

RILEY TOWNSHIP – ST. CLAIR COUNTY
ARTICLE IX
GENERAL PROVISIONS

SECTION 909: SIGNS:

Intent, Purpose and Objectives:

1. To establish guidelines for a comprehensive system of regulating all types of signs in all zoning districts.
2. To facilitate communication by providing an important medium to convey a variety of messages, while creating a more attractive economic and business climate that not only enhances but also protects and maintains a sense of harmony with the physical appearance and the rural esthetic of the Township.
3. To establish standards that improve traffic safety by reducing signage and advertising distraction, and to eliminate hazards caused by signs being too close to roads.
4. To protect property values, reduce nuisances and minimize any possible adverse effects of signs to public and private property by regulating size, location, and illumination levels.
5. To prevent an excessive number of signs in order to minimize and eliminate un-necessary physical and visual clutter.
6. To keep the number of signs and sign messages at a level of reasonable necessity to identify a business and its principal use, products and services. Recognizing that the principal use or intent of commercial signs is for the identification of an establishment on the premises, with a secondary purpose of providing limited advertising of products, services and for seasonal and temporary events.
7. To restrict the use of portable and temporary signs except as necessary for promotional events.
8. To avoid poorly designed signs that create safety issues and to eliminate obsolete, hazardous, non-conforming and deteriorated signs and to ensure that signs are in scale and proportion to their sites and buildings.
9. To prevent placement of signs, which will conceal or obscure signs of adjacent uses, prevent off site signs from conflicting land uses, and to avoid confusion of conflicting adjacent signs
10. To protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
11. This ordinance is not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provision of local, state or federal law.

Compliance Statement:

All signs erected or located in the Township shall comply with the requirements of this Ordinance. No person(s) shall alter, resurface, connect, relocate, erect, place, or construct a sign, except as otherwise specified herein, unless all fees have been paid and a permit for said sign has been issued by the Township.

Definitions:

Abandoned Sign: A sign that was lawfully erected and/or a lawfully non-conforming on the property in conjunction with a particular use but where that use has been subsequently discontinued for a period of 30 days or more; and/or a lawfully erected sign with a required removal period as stated in this ordinance, where the time period allowed for display of the sign has expired.

Agricultural Product Sign: A sign advertising agricultural and/or horticultural products grown on the premises and/or in conjunction with a roadside stand, such as but not limited to vegetables, fruits, and eggs.

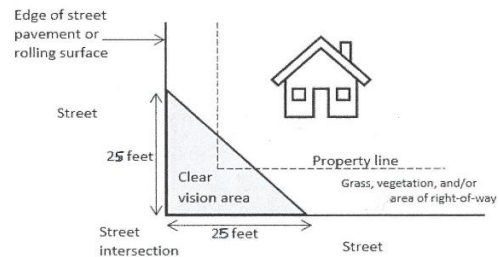
Awning/Canopy Sign: Any sign that is permanently part of, attached to, or made up of an awning, canopy or other protective cover over a door, entrance, window, or other outdoor service area and is utilized for business identification/branding purposes. A marquee is not an awning or a canopy sign. Awnings and shelters above a fuel service island are not considered canopies or awnings.

Billboard Sign: A large, freestanding sign, generally supported by a metal frame and consisting of one (1) or two (2) parallel sign faces which are oriented in opposite directions, used for the display of posters, printed, or painted advertisements that generally directs attention to a location other than the premise on which the sign is located.

Bulletin Boards: A sign board that has an enclosure for messages to be posted for charitable, educational or religious institutions only.

Clear Vision Triangle:

For the purpose of this ordinance, a clear vision area shall be maintained as clear of all signs in order to ensure adequate sight distance for motorists, bicyclists, and Pedestrians. A clear vision triangle area is a triangular shape that measures a minimum of twenty-five (25') feet back from intersections of public and/or private road right-of-way lines.



Finished Grade: The average level of the grade below either directly or in the area surrounding the mentioned installation, such as but not limited to a sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Berms (if allowable), filling, or excavating solely for the purpose of locating a specific installation, such as but not limited to a sign, will be calculated as part of the overall height of installation.

Human Signs: A person that may or may not be dressed in costume and/or holding/carrying signs for the purpose of advertisement and/or calling attention to a business, service, product or cause, while standing, dancing and/or moving about to gain attention for the business service, product or cause.

Legally Non-Conforming Sign: Any sign that at the time this ordinance was adopted and/or amended was lawfully existing in Riley Township and now is not in full compliance with the provisions listed in this ordinance shall be deemed a legal non-conforming sign.

Monument Style Ground Sign: A three dimensional, self-supporting, solid base-mounted freestanding sign that is placed into and/or on the ground surface directly such that the entire bottom of the sign is affixed to the ground leaving no space and is not supported by poles, columns, uprights, and without the aid of any other building, structure, other than the sign structure itself, consisting of sides extending up from the base, and upon which a permanent sign message and/or name is affixed.

Mural: A large picture or advertisement painted directly on one (1) side building wall.

Pylon Sign: A Freestanding sign supported by one (1), two (2), or three (3) poles commonly made with aluminum, steel or masonry.

Reader Board (Ground) Sign: A sign with a frame usually constructed of steel that has changeable letters and/or symbols, may or may not have an arrow built-in at the top, and may be single or double faced with steel leveling legs.

Right-of-Way: A strip of ground dedicated for public-use, usually but not limited to a public street, public infrastructure, or waterway.

