

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
Signs - Ordinance #142 - Village of Empire Code of Ordinances**

The Village of Empire ordains:

Part I: Village of Empire hereby replaces Ordinance #142 - Village of Empire Code of Ordinances as follows:

Section 1. Sign Regulations Established: These regulations shall apply and govern in the Village of Empire. No sign shall be erected or maintained unless it complies with this Ordinance.

Section 2. Purpose: This Ordinance is intended to preserve the desirable character of the Village of Empire, as well as to recognize the need for certain signage to promote safe traffic flow and pedestrian safety. At the same time, the Village of Empire recognizes that excessive signage may create a less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this Ordinance.

Section 3. Definitions: As used in this Ordinance, the following words shall have the meanings:

Accessory Sign: A sign that is not for a principal use of the property on which it is located, including warning signs.

Animated Sign: A sign that uses movement, spins or changes of lighting to depict action or create a special effect or scene.

Awning/Canopy Sign: A sign that is part of or attached to the surface of an awning/canopy.

Banner: A sign printed or displayed upon cloth or other flexible material, excepting national, state, or municipal flags.

Changeable Copy Sign: A sign or a portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance.

Corner Lot Sign: Signs placed facing both public streets on corner lots.

Display Area: The entire space used for lettering and symbols on one vertical plane.

Flag Sign: Any cloth or bunting attached to a staff.

Flashing Lighted Sign: An illuminated sign that intermittently and repeatedly flashes on and off, and/or creates an illusion of a flow of lights.

Freestanding or Ground Sign: A sign supported by permanent uprights or braces in the ground.

Identification Sign: A sign that identifies a building or street address.

Illuminated Sign: A sign rendered visible during the period from sunset to sunrise by means of an internal light source or by means of an exterior light source directed on to, or in the vicinity of the sign.

Marquee Sign: A permanent overhang or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the buildings, and are generally designed and constructed to provide protection from the weather.

Marquee Surface Sign: A sign attached to or made part of a marquee.

Multi-Business Plaza: Those structures that contain more than one enterprise, leased under separate ownership, and may have a common entrance or multiple entrances.

Nonconforming Sign: Any existing sign on the effective date of this Ordinance, as amended, which does not at that time comply with all of the provisions of this Ordinance and any amendments.

Portable Sign/Trailer Sign/Sandwich Board: A sign that is designed to be transported, including but not limited to signs:

- With a chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Projecting Sign: A sign attached to or erected on the exterior wall or surface of a building, which projects twelve (12) inches or more from the wall or surface.

Roof Sign: A sign mounted on or over the roof of a building and is wholly or partially supported by the building. Mansard roof signage shall be considered wall signage for the purpose of calculating allowable footage.

Sign Enforcement Officer (SEO): The Zoning Administrator or such other person as shall be designated by the Village Council.

Sign: A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors.

Surface Sign: That portion of a sign excluding its base, foundation and erection supports on which message is displayed pertaining to a product, use, occupancy, function, service, or activity is displayed.

Temporary Sign: A display sign, banner, flag, or device intended for a limited period of display, associated with a temporary event, and is without permanent foundations or attached to the exterior of a building.

Wall Sign: A sign that is affixed to or placed flat against the exterior wall or surface of a building or structure, with no portion projecting more than twelve (12) inches from the building or structure wall.

Section 4. Permit Application: The following application requirements shall apply to all signs requiring a permit pursuant to the provisions of this Ordinance.

- 1) Application for a permit, on a form supplied by the Village of Empire, shall be required to erect, alter, or reconstruct a sign, unless otherwise noted. The completed application, together with all plans and specifications, shall be submitted to the SEO. Approval shall not be given until the application complies with all provisions of this Ordinance. If the application is approved, a permit to erect, alter, relocate, or post the sign shall be issued.
- 2) A non-refundable permit fee shall be submitted with the application. Fees for sign permits shall be established, from time to time, by resolution of the Village Council and shall be remitted to the Village.
- 3) The application shall contain or have attached the following:
 - a) Name, address, and telephone number of owner, where the sign is to be erected and the owner of the sign.
 - b) Location of building, structure, or lot where the sign is to be attached or erected.
 - c) Position of the sign in relation to nearby buildings or structures.

