed with the Court.

(3) As a result of the review required by this section, the Court may affirm, reverse or modify the decision of the Board.

SECTION 21-6. - EXCEPTIONS TO CHAPTER.

- (a) Generally. A permit shall not be required for the signs covered by this section. However, such exceptions shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner.
- (b) Wall Signs. The following wall signs shall not require a permit:
 - (1) Identification Signs. Signs that show the name and business or profession of an occupant in a commercial or institutional building, and shall not measure more than four (4) square feet in area.
- (c) Government Building Signs. Signs erected or placed on a Municipal, State or Federal building, which signs announce the name, nature, and/or information as to use of or admission to the premises shall not require a permit.
- (d) Traffic and Other Municipal Signs. Signs erected by the City or other public body for traffic direction, street identification or other public purpose shall not require a permit.
- (e) Temporary Signs as described in section 21-3(a)(83) above and:
 - (1) Temporary signs allowed at any time:
 - a) The sign face of any single temporary sign, unless otherwise limited in this Section, must not be larger than four (4) square feet;
 - b) For purposes of this Section the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others [or the sole right to occupy].
 - c) Temporary signs are subject to the following standards:

- i) On one property, must not exceed a total of sixteen (16) square feet in area;
- ii) Shall not be located within any right-of-way whether dedicated or owned in fee simple or as an easement;
- iii) Shall only be located on property that is owned by the person whose sign it is or has consented to placement of the sign;
- iv) Shall not be placed on any utility pole, street sign, street light, or similar object or on any public property or public right of way;
- v) Shall not be illuminated except as provided in this Section;
- vi) Shall be removed within seven (7) days after the election, sale, rental, lease or conclusion of the event which is the basis for the sign or if a different standard is required, shall be removed within the period of time required by the applicable Section.

(f) During the period of time from Thanksgiving to January 10 of the following year, a property owner may place temporary signs on the property not to exceed a total of 16 square feet and may use lights to decorate the property even if the lights might be arranged to form a sign.

(g) Other Signs. Names of buildings, memorial plaques, designation of historical places and other similar non-advertising signs as approved by the Building Official shall not require a permit.

(h) Window signs providing they do not exceed more than 25% of the total window area where the sign is displayed. Window signs are permitted in only the following districts: C1, C2 and the Regional Shopping districts.

21-7. - UNSAFE AND UNLAWFUL SIGNS.

The following signs are not permitted in any district:

(a) Notice. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign is installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof or the person maintaining the same, upon written notice of the Building Official, forthwith in the case of immediate danger and in any case within not more than ten (10) days, shall make such sign conform to this chapter or remove it. If, within ten (10) days, the order is not complied with, the Building Official may remove such sign at the expense of the owner or lessee thereof, in accordance with the building code adopted by the City.

(b) Declaration of Nuisance; Removal. Signs listed in this section are hereby declared to be a public nuisance and shall not be permitted, notwithstanding anything to the contrary contained in this chapter. If such a sign is presently erected or maintained, it shall be removed or brought into compliance with this chapter within thirty (30) days after written notice of the Building Official. If, within ten (10) days, the order is not complied with, the Building Official may remove such sign at the expense of the owner and the cost thereof may be assessed as a lien against the property upon which the sign was located.

(c) Obstruction to Egress. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, means of egress or window or door opening used as an element of a means of egress, or so as to prevent free passage from one part of a roof to another part thereof or access thereto as required by the building code adopted by the City for the fire fighting forces having jurisdiction.

(d) Obstruction to Ventilation. A sign not be attached in any form, shape or manner which will interfere with any opening required for ventilation by the building code adopted by the City, except that such a sign may be erected in front of and may cover transom windows when not in violation of this chapter.

(e) Projecting Signs. A projecting sign erected on the wall of a building or structure outside of the building line, which sign extends above the roof cornice or parapet wall, or above the roof level when there is not a cornice or parapet wall, and which sign obstructs access to the roof, is hereby prohibited. Such signs shall be reconstructed or removed as herein required.

(f) Alley Signs. Signs shall not be permitted to project upon alley lot lines.