Sandwich Board Sign: A portable sign, such as but not limited to sandwich boards, A-Frame, T-Sign, and tent style signs consisting of two (2) panels of equal size, which are hinged at the top and placed on the ground or pavement so as to be self-supporting.

Sign Area: The square area enclosed by the perimeter of the sign face. Signs that are composed of individual letters, figures, symbols, illustrations, messages, forms or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any "cutouts" or extensions. The sign area does not include any supporting structure or bracing.

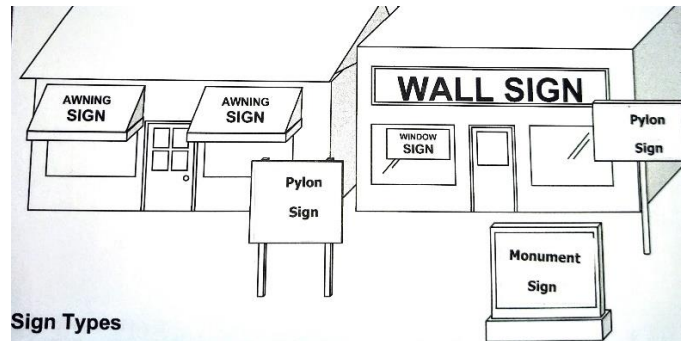
Sign Height: The height of a sign is the vertical distance from the normal original grade to the highest point of the sign. Any excavating, filling or intentional grade change for the purpose of locating the sign, must be computed as a part of the sign height.

Temporary Yard Sign: Non-commercial temporary, non- illuminated signs that are usually not constructed from enduring materials that may be posted on any parcel in the AR, R-1 and RC zoning districts at any given time. This category includes, but is not limited to lost pet signs, baby announcements, social/special event announcements, garage, yard, estate, basement, rummage, moving, and open houses.

Tubular Lighting: Lighting, such as but not limited to neon, gas, fiber optics, LED, module or similar forms of lighting, installed on an exterior building façade, canopy, awning architectural feature, or any other structural component of the building outside area of any allowable signs and/or the exterior or interior of windows and/or doors for the purpose of drawing visual attraction to the business.

Window Signs: Any sign, graphic, or interior design element placed inside the window or upon the window pane (interior or exterior), used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw attention to the business use, and which is visible from the public right-of-way that is temporary or permanent.

Wall Sign: Any sign which is mounted upon or painted on the face of a wall of a commercial, industrial and/or office building and/or structure. The location, size and number subject to permit approval.



A. GENERAL REQUIREMENTS

All signs are subject to the following general requirements:

1. LOCAL, STATE COUNTY AND FEDERAL PERMITS. **All signs shall be required to obtain all necessary permits before construction and/or installation commences.**
2. No sign shall be allowed in a location not specifically permitted by this ordinance.
3. The Riley Township Planning Commission may limit signs permitted by this ordinance pursuant to any reasonable conditions established with regard to granting of any special land use approval and/or variance notwithstanding any provision contained herein.
4. All construction shall be in full compliance with building, electrical, mechanical and fire codes. All materials used shall meet the current accepted building standards.
5. The allowable height of any sign shall be determined by measuring from the average grade of the areas directly below and surrounding the sign to the top most point of the sign. Signs may not be placed on berms or any other elevated areas that would allow them to exceed the allowable height allowance measured from the original grade. Any excavating or filling done solely for the purpose of locating the sign, shall be computed as part of the sign height.
6. All signs must be maintained to be safe, and kept in good working order as specified in this ordinance.
7. Except for signs erected by Riley Township, St. Clair County, the State or Federal governments no sign shall be located in, project into or overhang a public right-of-way or dedicated public easement except in those instances where a permitted sign is affixed to a wall of a structure which lies on the right-of-way line. In such cases the wall sign may project a distance of eighteen (18") inches into the right-of-way, provided such a sign is no closer than twelve (12') feet from the ground. Otherwise, signs mounted on a building shall not project beyond or overhang the wall by more than twelve (12") inches. A wall sign shall only be allowed on the principal front of the building.

8. Permit requests for signs relating to a commercial application must provide proof that the said business is legally registered to operate in the State of Michigan. Commercial signs must relate directly to licensed business entity.

B. PROHIBITED SIGNS IN ALL ZONES

1. Any signs not expressly permitted in this ordinance or any sign that is not properly maintained, kept in good repair or is abandoned.
2. Swooper flags, feather flags, pennants, festoons, balloons, and inflatable signs except for those otherwise provided for in this ordinance.
3. Swinging signs.
4. Snipe signs or signs attached to utility poles, trees, fences, rocks or to walls or other similar signs. This shall NOT include "no trespassing" & "no hunting" signs.
5. Any sign erected in a public right-of-way, except for signs placed by or on behalf of a governmental authority or otherwise allowed by this ordinance.
6. Signs that create a public or private nuisance, causing an invasion of another's interest in the use and enjoyment of their land, as defined by Michigan Law.
7. Roof signs, or signs extending beyond the main roof line. But such a sign may be mounted on an architectural feature extending beyond the roof line if such a feature is fully enclosed and reasonable considered an integral part of the occupied space, such as an atrium or high ceiling.
8. Abandoned or dilapidated signs.
9. Projecting signs and/or any sign that is attached to or projecting outward from a building face or wall, generally at a right angle to the building. Projecting signs are not wall, canopy, or awning signs.
10. Signs for any type of Home Occupations.
11. Any tubular or LED lighting of any kind, used to outline the exterior of a building, canopy, awning, structure, doors and/or windows (inside or out), including motion-sequenced rope or LED lighting, LED bars.
12. Any commercial sign located in a residential zone not otherwise provided for in this ordinance.
13. Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
14. Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise interfere with the view of, or be confused with, any traffic control sign or signal or device erected by a public authority or which contain the words "stop", "go", "yield", "slow", "caution", "danger", "warning".
15. Any sign which by reason of its location, position, size, shape, illumination, materials or other physical characteristics poses a safety or health hazard to drivers, pedestrians or residents.
16. Any sign which revolves, moves, oscillates, has mechanical movement of any description, flashes, has animated display or sequential messaging (including scrolling and moveable text and/or video messages), or any combination of the foregoing, or other apparent visible movement achieved by LED and/or LCD electrical, electronic, mechanical or human means, including intermittent electric pulsations, or by action or normal wind current, with the exception of time, temperature and other signs allowed in this ordinance. Instant re-