- d) A sketch or scale drawing with the dimensions, specifications of the display area, color, method of construction, lighting and if applicable, method of attachment to the building or ground.
 - e) Name of person, firm, or corporation erecting the sign.
 - f) Any Leelanau County construction permit required and issued for the sign.
 - g) Other details the SEO shall require establishing conformance with this Ordinance.
- 4) Issuance of a sign permit in no way indicates any responsibility by the Village of Empire for structural adequacy of a sign or the right to construct the sign.
 - 5) A sign permit shall be null and void if the sign has not been installed within ninety (90) days from the date of approval.
 - 6) Public service and non-profit agencies must apply for a permit, but the fee may be waived by the SEO.
 - 7) In addition to the limitations stated in Sections 5, 9 and 10, the following conditions shall apply to all signs in any use zoning district:
 - a) Except for the signs authorized without a sign permit pursuant to Section 6, no sign, except non-illuminated identification sign, shall be erected or altered until approved by the SEO or authorized by the Village of Empire Planning Commission as part of an approved site plan. After approval, the required sign permit shall be issued by the SEO.

Section 5. General Provisions: The following regulations shall apply to all signs:

- 1) Signs must be constructed of durable materials, maintained in good condition, and shall not be allowed to become dilapidated.
- 2) No sign shall be permitted for any business or service not available at that location. When a business is abandoned the sign must be removed within thirty (30) days. A business shall be considered abandoned if determined by the Zoning Administrator to have been suspended or halted for a continuous period of one (1) year.

Section 6. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with all applicable federal or state law or regulation and are located to not cause a nuisance or safety hazard:

- 1) Two (2) non-illuminated signs per property not to exceed sixteen (16) each square feet of sign surface.

- 2) Signs erected or approved by state, county or village agencies when necessary to give proper directions or to safeguard the public.
- 3) Accessory signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to road hazards, high voltage, fire danger, explosives, and severe visibility.
- 4) Signs posted near property boundaries, provided the sign surface does not exceed the maximum size of one (1) square foot.
- 5) Signs marking a historically significant place, building or area when sanctioned by a national, state, township, village or local historical organization provided the sign surface does not exceed the maximum allowed size of sixteen (16) square feet or the maximum size allowed in the zoning district whichever is less.
- 6) Signs required by federal or state agencies in connection with federal or state grant programs that have been approved in conjunction with a valid site plan or land use permit.
- 7) Temporary signs may be removed by the Village after fifteen (15) days following abandonment or obsolescence as determined by the SEO.

Section 7. Prohibited Signs. The following signs are prohibited:

- 1) A sign not expressly permitted is prohibited.
- 2) Signs imitating warning signals are prohibited. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles.
- 3) Revolving, moving, animated, mechanical, electronic simulated motion, and flashing signs are prohibited, except for rotating/revolving barbershop poles.
- 4) Signs within a village street or highway right-of-way are prohibited. No signs (except those established and maintained by the village, township, county, state, or federal governments) are to be located in, projected into, or located overhead within a public right-of-way or dedicated public easement, unless the sign has been issued a permit by the agency having jurisdiction over that right-of-way.
- 5) Signs higher than eight (8) feet, measured from ground level are prohibited, except for projecting signs and signs fully attached to the face of a building.
- 6) A sign which is part of a canopy or an awning.

- 7) Stake or wire signs, other than those allowed in Section 6 Signs Not Requiring a Sign Permit.
- 8) Bench signs.
- 9) Mansard roof signs shall be considered as wall signage.
- 10) Off-premise signs for businesses.

Section 8. Alteration or re-establishment of nonconforming signs. Any existing sign which, on the effective date of this ordinance, does not at that time comply with all of the provisions of this ordinance and any amendments shall not:

- 1) Be changed to another type of sign which is not in compliance with this Ordinance.
- 2) Be structurally altered so as to prolong the life of the sign or so to change the shape, size, type, or design of the sign.
- 3) Be re-established after the activity, business or usage to which it relates has been discontinued for a period of one (1) year.
- 4) Be re-established after damage or destruction, ordinary wear or obsolescence, if the estimated cost of the reconstruction or renovation exceeds fifty (50) percent of the replacement sign cost as determined by the Zoning Administrator.
- 5) Ever be placed, maintained, or displayed by someone other than the person who owned the premises on the date of adoption of the ordinance or ordinance amendment from which this Ordinance is derived.
- 6) Be supplemented by new additional signs. On parcels that contain a legal nonconforming sign, no new additional sign shall be erected until all such nonconforming sign or signs on the parcel are brought into compliance with this Ordinance.

Section 9. Signs Allowed in Zoning Districts: The following signs are allowed in the specified Village zoning districts, subject to a sign permit:

- 1) **Residential (R), Mixed Residential (MR), and Village Residential (VR) Districts**
Only signs not requiring a permit shall be allowed.
- 2) **Commercial-Residential (CR) and Light Industrial (LI) Districts**
Any sign not requiring a permit, and approved signs in accordance with Sections 9 and 10.

