

ARTICLE 22 SIGNS

Sec. 22.01 Purpose

The purpose of this Article is to regulate signs and to minimize outdoor advertising within the City so as to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the City of Fenton Master Plan and this Ordinance; and enhance the aesthetic appearance and quality of life within the City. The standards contained herein are intended to be content neutral.

These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the City so as to:

- a. Recognize that 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 accidents.
- b. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- c. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the City's image, property values and quality of life.
- d. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- e. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- f. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- g. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- h. The regulations and standards of this Article are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- i. Prevent off-premise signs from conflicting with other allowed land uses.
- j. Maintain and improve the image of the City by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- k. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.
- l. Preserve and enhance the image of the City's CBD.

Sec. 22.02 Sign Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

Accessory Sign: A sign which pertains to the use of the premises on which it is located.

Animated Sign: A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning or Canopy Sign: A nonrigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See "wall sign."

Banner: A fabric, plastic or other sign made of nonrigid material without enclosing structural framework.

Billboard: A sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Permitted off-premises directional signs shall not be considered billboards for the purpose of this Article.

Business Center: A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of ground signs. An automobile or vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used vehicle sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

Changeable Message Sign: A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs; also called menu board, reader board or bulletin board.

Community Special Event Sign: Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, school or other non-profit activities.

Construction Sign: A temporary sign identifying the name(s) of project owners, contractors, developers, realtors representing developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Directional Sign: A sign which assists motorists in determining or confirming a correct route such as, enter, exit and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a ground sign.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source.

Freestanding Sign: A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

Gasoline Price Sign: A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

Ground or Monument Sign: A three dimensional, self supporting, base-mounted free standing identification sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Illegal Sign: A sign which does not meet the requirements of this Article and does not have legal non-conforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.

Integral Sign: A memorial sign or commemorative tablet which contains names of buildings, dates of erection, and monumental citations.

Luminous Tube: See "Neon" and "Outline Tubing Sign."

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.

Menu Board, Reader Board, or Bulletin Board: See "Changeable Message Sign."

Moving Sign: 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. This definition does not include "changeable message signs."

Mural: A design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a business, product, service, or activity.

Nameplate: A non-electric, on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon Sign: See "Outline Tubing Sign."

Non-conforming Sign: A sign that does not comply with the size, placement, construction or other standards or regulations of this Article, but were lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance are exempt and shall not be defined as non-conforming.

Obsolete Sign: A sign that advertises a product that is no longer made or that advertises a business that has closed.

Off-Premise Sign: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

On-Premise Sign: A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

Outline Tubing Sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it. See "Neon" and "Luminous Tube".

Parapet: 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.

Permanent Sign: A sign designed to be installed permanently in the ground a minimum of forty-two (42) inches deep by use of a steel post, wood post or other appropriate materials.

Political Sign: A temporary sign used in connection with local, state, or national elections or referendums.

Portable Sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Poster Panel Sign: A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes or sales. "A" frame or sandwich signs are types of poster panel signs.

Projecting Sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

Public Sign: A sign erected in the public interest by or upon orders from a City, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Pylon or Pole Sign: A sign supported on the ground by a pole, braces, or monument, and not attached to any building or other structure.

Real Estate Development Sign: A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real Estate Open House sign: Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.

Real Estate Sign: An on-premise temporary sign advertising the property or structure's availability for sale or lease.

Regulatory Sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Residential Entranceway Sign: A sign which marks the entrance to a subdivision, apartment complex, condominium development, or other residential development.

Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof Sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Rotating Sign: See "Moving Sign."

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located.

Temporary Sign: A sign not constructed or intended for long-term use. Examples of temporary signs include signs which announce a coming attraction, a new building under construction, a community or civic project, or other special events that occur for a limited period of time such as a garage or estate sale.

Time and Temperature Sign: Signs which display the current time and/or temperature.

Vehicle Sign: Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. 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.

Window Sign: A sign located in or on a window which is intended to be viewed from the outside. 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.