pixelization shall not be considered scrolling, moveable text or video other than those showing time and/or temperature or operated by a governmental authority.

17.Flashing signs with moving or blinking lights.

18.Exposed neon may not be used to outline buildings or accent building features.

19.Rotating search lights or similar devices which emit a beam of light.

20.Any sign that is added to a previously approved sign without an additional permit for the newly added sign.

21.Any sign displayed on an automobile, truck, or other motorized vehicle, or trailer on which there is vehicle sign placed, stored or parked in the view of a public road right-of-way or private road easement or on a public or private property/parcel where it is obviously visible and placed for the purposes of advertising a business, products or a service or for the directing people to a business or business activity.

a) Presumption: There shall be a presumption that subsection #21 has been violated if the motor vehicle sign is visible from the street and one or more of the following circumstances exist:

- i. Such vehicle and/or trailer is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of the using the vehicle and/or trailer and sign(s) for purposes of advertising an establishment, service, or product.
- ii. The motor vehicle is attached to a vehicle or trailer that is unregistered or not operable or that the motor vehicle itself is unregistered or not operable;
- iii. The motor vehicle or trailer sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which is attached;
- iv. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designated, or commonly used for parking.
- v. The motor vehicle or trailer sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard" that abuts a street, when there are other areas of the property designated or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets.
- vi. The motor vehicle/trailer sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street when there are other areas of property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
- vii. The foregoing prohibition shall not apply if the vehicle is temporarily parked in a particular location in the course of conducting personal or business activities that involves the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks.

22.Signs erected on either public or private property without the consent of the owner or occupant thereof, and any sign unlawfully installed, erected, or maintained.

23.Human signs.

24.Signs advertising activities which are illegal.

C. EXEMPT SIGNS ALLOWED WITHOUT A PERMIT

The following signs are exempt from application and permit requirements, but must comply with all setback requirements and the following standards:

- 1.** Signs erected by or on behalf of or pursuant to the authorization of a public government body, including but not limited to legal notices, informational signs, directional, and regulatory signs.
- 2.** Signs required by law.
- 3.** Address Signs: Addresses shall be visible and legible from the public right-of-way. In the interest of public safety; to assist our local emergency responders in providing a quicker location/identification response time it is preferred that an address sign consisting of white reflective letters against a dark background, such as but not limited to green be mounted on your street mailbox, such as but not limited to those available at our local fire department.
- 4.** Directional Signs: Signs located immediately adjacent to each exit, entrance or change in direction of vehicular or pedestrian travel that are installed to provide for the safe flow of persons and/or vehicles.
- 5.** Incidental signs such as but limited to "no trespassing", "no hunting", "no parking", "loading only", "ATM".
- 6.** Window signs of any message, excluding any type of lighting used to border windows and/or doors which is not permitted. Window coverage shall not exceed twenty-five (25) percent of the area of the window or any glass door to which they are attached.
- 7.** Markers, plaques or signs describing a state or national designation as a historic site or structure, including historic home plates.
- 8.** Real Estate Signs: Real Estate signs shall be allowed in all districts on a temporary basis and must be removed within ten (10) days following the sale, rental or lease of property.
- 9.** Temporary holiday lights.
- 10.** Yard Signs: Non-commercial temporary non-illuminated signs that may be posted on any parcel in a residential zone at any given time. This category includes, but is not limited to baby announcements, lost pet signs; social/special event announcements; garage, yard, estate, basement, rummage, moving, open house or other similar sales when conducted at a residence.
 - a) All setbacks, right-of-way and clear vision triangle must be observed.
 - b) Yard signs are not to exceed more than six (6') feet in height.
 - c) Illumination of any kind shall not be permitted.
 - d) All signs are to be removed within twenty-four (24) hours of event ending, with the exception of both residential real-estate signs and political signs.
 - e) Temporary Political Signs specifically advocating or opposing candidates for public office or a position on an issue to be decided at an election shall not be displayed for more than ten (10) days after the election for which the signs were erected, pursuant to State of Michigan Law. Political flags are exempt from this time limits.
- 11.** Flags or insignia of any nation, state, government, community organization, college or university or corporation, respectfully displayed. Flags may not be located in or fly over the public right-of-way.
- 12.** Agricultural Produce Signs:
 - a) All setbacks, right-of-way and clear vision triangle must be observed.