(g) Roof Signs. A sign which is erected on or above the roof of a building is hereby prohibited.

(h) Snipe Signs. Are prohibited in all public right of way or attached to any public property.

(i) Vehicle Signs. It shall be unlawful to park, place or store a vehicle or trailer for more than seventy-two (72) hours on which there is a motor vehicle sign on public property for purposes of advertising a business or products for the purposes of directing people to a business of business activity. See Section 21-3(a)(86). For purposes of this section, a motor vehicle sign shall be defined as a sign measuring more than two (2) square feet in size that is mounted, placed, printed, painted on a vehicle or trailer, whether driven or not. All vehicle business signs are hereby prohibited. Such signs shall be removed as herein required.

(j) Painted-Wall Signs. Any wall sign which is painted directly onto a building wall is hereby prohibited. Such signs shall be covered or removed as herein required.

(k) Pole or Pylon Signs. Any pole or pylon sign, except as otherwise permitted herein, is hereby prohibited. Such signs shall be reconstructed or removed as herein required.

(l) Temporary Signs. All temporary signs, including inflatable caricatures, are hereby prohibited, unless otherwise permitted herein. Such signs shall be reconstructed or removed as herein required.

(m) Detriment to Traffic Safety. Any sign which, by reason of its size, location, coloring, content or manner of illumination (including, but not limited to, flashing or moving lights, signs bearing words such as stop, look, danger, etc.), constitutes a traffic hazard or a detriment to traffic safety by obstructing or distracting the vision of drivers or the visibility of any traffic sign or control device is prohibited.

(n) Obscene Signs. Any sign containing any obscene, indecent or immoral matter is prohibited.

(o) Unauthorized Posting, Painting or Erection. No placard, poster, circular, cards, leaflets or other advertising matter whatsoever shall be posted, painted or in any way attached to any fence, wall, post, tree, sidewalk pavement, platform, pole, tower, curbstone, surface or other property by any person without the written consent of the owner thereof, or in or upon any public property, provided that this prohibition shall not apply to any public officer or employee in the performance of a public duty or to a private person in giving a legal notice.

(p) Sign Structures without Signs. Any sign structure or frame no longer supporting or containing a sign is hereby declared to be a public nuisance. The owner of the property where the sign is located shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.

(q) Portable Signs and Portable Message Center Signs. Portable signs and portable message center signs are prohibited, except where expressly permitted herein. Portable signs worn by humans may be permitted provided they do not negatively impact traffic safety.

21-8. - EXISTING SIGNS.

(a) Repair, Removal or Reconstruction. Any sign or any substantial part thereof which is blown down by storm or other accidental emergency, or destroyed or removed may be re-erected, reconstructed, rebuilt, relocated or repaired provided the sign complies with all applicable requirements of this chapter.

(b) Relocation. Any sign that is moved to another location on the same or other premises shall be considered a new sign, and a permit shall be secured for any work performed in

connection therewith when required by this chapter. Any sign that is moved to another location on the same or other premises is subject to the provisions of this chapter.

21-9. - MAINTENANCE; PERIODIC INSPECTIONS.

(a) Removals. The Building Official may order the removal of any sign that is not maintained in accordance with this chapter. Required maintenance shall include: proper alignment of the sign by keeping it upright and level at all times; continued readability of the sign at all times; preservation of the structural frame of the sign with paint or another surface finishing material to keep it free of any visible rust and chipped or peeled paint at all times; and preservation of the surface area to keep it free of broken, chipped, or peeled surface material at all times.

(b) Repairs. All signs for which a permit is required, together with all supports, braces, guys and anchors, shall be kept in repair in accordance with this chapter and the building code adopted by the City. When not galvanized or constructed of approved corrosion-resistant, noncombustible materials, signs shall be painted when necessary to prevent corrosion.

(c) Maintenance of Premises. The owner or lessee of every sign shall maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

(d) Inspections. Every sign shall be subject to periodic inspections and approval of the Building Official or his or her agent.

21-10. - SIGN DESIGN STANDARDS.