Sec. 22.03 Prohibited Signs

The following signs are prohibited in all districts:

- a. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters.
- b. Moving signs and signs having moving members or parts, excluding barber poles, and electronic poles.
- c. Signs using high intensity or flashing lights, festoons, spinners or other animated devices.
- d. Exterior string lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.
- e. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two (2) or more streets.
- f. Signs which obstruct or impair the vision of motorists or nonmotorized travelers at any intersection, driveway, within a parking lot or loading area.
- g. Nonregulatory signs placed in any public right-of-way; attached to a utility pole; or affixed to a tree, street furniture, or waste receptacles.
- h. Off-premise signs erected for the purpose of advertising a product, event, person, or subject, unless otherwise provided for in this Article or covered under the State Highway Act.
- i. Roof signs unless specifically permitted elsewhere in this Article.
- j. Portable signs, as defined, not provided for in this Article.

- k. Pylon or pole signs not provided for in this Article.
- l. Any sign or sign structure which:
 - 1. Is structurally unsafe.
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - 3. Is capable of causing electric shock to person who come in contact with it.
 - 4. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- m. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

Sec. 22.04 General Standards for Permitted Signs

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Article; provided, that no such sign shall be erected or altered until approved by the Building Official/Zoning Administrator and until a sign permit has been issued pursuant to *Chapter 27 of the City of Fenton Code of Ordinances (Ordinance No. 433, as amended)*.

a. Sign Setbacks.

- 1. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- 2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any Residential District.

b. Location. Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four (24) inches and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

c. Design and Construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

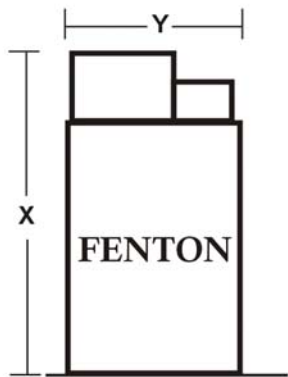
d. Illumination.

- 1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
- 2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
- 3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
- 4. Underground wiring shall be required for all illuminated signs not attached to a building.

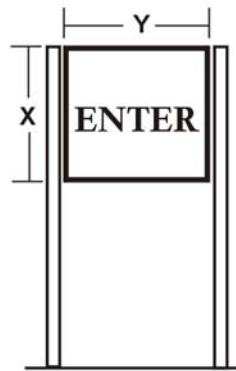
e. Maintenance and Construction.

1. Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all meta, wood or other materials used for parts and supports.
 2. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) mph.
 3. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.
- f. **Measurement.** Measurement of allowable sign area (see *Figure 22.2 Guidelines for Measuring Sign Face Square Footage* below).
1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
 2. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.
 3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are shown on the attached figures).
 4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

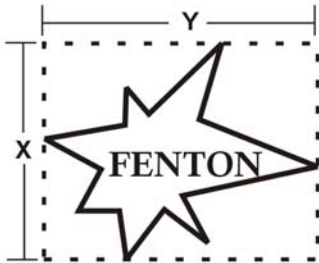
Figure 22.2 Guidelines for Measuring Sign Face Square Footage



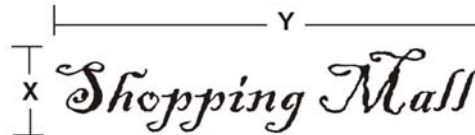
GROUND SIGNS
Measurements taken from the
outermost points of the sign face



DIRECTIONAL SIGNS
Post are not included in the
measurement of a sign face



ALL SIGNS
Measurements taken from the
outermost points of the panel



WALL, CANOPY, or PROJECTING SIGNS
Measurements taken from the
outermost points of the copy

Sec. 22.05 Specific Sign Standards

The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table and its accompanying footnotes. Additional standards for specific types of signs are given below.