- b) One (1) sign may be permitted and placed on display no more than one (1) week before the selling of the said goods begins and must be removed within one (1) week of the end of the selling season.
- c) Illumination is not permitted and all other standards listed must be observed.

13. Bulletin Boards: A sign board that has an enclosure for messages to be posted for charitable, educational or religious institutions only.

- a) May only be located on the premises of said institutions and must observe all setbacks, right-of-way and clear vision triangle.
- b) Shall not exceed forty-eight (48) square feet in size and seven (7') feet in height.

14. Indoor Open/Close accessory signs such as but not limited to LED are allowed as long as there is no flashing, blinking and/or scrolling.

D. STANDARDS FOR RESIDENTIAL AND COMMERCIAL DISTRICT SIGNS SUBJECT TO PERMIT

The following signs shall be allowed in the AR, R-1, RC, EC zoning districts, subject to permit approval and the following standards. Such signs shall only pertain to permitted, special land uses or legally nonconforming and shall be located upon the same property to which the sign is related, unless otherwise provided herein. Signs are NOT permitted for any type of Home Occupation Business (per Section 1119).

1. Sandwich Board Signs:

- a) Sign shall be of A-Frame construction shall not exceed eight (8) square feet and shall not exceed forty-eight (48") inches in height, shall be weighted or anchored as to prevent movement from the wind, and be sturdy, and stable.
- b) A-Frame signs may not have more than two (2) faces/sides. Copy on the sign face(s) may be painted or printed on the surface(s). Loose paper faces shall not be permitted.
- c) All setbacks shall be observed and placement of the sign shall be in a manner that is safe for and does not interfere with pedestrian or vehicle traffic. No placement other than in front of the business wall shall be allowed.
- d) Sign must be located outside of the clear vision triangle, may not be located in a median, and no illumination is permitted.
- e) Only one (1) sign may be permitted for each permanent address of a building.
- f) For safety purposes, sandwich board signs may be placed outside only during hours when a business is open to the public and when weather conditions are permitting. A-Frame signs shall be stored indoors, at all other times.

2. Reader Board (Ground) Signs:

- a) One Reader Board (Ground) sign may be permitted, subject to approval by the Planning Commission if the business property road frontage is at least three-thousand (3000) lineal feet.
- b) If the business property road frontage exceeds three-thousand (3000) lineal feet then one (1) additional roadside changeable message non-stationary sign may be permitted subject to approval by the Planning Commission.
- c) All setbacks, right-of-way and clear vision triangle must be observed.

- d) Illumination:
 - i. Sign may be internally illuminated with a diffused face(s) and light shall not encroach, cause glare or any other nuisance to any land uses or residences within view of the said sign including but not limited to next to, behind, and/or across the street.
 - ii. If sign contains an arrow portion at the top, no illumination steady and/or blinking will be permitted at any time.
 - iii. Any illumination of such signs must be on a timer, so as to allow all sign illumination to go dark after one (1) hour of business closing for the day/night.
- g) All electrical codes must be observed. If said sign is to be powered by a cord, it must be within twenty (20') feet of power source and must use a heavy-duty outdoor weatherproof heat and corrosion resistant industrial rated locking cord plugged into an outdoor weather-proof rated receptacle.
- h) Sign must be anchored securely to prevent tipping.

3. Temporary Residential Site, Condominium and/or Platted Development Identification Sign:

- a) One (1) temporary development identification sign may be permitted during the development of the project.
- b) A permit may be issued to the project builder and/or developer, for the temporary use, for a period not to exceed twelve (12) months. An additional twelve (12) month extension may be granted.
- c) Sign shall not exceed six (6') feet in height from the finish grade.
- d) No Illumination will be permitted.
- e) Temporary Sign must be removed once twenty-five (25%) percent of development is completed.
- f) All setbacks, right-of-way and clear vision triangle must be observed. Sign may not be located in a road median.

4. Temporary Construction Directional Signs, such as but not limited to construction entrance, overhead lines, informational permit postings:

- a) Two (2) temporary Construction Directional Signs may be permitted during the development of the project.
- b) A permit may be issued to the project builder and/or developer, for temporary use, for a period of twelve (12) months. An additional twelve (12) month extension may be granted.
- c) Sign shall not exceed sixteen (16) square feet.
- d) All signs must be removed when project is completed.
- e) All setbacks, right-of-way and clear vision triangle must be observed. Sign may not be located in a road median.

5. Permanent Residential Site, Condominium and/or Platted Development Entrance Identification Sign:

- a) One (1) permanent development identification sign may be permitted.

- b) Sign placement shall be limited in location to near the principal entrance of the finished development.
- c) The sign shall not exceed a maximum height of six (6') feet as measured from the established grade.
- d) All setbacks, right-of-way and clear vision triangle must be observed. Sign may not be located in a road median.
- e) The property upon which the sign is to be placed shall be owned or leased by the applicant or the development and evidence of such shall be provided for the Planning Commission review.
- f) Illumination that is stationary, shaded and directed to prevent the light and/or glare from projecting onto public right-of-way or neighboring properties may be permitted upon approval by the Planning Commission.
- g) Design must be compatible with the character of the development, and the natural area to promote an overall unified esthetic effect.