(a) General Requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the City's adopted building code and electrical codes. All electric wiring associated with a freestanding sign shall be installed underground.

(b) Building Code. All signs shall be designed to comply with minimum wind pressure and other requires set forth in the adopted building code of the City.

(c) Framework. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view. Nothing in this provision shall prevent creativity such as that shown in the graphic for a roof sign on a pitched roof.

(d) Illumination. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign or internal to it. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or thoroughfares. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited. Illumination by bare bulbs or flames shall be

prohibited, except that bare bulbs are permitted on electronic changeable copy and marquee signs. See Zoning Section 10-237 and Section 21-3(a)(31)(32)(33).

(e) Use of Combustibles. Use of combustible material for signs shall be subject to the provisions of the adopted building code for the City.

(f) Ornamental Features. Wood or approved plastic or other materials or combustible characteristics similar to wood may be used for moldings, cappings, nailing blocks, letters and latticing in accordance with the adopted building code for the City, and shall not be used for other ornamental features of signs, unless approved.

(g) Measurements.

(1) Sign Area. Sign area shall be computed as follows:

A. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

B. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

C. The area of a double-faced freestanding sign shall be computed using only (1) face of the sign provide that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

D. The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters and logo are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.

E. The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

(2) Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:

A. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

B. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

C. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building or property line.

(h) Location.

(1) No sign shall be located within, projected into, or overhang a public right-of-way, except as otherwise permitted herein.

(2) All signs shall comply with the setback requirements for the district in which they are located.

(3) Signs shall comply with the requirements for unobstructed motorist visibility in Sections 10-215 and 10-215.1 of the Zoning Ordinance for the City as illustrated by the graphic therein.

21-11. - GROUND SIGNS.

Ground signs shall be permitted in the districts in the following districts: R2, C1, RS1, O1 & M1

(a) **Maximum Size and Height.** The maximum total area of a ground sign shall not exceed 200 square feet. A maximum total of 1' foot of height for each 3' feet of setback is permitted but the height shall not exceed the maximum permitted by the Zoning Ordinance of 22' feet. Ground signs shall keep the first two feet (24 inches) of the sign closest to the ground free of sign copy for the purpose of landscaping and snow storage. This portion of the sign, and any base used to support the sign, shall not be counted toward the calculation of permissible sign area. In multi-tenant buildings or shopping centers, the sign area may be allocated for use by individual tenants.

(b) **Number of Ground Signs Permitted.** One (1) ground sign shall be permitted per street or highway frontage on each parcel. Shopping centers shall be permitted one (1) ground sign per street or highway frontage, provided such shopping center has a minimum of one hundred (100) feet of right-of-way frontage. A second ground sign shall be permitted along a right-of-way if the shopping center has a second two-way access drive along the right-of-way and there is ~~of~~ two hundred-fifty (250) feet between such drives (measured centerline to centerline). Ground signs for shopping centers with four (4) or more establishments may have a maximum total area of one hundred-twenty (120) square feet, may be erected to a height not to exceed ten (10) feet.

(c) **Obstructions.** No ground sign shall be erected so as to obstruct free access to or egress from any building, access drive, or right-of-way.

(d) **Setbacks.** Pursuant to the Zoning Ordinance, the minimum required set back line or not less than 25' feet front, nor within the clear vision area required by Sections 10-215 and 10-215.1 of the City's Zoning Ordinance.

(e) **Interstate Freeway Limitations.** No person shall erect, within one hundred (100) feet of an interstate limited access freeway right-of-way, a pole or pylon sign or part thereof which is visible from any point on the freeway road surface without the prior approval of the Planning Commission, subject to the following determinations:

- (1) The sign is erected to a height not exceeding thirty (30) feet above the highest elevation of the nearest section of the freeway, but in no event shall the maximum height of such sign exceed one hundred (100) feet.
- (2) The sign pertains to the principal use of the real estate or lot upon which the sign is located.

- (3) The sign shall not use more than two (2) poles as a means of support, and no more than two (2) signs shall be permitted on any pole.
- (4) No tree over six (6) inches in diameter shall be pruned or cut down to accommodate the location, siting or visibility of the sign.
- (5) The sign is not visible from a residentially zoned area.