3) **Recreation/Conservation (RC) District**

Any sign not requiring a permit. Also, for nature areas consisting of over thirty (30) acres in the R/C district, may have on the property not more than two (2) identifying signs, each not to exceed 12 square feet and not more than 8 feet in height. One (1) 32 square foot kiosk is also allowed with a height limitation of 8 feet.

4) **Planned Unit Developments (PUD)**

Any sign not requiring a permit. Commercial uses within a PUD, shall be allowed approved signs in accordance with Section 10.

Section 10. Permitted Sign Types, Allowable Dimensions and Specific Requirements:

1) **Allowable number and total square footage of signage by district:**

| | |
|------------------------------------|--------------------------|
| Residential Districts (GR, MR, VR) | 2 signs - 8 square feet |
| Commercial-Residential District | 2 signs - 32 square feet |
| Light Industrial | 2 signs - 24 square feet |
| Recreation/Conservation | 2 signs - 24 square feet |
| PUD | 2 signs - 24 square feet |

2) **Sign size limits based on sign type.** If a sign is a double-faced sign, only one side shall be used in calculating compliance with the total allowable square footage.

3) **Corner lots.** Signs may be placed facing both public streets on corner lots within the Commercial-Residential (CR), Light Industrial (LI) Districts, and Planned Unit Developments (PUD) districts. All other requirements of this Ordinance must be met.

| Sign Type | Max. Sign Surface Area | Other regulations |
|---|--|--|
| Either freestanding marquee sign (or other) | 24 square feet | The number of freestanding signs shall not exceed 1 sign/100 ft lot along M-22 in C/R district, or 1 sign/50 ft lot in remainder of C/R. Max. height allowed is 8 ft. |
| Identification sign | 4 square feet | |
| Illuminated sign | 24 square feet | Signs may be illuminated only during hours of operation by a direct light source. Light source shall be shielded and downward directed. No direct rays or glare emanating from the light sources shall be visible from a public right of way or from an abutting property. |
| Projecting sign | 20 square feet | Maximum projection allowed shall be five (5) feet from a building; not to extend over a public sidewalk, street or alley; shall not exceed the height of a building's roof line; and with a maximum height of fifteen (15) feet. |
| Portable sign | 2 feet wide by 4 feet height (8 square feet). Signs transported by trailer or wheels 4 feet height by 8 feet length (32 square feet) | If intended to direct attention to a specific event, may be displayed for up to fourteen (14) days prior to the event, and must be removed within three (3) days after the event. |
| Banner sign | 24 square feet | May be erected two (2) weeks prior to an event, and removed within three (3) days following an event. |
| Wall sign | 32 square feet | 1 sign/street facade, not to exceed 32 square feet if multiple businesses within the building they shall share the total 32 square feet. |
| Alley sign | 4 square feet | 1 sign/alley facade. If multiple businesses within the building they are to share the 4 sq. ft. |
| Multiple business/plaza entrance sign | 48 square feet | All businesses within a common structure will share a common entrance sign. |
| Individual businesses within a multiple business building | 1 square foot/lineal feet building length facing public street | The total lineal street frontage divided by the # of businesses/units within a building, not to exceed twelve (12) square feet/business. Signs shall comply with all other provisions of the Ordinance. |

Section 11. Administration; Annual Inspection; Enforcement; Sanctions. The SEO, or designee, shall administer and enforce the provisions of this Ordinance. The SEO shall inspect signs on a yearly basis. In the case of a sign that poses an immediate danger to the public health or safety, the Village or its employee may remove the sign immediately and without notice. Neither the Village nor any of its employees shall be held liable for any damage of the sign or building when a sign is removed under this Ordinance.

Part II. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

Part III. Conflict and Interpretation

The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Ordinance imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Ordinance by the SEO or the designee, the Village Council shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the SEO or designee. The concurring vote of a majority of the Village Council shall be necessary to reverse any interpretation of this Ordinance by the SEO or designee.

Part IV. Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Part V. Effective Date


The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.


Part VI. Adoption

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the 22 day of October, 2019.

Part VII. Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within thirty (30) days after adoption.


Wayne Aylsworth, President, Village of Empire


Derith Smith, Clerk, Village of Empire

Adoption date: 10-22-19
Publication date: 11-1-19
Effective date: 12-1-19

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on Oct. 22, 2019. The following members of the Village of Empire Council were present at the meeting: Carpenter, Rademacher, Davis, Aylsworth, Bacon and Skrocki.

The Ordinance was adopted by the Village of Empire Council with 6 members of the Council voting in favor (All) and 0 voting against ().

A copy of the Ordinance or a summary thereof was published in the Traverse City Record Eagle on 11/1/2019.


Derith Smith, Clerk, Village of Empire