6. Wall Signs:

- a) An individual business occupying its own site may be permitted one (1) wall sign, or a building that includes more than one business may be permitted one (1) additional wall sign per business. In cases where an individual business is on a corner lot one (1) additional wall sign may be permitted, with one (1) sign on each building side facing a different street.
- b) If two (2) or more wall signs are utilized then neither a monument ground sign and/or pylon sign shall be permitted.
- c) Wall signs individually or in a combination referenced above shall not to exceed a total area of one (1) sq. ft. per each lineal ft. of building frontage with a maximum of one-hundred (100) sq. ft.
- d) An individual business may be permitted one (1) wall sign, and one (1) monument ground sign and/or one (1) pylon sign, where it's possible to observe all set-backs. Provided that the total combined sign area of both signs shall not exceed one-hundred (100) sq. ft. total per each lineal ft. of building frontage or one-hundred (100) sq. ft, whichever is less.
- e) In cases of signs consisting of individual letters and/or logos affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope or back-plate required to enclosed the lettering and/or logo.
- f) Wall signs must be designed to be compatible with the character of the building materials and landscape to promote an overall unified and esthetic effect.
- g) Wall signs may be illuminated with internal diffused. steady, stationary diffused light sources. Any use of glaring, undiffused lighting and/or bulbs shall be prohibited. Lighting shall not project onto adjoining properties and/or thoroughfares. Neon shall not be permitted.
- h) Wall signs mounted on a building shall not project above the highest point used to measure the height of the building.

7. Monument Ground Signs:

- a) Either one (1) monument ground sign or a pylon sign may be permitted per site for a commercial, office or industrial building. If more than one (1) wall sign is utilized on site then a monument ground sign shall not be permitted.
- b) Monument ground signs are to be a three-dimensional, self-supporting free-standing sign with a solid base placed into and/or on the ground surface itself directly leaving no space between the ground and the base.
- c) The entire sign is not to be supported by poles, columns, uprights, and is to be without the aid of any other building, structure, other than the sign structure itself.
- d) Permanent sides are to extend up from the base, and upon which a permanent sign message and/or name is affixed.
- e) Overall design must be compatible with the character of the building materials and the landscape to promote an overall unified and esthetic effect as determined by the Planning Commission and should be constructed of brick, stone, metal, wood, or similar durable materials.
- f) Sign shall not exceed a maximum height of six (6') feet as measured from the established grade.
- g) All setbacks, right-of-way, and clear vision triangle must be observed and may not be located in a median must be placed near the principal entrance.
- h) Signs shall be internally illuminated or lit with diffused, directed and/or shielded lighting that is a steady, stationary light source. Any use of glaring, undiffused lighting and/or bulbs shall be prohibited. Lighting shall not project onto adjoining properties and/or right-a-way and/or thoroughfares.

8. Pylon Signs:

- a) One (1) pylon style sign not to exceed fifteen (15') ft. in height from finished grade may be permitted per site utilized for a commercial, office or industrial_business. If more than one (1) business is located on the site only one (1) pylon sign will be permitted. If a pylon sign is to be utilized than a monument ground sign shall not be permitted. Pylon signs shall not be permitted if more than one (1) wall sign is being utilized.
- b) One (1) pylon style sign not to exceed twenty-five (25') feet in height from finished grade may be permitted for gas station applications, upon review and approval from the Planning Commission.
- c) The area of all the faces shall be included in determining the total area allowed for the pylon sign. Total area shall not exceed one hundred (100) sq. ft.
- d) All set backs must be observed. Sign must be located outside of any right-of-way and clear vision triangle and may not be located in a road median.

9. Banners, Swooper-Feather Flags, Hot-Air or Gas Filled Balloons:

- a) Shall be permitted by temporary permit only
- b) All setbacks, right-of-way and clear vision triangle areas must be observed and placement may not be located in a median.
- c) Swooper-Feather style flags shall not exceed fifteen (15') in height and will be limited to a maximum of two (2) flags on a property parcel at a time.

- d) Banners, flags and balloons shall be securely anchored at all times, and shall be removed and/or deflated at business close and/or when weather conditions warrant removal and/or deflating.

E. STANDARDS FOR COMMERCIAL ONLY DISTRICT SIGNS SUBJECT TO PERMIT

The following signs shall be allowed only in the EC zoning districts, subject to permit approval and the following standards. Such signs shall only pertain to permitted, special land uses or legally nonconforming and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

1. Electronic Message Center Signs (Electronic, LED and/or LCD)

- a) May be allowed by permit in Zoning District EC only.
- b) May be added to a pylon sign, incorporated in a monument ground sign or utilized as a window sign, per the size and/or space specifications listed in this ordinance.
- c) All setbacks, right-of-way and clear vision triangle must be observed.
- d) Sign must be located outside of any right-of-way and clear vision triangle and may not be located in a road median.
- e) Sign must be a minimum of fifty (50) feet to an adjacent property line(s).
- f) Electronic/LED/LCR signs shall not be constructed or placed on a property so as to directly abut or shine onto an abutting residential property. If said properties are separated by a roadway, this provision shall not apply. Signs shall be located at least one hundred fifty (150) feet from any residential use.
- g) Electronic, LED and/or LCD sign area shall count as part of the overall permissible total sign area for the EC zoning district.
- h) The electronic LED and/or LCD message or image shall not change more frequently than once every ten (10) seconds. Changes between messages shall be accomplished within one (1) second or less.
- i) The sign shall not contain any and/or full motion video, moving images, revolving, animated, scrolling, sequential messages and/or symbols.
- j) The sign shall not flash or scroll vertically or horizontally. Flashing, blinking, animated or other visual effects are prohibited.
- k) The LED and/or LCD electronic board shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer of the maximum light intensity level(s) capabilities and examples of what the final brightness level will be. The illumination shall not be detrimental or annoying to surrounding properties, nor constitute a safety hazard, as determined by the Riley Twp. Planning Commission, Zoning Administrator or his/her designee.
- l) Lighting from said sign shall not project onto adjoining properties and/or thoroughfares.
- m) Electronic, LED and/or LCD signs that create a public or private nuisance, causing invasion of another's interest in the use and enjoyment of their land, as defined by Michigan law shall be prohibited.