(f) Design and Construction. The design and construction of ground signs must be compatible with the principal building upon the lot for which the sign is intended, and the surrounding area in general. Whenever the same building materials for the principal building are not used for the base, frame, and support of the sign, a landscaped area in compliance with the Zoning Code must be installed at the base of the sign.

(g) Entranceway Sign. Permanent entranceway signs shall be permitted in accordance with Section 10-480 *et seq*, and the following requirements:

- (1) The sign shall cover no more than fifty percent (50%) of the entranceway structure.
- (2) Up to two (2) such signs, one on each side of the entranceway may be located at each entrance to a subdivision or development.

(h) Electronic Display Signs. Electronic changeable copy and electronic graphic display ground sign shall be permitted subject to the provisions of Section 21-20 of this chapter.

21-12. - WALL SIGNS.

Wall signs shall be permitted in the districts the following districts: R2, C1, RS1¹, O1, RO1 & M1.

(a) Number. One (1) wall sign shall be permitted per street or highway frontage on each parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants share a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

(b) Materials. Wall signs which have an area exceeding forty (40) square feet (3.72 meters squared) shall be constructed of metal or other approved noncombustible materials except for nailing rails and in accordance with Sections 10-215 and 10-215.1 of the City's Zoning Ordinance.

(c) Extensions and Projections. The top of a wall sign shall not be higher than whichever is lowest:

- (1) The maximum heights specified for the district in which the sign is located.
- (2) The top of the sills at the first level on windows above the first story.

¹ One wall or flat sign shall be permitted per exit or entrance for each commercial establishment in RS1 District.

- (3) The height of the building facing the street on which the sign is located.
- (d) Area. The total area of a wall sign shall not exceed two (2) square feet for each linear foot of building frontage, not to exceed one-hundred (100) square feet.
- (e) The average height of the letters or components shall not exceed 36 inches.
- (f) The length of the sign shall not exceed ½ of the length of the wall upon which the sign is placed, up to a maximum of 30 feet. Extension from the face of the building shall not exceed 12 inches.

21-13. - MARQUEE SIGNS.

- (a) Permitted Uses. Marquee signs shall only be permitted for theaters, cinemas, athletic arenas, or similar places of public assembly in the following districts: C1, O1, RO1 & M1.
- (b) Number. One (1) marquee sign shall be permitted per street frontage.
- (c) Construction. Marquee signs shall consist of hard incombustible materials in accordance with Sections 10-215 and 10-215.1 of the City's Zoning Ordinance. The message shall be affixed flat to the vertical face of the marquee.
- (d) Projection. Marquee signs shall be attached to and contained within the perimeter of the face or valance of a marquee, awning or canopy. The sign shall not exceed an 8 foot extension from the face of the building wall, not closer than 3 feet to the curbline.
- (e) Height. The height shall not exceed the top of the face or valance of the marquee, awning or canopy on which the sign is located.
- (f) Size and Area. The total size of a marquee sign shall not exceed 35 square feet.
- (g) Electronic Display Permitted. Electronic changeable copy, electronic graphic display and video display shall be permitted on marquee signs subject to the provisions set forth in Section 21-20 of this chapter.

21-14. - BLADE SIGNS.

- (a) Permitted Districts. Blade signs shall only be permitted for buildings with no front yard setback (built to the front property line) in the C1 and Regional Shopping districts.
- (b) Projections over Public Property. Every projecting sign shall have a minimum distance between the bottom of the sign and a public or private sidewalk or a public or private driveway, alley or other right-of-way of ten (10) feet. No projecting sign shall project a distance greater than four (4) feet six (6) inches beyond the property line and/or building wall plane and must be separated by at least six (6) inches from the building wall

plane. Projecting signs shall project perpendicularly from a building wall plane only at an angle of ninety (90) degrees.