| Sign Dimensional Standards and Regulations | | | | | | | | |
|--|--------------------------------------|--|-----------------|-------------------------|-------------|--------------------|-----------------------|-------------|
| DISTRICT | WALL, CANOPY, OR PROJECTING SIGN (c) | | GROUND SIGN (c) | | | TEMPORARY SIGNS | | |
| | Number # | Max. Size | Number # (b) | Max. Size per sign face | Max. Height | Max. Size per sign | Total Area per Parcel | Max. Height |
| RDR, LDR, LMR, MDR | - | 10% of front facade for all uses other than single family homes, duplexes, and attached condominiums | 1 | 24 square feet | 6 feet | 6 square feet | 14 square feet | 4 feet |
| MHR, HDR, MHD | | | | | | | | |
| NBD | 1 per business (a) | 10% of front façade or <u>100 square feet, whichever is less</u> (a) | 1 | 72 square feet | 6 feet | 24 square feet | 48 square feet | 6 feet |
| GBD & PUD commercial uses | | | | | | | | |
| OSD, OPD, & PUD office uses | | | | | | | | |
| CBD | | | | | | | | |
| IND | | | | | | | | |

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two (2) wall signs, one (1) for each front façade. The maximum wall sign area shall not exceed ten percent (10%) of the front facade of the building (any facade which faces a public street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage as follows:

| | |
|---|-----------------|
| 201 - 400 linear feet of building frontage facing a public street and having a public entrance | 150 square feet |
| Greater than 400 linear feet of building frontage facing a public street and having a public entrance | 200 square feet |

(b) Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs permitted according to the following table, however, no site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

| | |
|---|--|
| Frontage along 2 or more rights-of-way | 1 sign up to the maximum sign face area shall be allowed along 2 frontages |
| 300 feet of frontage along 1 right-of-way | 1 ground sign along that frontage |

| | |
|--|----------------|
| Greater than 300 feet of frontage along 1 right-of-way | 2 ground signs |
|--|----------------|

(c) Changeable message signs and gasoline price signs may be permitted as part of a wall or monument sign in the NBD, GBD, CBD, and I Districts, and when associated with a commercial or office use within an OPD, OSD, or PUD, in accordance with the following:

- (1) One (1) changeable message sign or one (1) gasoline price sign shall be permitted per premise.
- (2) Message or gasoline price changes may occur electronically or manually.
- (3) The area of a changeable message sign or gasoline price sign shall not exceed one-third (1/3) the total area of the sign.
- (4) Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
- (5) Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.
- (6) Electronic messages or gasoline prices shall be displayed for at least one (1) hour, and changes shall take less than one (1) second.
- (7) Any voids or burned out bulb in an electronic display shall be replaced.
- (8) Electronic changeable message signs and gasoline price signs shall be at least one hundred (100) feet from any residential district or use.
- (9) Electronic changeable message signs and gasoline price signs shall use only one (1) color of lighting or bulbs to prevent nuisances and distractions upon adjoining properties and thoroughfares.

(d) Temporary Signs shall comply with the standards set forth in *Section 22.06 f*.

- a. **Directional Signs.** No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the Sign Dimensional Standards and Regulations Table.
- b. **Billboards or Off-Premise Advertising Signs.** Billboards shall comply with the provisions in *ARTICLE 14 SPECIAL LAND USES*.
- c. **Projecting and Canopy Signs.** Projecting signs and canopy signs may be used as an alternative to wall signs listed in the Sign Dimensional Standards and Regulations Table, provided that they meet the following standards.
 1. Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
 2. Projecting or canopy signs in the Central Business District shall be set back at least two (2) feet from any street curblin, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground.
 3. Projecting or canopy signs, other than those in the Central Business District, shall have a minimum ground clearance of ten (10) feet, shall be set back at least six (6) feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign

- 4. shall not extend for more than two (2) feet from the building to which it is attached.
 - 4. No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one (1) foot.
 - 5. Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
 - 6. Projecting signs shall not exceed thirty-two (32) square feet in area.
 - 7. Canopy signs shall not be internally illuminated.
- d. **Entranceway Signs.** One (1) permanent sign per vehicular entrance identifying developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.
- e. **Signs for Temporary Uses**
- 1. Temporary signs include, but are not limited to the following:
 - a. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise for sale, rent or lease.
 - b. An on-site sign advertising an on-going garage, estate or yard sale.
 - c. Non-commercial signs which contain non-commercial information or directional messages.
 - d. Political Signs
 - e. Holiday or other seasonal signs
 - f. Construction signs for buildings under construction
 - 2. All temporary signs must comply with the sign size and height standards as specified in the *Sign Dimensional Standards and Regulations Table*.
 - 3. Location of Temporary Signs shall comply with the following:
 - a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 - b. Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.
 - c. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
 - d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
 - e. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 - f. Signs shall not be located within any clear vision triangle, as described in *Section 2.15*
 - 4. Time Limitations for Temporary Signs. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.
- f. **Portable A-Frame Signs.** Portable A-frame or sandwich board signs are permitted in the NBD, CBD and GBD Districts at the public building entrances to businesses subject to the following requirements:
- 1. One (1) sign per customer entrance shall be permitted regardless of the number of tenants on the premises.

2. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.
3. Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches.
4. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
5. All signs must be constructed of weather-proof, durable material and kept in good repair.

g. Vehicle Signs. Vehicle Signs shall comply with the following:

1. Vehicle Signs are prohibited, except for the following:
 - a. Signs on vehicles associated with a properly licensed auto dealership and/or properly licensed used car lots.
 - b. The owner of a motor vehicle who places a “for sale” or “for trade” sign on or within the vehicle provided:
 - 1) The vehicle is located only on the vehicle owner’s residential property; and
 - 2) The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner’s name and address; and
 - 3) Not more than one vehicle is displayed on the residential property.
2. A displayed message containing a phone number in or on a parked motor vehicle that is or was visible constitutes a presumption that it is or was for the purpose of offering the vehicle for sale or trade.
3. Proof that the vehicle described in the complaint was parked in violation of this Section, together with proof that the defendant named in the complaint was at the time of the cited parking the registered owner of the vehicle constitutes a presumption that the registered owner is responsible for the violation.

Sec. 22.06 Non-Conforming Signs

Non-conforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as non-conforming. It is the intent of this Article to encourage eventual elimination of non-conforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this Article. Therefore, the purpose of this Article is to remove illegal non-conforming signs while avoiding any unreasonable invasion of established private property rights. A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this Article, however, the following alterations are regulated:

- a. A non-conforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- b. A non-conforming sign shall not be replaced by another non-conforming sign.
- c. A non-conforming sign shall not be reestablished after abandonment as defined in *Section 22.08.c. Dangerous, Unsafe, Abandoned, and Illegally Erected Signs.*
- d. A non-conforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost as determined by the Building Official/Zoning Administrator or if fifty percent (50%) or more of the face of the sign is damaged or destroyed.

Sec. 22.07 Dangerous, Unsafe, Abandoned, and Illegally Erected Signs

- a. **Dangerous Signs.** Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the City and the cost thereof charged against the owner of the property on which it was installed.
- b. **Unsafe Signs.** Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Building Official/Zoning Administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
- c. **Abandoned Signs.** Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is not longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the Building Official/Zoning Administrator shall initiate the process noted in paragraph e. below.
- d. **Illegally Erected Signs:** The Building Official/Zoning Administrator shall order the removal of any sign erected illegally in violation of this Article, according to the process outlined in paragraph e. below.
- e. **Process for Enforcing Violations of Sec. 22.08 Dangerous, Unsafe, Abandoned, and Illegally Signs.** For violations of Sec. 22.08 b. through d., the Building Official/Zoning Administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this Article is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the Building Official/Zoning Administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the Building Official/Zoning Administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

Sec. 22.08 Administration and Appeals of Sign Ordinance Standards

- a. **Generally.** The regulations of this Article shall be administered and enforced by Building Official/Zoning Administrator.
- b. **Violations.** It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the City, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this Article. Any such violation, including the failure to remove a sign when directed under the authority of this Article, shall constitute a misdemeanor punishable in accordance with *Section 1-8 of the Fenton Code of Ordinances*.
- c. **Permits, Applications, Fees, Requirement for Contractor's License and Liability Insurance.** Application for a sign permit and details of requirements are contained in the *City Code of Ordinances, Chapter 27 (Ordinance No. 433)* and are available from the Building Official/Zoning Administrator.