- n) Applicant shall also provide documentation that the sign conforms to UL rating standards.
- o) The sign shall have automatic dimming capabilities that adjust to the brightness of the sign to the ambient light levels at all times of the day and night.
- p) Electronic Message Signs must be programmed and/or be on a timer to be turned-off, sign to go dark with no illumination after one (1) hour of business closing for day/night and may not be illuminated until the business re-opens to the public.
- q) Sign shall be designed with a default that will freeze a sign in a dark or blank position if a malfunction occurs.

2. Billboard Signs:

- a) Billboard signs shall be located in the Extensive Commercial (EC) Zoning District only
- b) Billboards shall not be located closer than three-thousand (3000') lineal feet from any other billboard or off-premise signage on the same side of the right-of-way.
- c) Billboards must be a minimum of five-hundred (500') lineal feet to any adjacent residential property line.
- d) Billboards shall not exceed a maximum height of fifty (50') feet
- e) Billboards must be setback a minimum of twenty-five (25') feet from the right-of-way and outside of the clear vision triangle and shall not be in the median.

3. Canopy Signs:

- a) Total size shall not exceed one (1) square foot per lineal foot of building and/or business frontage, whichever is less but in no case shall it exceed sixty (60) square feet.
- b) Height shall be a minimum of fourteen (14') feet from the bottom of the canopy to the grade, if over a parking lot or a drive. In all other areas eight (8') foot of clearance is required.

4. Murals:

- a) May be permitted on one (1) side of building with prior approval of the Planning Commission.

5. Signs specifically for Gas station and/or Drive-Thru Restaurants:

- a) Due to the unique nature of a site layout for a gas station and/or drive-thru restaurant additional allowances may be granted such as, but not limited to pump signs, menu boards, subject to site plan review and approval by the Planning Commission if the intent, purpose and objectives of this ordinance are maintained.

F. Extensive Commercial Zoning District (EC) located within one-half (1/2) mile of Interstate I-69:

- 1. Any commercial business located in the EC zone, within one-half (1/2) mile of Interstate I-69 may be permitted an additional pylon sign with a maximum height of eighty (80') feet, along as it has an adequate fall zone.

2. Additional sign allowances may be permitted by the Planning Commission upon site plan review, so long as the intent, purpose, objectives, and public safety standards in this ordinance are being met and maintained, and are not creating a nuisance in any way as determined by the Planning Commission.

G. GENERAL STANDARDS FOR ALL ALLOWED SIGNS

1. Measurements:

- a) Individual sign area is determined by computing the area of the smallest square, rectangle, circle or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face.
- b) Multi-Faceted sign area or signs with more than one face is calculated by adding together the area of all sign faces, except where otherwise provided herein for temporary signs in residential districts.
- c) Sign Height is measured from the average level of the grade below either directly or in the area surrounding the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Berms (if allowable), filling, or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.
- d) If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.

2. Illumination:

- a) If illumination is permitted, signs shall be illuminated only the following:
 - i. A white, steady, stationary diffused light of reasonable intensity, as determined by the Planning Commission, that is enclosed with a translucent cover and/or lighting that is directed solely at the sign and shielded, depending on specific sign type designated in this ordinance. The source of the light must be enclosed by translucent materials and directed to prevent the source of the light from shining onto traffic or any residential property. The light source shall be shielded from adjacent buildings and streets, and may not encroach, cause glare or other nuisances to adjacent land uses or residences.
 - ii. Use of glaring undiffused lights, exposed unshielded bulbs or lamps shall be prohibited, except where LED or Neon is allowed per this ordinance.
 - iii. Use of flames is prohibited
 - iv. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.
 - v. Sign illumination must go dark one (1) hour after business closing to the public, unless otherwise approved to remain on after business hours by the planning commission.

3. Setback:

- a) All signage must be located at least eighteen (18') feet back from the right-of-way unless a greater distance is required to move the sign out from the right-of-way or clear vision triangle.
- b) All signs must be a minimum of fifty (50') feet away from an adjacent property line(s), unless a larger setback is specified in this ordinance.
- c) Signs shall not be permitted to be located within a public utility or drainage easement, without written approval from the affected agencies.
- d) Signs shall not be permitted within any median(s).
- e) All signs shall be located outside of the twenty-five (25') foot clear vision triangle measured along any abutting road right-of-way and/or driveways to the site.

4. Construction:

- a) All signs shall be designed and securely constructed in conformance with applicable building, fire, electrical, County, State of Michigan and Federal codes and regulations and must obtain any necessary associated permits.
- b) All signs shall be constructed to withstand all possible wind and vibrations forces normal to the immediate vicinity.
- c) Wood products shall be treated to prevent deterioration.
- d) Letters, figures and characters shall be safely and securely attached to the sign structure.
- e) In no case shall any sign and/or component of a sign be secured with wire, strips of wood or nails. All signs and/or components of the sign shall be mounted and secured with proper bracing and/or supports, guys and anchors, or footings in ground per appropriate codes. Foundations shall be constructed to be safe and sturdy.