(c) Area and Spacing Limitations. All projecting signs shall be limited to a maximum area of seven and one-half (7.5) square feet for each side, fifteen (15) square feet total. Not more than one (1) projecting sign per business with an entrance at sidewalk level shall be permitted. No projecting sign may be erected within forty (40) feet of any other projecting sign, however this provision shall not deny any place of business within permitted districts at least one (1) projecting sign.

(d) Mounting and Thickness Limitations. Projecting signs shall be mounted to the building wall by a single mounting bracket; support chains shall be prohibited. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.

(e) Height Limitations. No projecting sign shall exceed a height above the roof line of the building to which it is attached, or extend vertically beyond the window sill of a second story if one exists. Projecting signs placed upon the corner of a building shall not extend vertically beyond the window sill of a second story, and shall not exceed a height above the roof line of the building to which it is attached.

21-15 AWNING AND CANOPY SIGNS.

(a) Permitted Districts. Awning and canopy signs shall only be permitted in the following C1, C2 and Regional Shopping districts.

(b) Materials. Canopy or awning signs may be constructed of canvas, vinyl, metal or other suitable material.

(c) Construction. Canopy or awning signs shall be attached to an approved building in accordance with Sections 10-215 and 10-215.1 of the City's Zoning Ordinance and permitted in districts described in section 21-17.

(d) Location. Canopy or awning signs may not project further than six (6) feet from the building wall plane or closer than two (2) feet from any curb line of a public street. A minimum clearance of ten (10) feet for canopy and awning signs from ground level shall be maintained. No awning or canopy sign shall extend above the roof or parapet of the building to which it is attached.

(e) Area Limitation and Lettering. The sign area of a canopy or awning sign shall not exceed three (3) square feet for each linear foot of building frontage to which it is attached, or one hundred (100) square feet, whichever is less. The area of an awning sign for a second story business shall not exceed four (4) square feet in area, and shall be limited to the valance of the awning. Awning signs are limited to two (2) such signs per business, on either the awning or valance, but not on both. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.

(f) Illumination. Canopy or awning signs may be internally illuminated only on those sides of the building to which they are attached which contain a public entrance or those having a pedestrian sidewalk (public or private) adjacent to the building.

(g) Building Entrance Canopies. A canopy used at a building entrance to protect pedestrians entering a building from inclement weather shall comply with the requirements for awning and canopy signs within this chapter, along with or except as provided for by the following:

(1) A minimum clearance of ten (10) feet for a building entrance canopy from ground level shall be maintained;

(2) A building entrance canopy may project from a building plane over a public sidewalk to within two (2) feet of the curb line of a public street.

21-16. - MISCELLANEOUS SIGNS.

(a) Banner and Cloth Signs.

(1) Banner signs attached to or suspended from a building, constructed of cloth or other combustible material, shall be constructed in an approved manner and shall be securely attached to their supports. They shall be removed as soon as the same are torn or damaged and not later than sixty (60) days after their erection. Permits for temporary signs suspended from or attached to a canopy or marquee shall be limited to a period of ten (10) days.

(2) Banner signs of combustible construction shall be not more than ten (10) feet (3.048 meters) in one (1) dimension nor more than two-hundred (200) metric equivalent square feet in area.

(3) When more than one-hundred (100) square feet (9.3 meters squared) in area, banner signs shall be constructed and fastened in accordance with the building code adopted by the City.

(b) Balloons.

A. The maximum height shall not exceed thirty-five (35) feet.

B. Not more than one (1) bunch of six (6) balloons may be displayed at a business location and each balloon shall be no larger than twenty-four (24) inches in diameter. All balloons shall be attached to the building or placed within one (1) foot of the building for which the balloons are displayed. Balloons shall not be attached to structures, such as street furniture, utility poles or signs in the right-of-way. Hand held balloons are not subject to these provisions.

(4) Inflatable signs are prohibited.

(c) Sandwich Board Signs. Sandwich board signs shall be permitted in the C1 and C2 districts, subject to the following standards:

(1) Number. One sandwich board (A-frame) sign shall be permitted for each business.

(2) Size. A sandwich board sign shall not exceed two (2) feet in width and three and one half (3 ½) feet in height. The area of the sign shall not exceed six (6) square feet per side.