5. Maintenance:

- a) All signs are to remain safe and be maintained in good repair, safe and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.
- b) All parts of the sign, including bolts and cables, shall remain neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals and must be free from corrosion. At no time should a sign be a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

H. LAWFUL NON-CONFORMING SIGNS

1. **Intent:** It is the intent to encourage the eventual elimination of signs that become nonconforming as a result of the adoption of this ordinance
2. **Lawful Existing Signs:** Any sign lawfully existing at the time of this adopted ordinance which does not fully comply with the provisions shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is in good

working order and is not detrimental to the health, safety and welfare of the community except as hereafter provided.

3. **Continuance:** A lawful non-conforming sign shall not:

- a) A lawful non-conforming sign or sign structure, as defined herein, may continue subject to the conditions noted below. When the use of a property and/or business on which a nonconforming sign is located changes (including to but not limited to the re-development of the site, change in registered legal and/or dba name of business and/or property, change and/or transfer of ownership of business and/or property, change in use of business occupying the site, any change in person(s) business and/or property is rented and/or leased to at time of this ordinance being adopted, the signs on that property must be brought into compliance with the provisions of this ordinance within 90 days with no extensions granted for any reason.
- b) A lawful non-conforming sign may not be structurally altered, increased or decreased so as to prolong the life of the sign, or be revised to change the shape, size, type, message and/or name content, or design of the sign, or to add illumination.
- c) A lawful non-conforming sign may not be re-built, restored, refurbished or repaired after any damage or destruction that occurs.
- d) Be relocated or changed to another type of sign which is not in compliance with this ordinance.

4. **Termination of Business:**

- a) All signs shall be removed within thirty (30) days of the termination of the business or use to which they are an accessory.
- b) If the business and/or property owner fails to remove the sign, Riley Township shall serve a written notice upon the owner. The notice shall include a demand that the sign be removed within thirty (30) days thereof.
- c) If the business and/or property owner fails to remove the sign, the Township shall remove the sign and dispose of it at the owner's expense, the actual costs and expenditures including administrative expenses, attorney fees, all court cost and fees, incurred by Riley Township as a result of the notifications, removal and/or enforcement shall be assessed against the property and become due, be collected for nonpayment in the same manner, and at the same time, as ad valorem property tax levies of the Township. The removal of the sign by the Township shall not constitute a taking of the sign nor vest in the public any additional rights.

I. PERMIT APPLICATION REQUIREMENTS

It shall be unlawful for any person to erect, install, alter, relocate or structurally change a sign or other advertising structure, unless specifically exempted in the ordinance, without first obtaining a permit and paying any and all fees associated with said permit in accordance with the following provisions:

1. A sign permit shall not be issued if the existing site has signage violations per the regulations of this Ordinance.

- a) A sign shall not be placed, erected, re-erected, constructed, installed, modified, displayed, relocated, converted to electronic, illuminated or altered prior to the issuance of a sign permit and therefore will be unlawful, except for maintenance and Repairs of Signs.
 - b) A sign permit shall not be required for the routine maintenance or repair of an existing conforming sign, including repair or replacement of electrical wiring, electrical components, or internal bulbs (excluding electronic changeable copy), but excluding replacement faces or modifications which change the outward appearance, display, size, structure, or cabinet of the sign.
2. Application for a sign permit shall be made in writing on the form(s) provided by the Township. The application shall be accompanied by and include the following information:
- a) All information requested on the Sign Application Form including but not limited to, name, address and phone numbers of the applicant, property owner, and sign contractor; street address and/or property location where the sign is to be located, zoning classification, sign type, parcel number; and written consent of both the property and sign owner.
 - b) Scaled site plan or scaled drawing of each sign, indicating dimensional characteristics, such as height, width, vertical clearances, and face area as measured, message, lettering style, color.
 - c) Materials, appearance, electrical, lighting specs, and structural supports and/or construction and/or anchoring methods used.
 - d) The location of the sign in relation to all existing and proposed streets, parking areas and site entrances within one-hundred (100') feet, including the location of buildings and/or structures on the lot for placement, and elevations.
 - e) Setbacks from right-of-way and property lines.
 - f) Locations of any existing signage in the subject development and/or parcel(s).
 - g) Include proposed and existing signage including signs not requiring a permit.
 - h) If the sign will be illuminated, plans shall include the details regarding the location, type of fixture(s), color of illumination, as well as the method of shielding.
 - i) If the sign will be a LED message sign, specifics on the illumination plans.
 - j) License and Insurance: Copy of contractor license, business license and a copy of liability insurance policy from both the contractor and the business owner and/or property owner that indemnifies Riley Township and it's prior, present, and future officials, representatives and employees from all damage suits and/or actions of every nature brought or claimed against the installer for injuries and/or damages to persons and/or property sustained by any person or persons through any act of omission or negligence of said installer, servicers, agents, contract help and/or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Township at least thirty (30) days prior to the date of cancellation.
3. Upon receipt of an application, the Zoning Administrator shall review the application for completeness. If the application is incomplete, the applicant shall be advised what additional elements are required for consideration by the Township.
4. Within ten (10) business days of receiving a complete application, the Zoning Administrator shall review the application for compliance with this Ordinance. The Zoning

Administrator may also consider any unique physical and/or geographical characteristics of the parcel for which the sign may be placed.