(3) Duration. A sandwich board sign shall be removed at the end of each business day.

(4) Location. A sandwich board sign shall not be located within the public right-of-way, including lawn boulevards. In the C1 and C2 Districts, a sandwich board sign shall be permitted in front of and within twelve (12) feet of the main entrance to the establishment it advertises, provided that a minimum of thirty-six (36) inches of unobstructed sidewalk clearance is maintained between the sign and the building or other obstruction.

(5) Stability. A sandwich board sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.

(6) Design. The design of a sandwich board sign, including color, lettering, style, symbols and material, shall compliment and be compatible with the design of the establishment's architectural design, primary sign(s), abutting property and the general streetscape in the immediate vicinity of the establishment it is advertising regardless of whether the message is factory imprinted, handwritten or utilizes a manual changeable copy format.

(7) Residential Sandwich Board Signs are prohibited.

21-17. - ILLUMINATION.

(a) General Requirements. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this chapter.

(b) Non-Glare, Shielded Lighting. Use of glaring undiffused lights or bulbs shall be prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.

(c) Bare Bulb Illumination. Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

21-18. - BILLBOARD SIGNS.

The erection of any billboards on any parcel of land within the City of Harper Woods after the effective date of this Ordinance is prohibited.

21-19. - ELECTRONIC DISPLAY.

(a) Findings. Studies show that there is a correlation between electronic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the

sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. In addition, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly viewed or that contain more than a simple message. Time and temperature displays appear to be an exception to these concerns because the messages are shorter and are easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use the technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and proliferation in residential districts where signs can adversely impact the residential character.

(b) Districts Permitted. Electronic display technology shall be permitted for ground signs located in the C1 and Regional Shopping districts, subject to the provisions herein of this chapter.

(c) Regulations. Electronic changeable copy, graphic display and tri-vision display signs shall be permitted for ground signs C1 and Regional Shopping subject to the following regulations:

(1) Frequency. Copy change shall not be more frequently than once per fifteen (15) seconds.

(2) Color. Copy may be multi-color, as determined by the Planning Commission during site plan review or the Planner and Building Official during an administrative review.

(3) Illumination. Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be required to control brightness. A photometric plan which identifies the proposed illumination levels (in footcandles) shall be provided. Illumination levels shall not exceed 0.5 footcandles at the property line, measured five (5) feet from the ground.

(4) Area. An electronic changeable copy or electronic graphic display area shall not exceed more than sixty percent (60)% of the actual sign area of any ground sign face of which it is a part, with not more than two (2) lines of text; except that one hundred percent (100%) of the area of a billboard sign shall be permitted to be electronic graphic display.

(5) Integration into Sign. The electronic changeable copy or electronic graphic display areas on ground signs shall be part of the same sign face as a ground sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.

(6) Motion, Animation and Video. Video display, animation, scrolling text, flashing, whirling or fading signs, dissolving transitions, or any other type of motion associated

with an electronic sign shall be prohibited, except that marquee signs in the General Business District may incorporate video display technology.

SECTION 2. REPEAL – All Ordinances or parts of ordinances, in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. SEVERABILITY – If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, it being the intent of the Council of the city of Harper Woods that this ordinance shall stand, notwithstanding the invalidity of any article, section, subsection, sentence, clause, phrase or portion thereof.

SECTION 4. EFFECTIVE DATE - The provisions of this ordinance shall take effect ten (10) days after adoption.

Kenneth A. Poynter, Mayor

Leslie M. Frank, City Clerk

**INTRODUCED AND FIRST READING:
SECOND READING AND ADOPTION:
PUBLISHED:
EFFECTIVE DATE:**

CERTIFICATION

I, Leslie M. Frank, City Clerk of the City of Harper Woods, Wayne County, State of Michigan, do hereby certify that the foregoing is a true and accurate copy of an Ordinance adopted by the City of Harper Woods City Council at their regular Council meeting on the _____ day of _____, 2017.

Leslie M. Frank, City Clerk
City of Harper Woods