5. If the application is not in compliance, the Zoning Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
6. If application is found to be in compliance, the Zoning Administrator shall forward all complete sign permit applications to the Planning Commission for their review and approval. All permit application and review fees are to be paid in full.
7. Permit Expiration. Approved permits are valid for one (1) year from the date of issue. If the installation of the sign(s) for which the permit(s) have been issued has not been completed permit(s) are null and void with no refunds on any/all fees associated with this process. If a permit(s) is cancelled, the appropriate permit(s) must be re-applied for.
8. All signs for which a permit has been issued shall be inspected after installation.
 - a) Approval will be granted only if the sign has been constructed in compliance with all applicable ordinance(s), approved permit conditions required, and all applicable codes being observed and met.
 - b) Failure to receive the final approval for a completed sign shall constitute a determination that the sign is in violation of this ordinance and the owner will then be responsible to bring the sign into compliance or remove the sign entirely per this ordinance.
9. The owner of the sign and the owner of the site upon which the sign is located shall sign an affidavit statement assuming all liability for damage and injury that may be caused by the sign and releasing and indemnifying Riley Township and all of the Township employees elected, and/or appointed, inspectors, and all official past, present, and future completely from and against any and all claims for loss, liability, and/or damages that may be caused and/or result by the sign(s).

J. ENFORCEMENT

The zoning administrator (and his/her designees), code enforcement officer, and Riley Township Inspectors are authorized and directed to enforce all of the provisions of this ordinance. This authority empowers such individuals to perform any necessary inspections, including entering upon private property upon due notice and as allowed by law, and to issue related citations for the enforcement of this ordinance.

1. New or modified sign(s) for which a permit(s) is issued shall be inspected to determine whether the sign is in full compliance with the Sign Permit and this Ordinance.
2. If the construction is not in full compliance with this Ordinance, the Zoning Administrator shall give the applicant notice of the deficiencies and order corrective action with the appropriate timeline per this ordinance.
3. If the Township becomes aware that a sign is an immediate threat to the safety of person(s) or property nearby, all required action to correct the issue shall be taken within forty-eight (48) hours from the time of notification in writing from the Township, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any threat to public and/or property safety. If such a sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety or person(s)

then all required action to correct the safety threat shall be made immediately upon contact by the Township. If property owner is unable to be reached to resolve the safety threat immediately, the Township shall take all necessary measures to resolve the situation including possible sign removal and the property owner will be responsible for all costs associated with the inspection(s), remedy and/or removal any storage and/or fees and court costs.

K. PENALTIES

1. Written Notice:

- a) The zoning administrator (his/her designees), code enforcement officer and/or Riley Township Inspectors must order the removal of any sign erected or maintained in violation of this ordinance.
- b) A written ten (10) day notice of violation will be sent to the owner of the property on which the sign is located. The notice will indicate the nature and location of the violation(s) and will order the action needed to achieve compliance with this ordinance. If sign is an immediate safety threat to the public, as stated in this ordinance then immediate action must be taken as specified.
- c) When good faith efforts to bring the sign into compliance have begun within the ten (10) days of notice violation, the said Township officials may extend the time period for compliance to a period not to exceed a total of thirty (30) days maximum (day count to start from ten (10) day notice date.
- d) Township reserves the right to suspend and/or revoke sign permit(s) due to violations of this ordinance and/or violations of any permit special conditions and/or applicable codes.
- e) The Township may pursue all available remedies if compliance to the ordinance and/or violation notice has not been achieved within the said period of time.
- f) The zoning administrator (his/her designees), code enforcement officer and/or Riley Township inspectors shall order discontinuance of any illegal work being done with an immediate stop order and shall take any additional action needed to ensure compliance with or to prevent violation of the provisions of this ordinance and/or Riley Township ordinances.
- g) Impound/Disposal of signs: Riley Township shall have the authority to remove any illegal sign without notice, any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features determined to be in violation of this ordinance. Such signs shall be considered litter, subject to disposal with the Township assuming no liability.

2. Violation Fees/Costs: Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the following penalties:

- a) Violations constitute a municipal civil infraction punishable upon conviction by a fine not to exceed five-hundred (500) dollars, plus any actual costs that may be awarded by a court of law. Each day the violation exists shall constitute a separate offense in the amount of five-hundred (500) dollars each offense. In addition to the foregoing penalties, anyone convicted of violating this ordinance under this provision shall be assessed the all costs associated with the prosecution, including

but not limited to all actual costs incurred by the Township during the inspections, notifications, legal preparations, Township time spent, court fees/cost, and actual attorney fees.

- b) If an applicant or operator fails to comply with this ordinance the Township, in addition to any other remedy may revoke sign permit approval and site plan approval after giving the applicant or operator written notice and opportunity to be heard.

L. VALIDITY: This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid. Furthermore, should the application of any provision of this Ordinance to a particular property, parcel(s), lot, building, structure, or use be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, parcel(s), lot, building, structure, or use in the Township, unless otherwise stated in the judgement.

M. Repeal: The zoning ordinance previously adopted by Riley Township prior to the adoption of the ordinance from which this chapter is derived, and all amendments thereto are hereby repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred under such ordinance, or any part thereof, prior to the time enforced, prosecuted, or inflicted under the said ordinance repealed.

N. Effective Date: This ordinance shall take full effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.