TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Brian Murphy, Assistant City Manager- Services
Mark Stimac, Director of Building and Zoning
Lori Grigg Bluhm, City Attorney
DATE: August 9, 2005
SUBJECT: Proposed Revision of Troy's Sign Ordinances

The City of Troy's sign ordinance has recently been challenged in the *Fehribach v. City of Troy* lawsuit. Since the 1970's, Troy has one ordinance that governs political signs (Chapter 85A) and a second ordinance that governs all other signs (Chapter 78). The ACLU challenged this separation, and argued that Troy's ordinances were impermissible content- based regulations. According to the ACLU, political speech was afforded less protection than commercial speech, which is a violation of the First Amendment to the U.S. Constitution.

As a result of this lawsuit, City Administration has scrutinized the current sign ordinances, and has drafted proposed revisions for your consideration. Since the proposed changes were extensive, and difficult to convey in a red line draft format, it is our recommendation that the regulations be incorporated into a new Chapter- Chapter 85. This modification would also necessitate revisions to Chapter 3, which provides the authorization for enforcement of the sign ordinance. The proposed revision also proposes to remove the fees and incorporate them into Chapter 60 (Fees). In addition, Council would also need to rescind the existing Chapters 85A and 78.

In this proposed ordinance revision, political signs are characterized as temporary signs, similar to garage sale signs and real estate signs. Each parcel of property would be limited to three such temporary signs. These two signs must be smaller than six square feet, and cannot be up for longer than 90 days. In addition to the temporary sign modifications, this proposal also incorporates a re-organization of the chapter, as well as grammatical changes. Additionally, some of the existing provisions have been clarified in the new proposal.

The treatment of political signs in the same manner as other temporary signs addresses the ACLU's concerns that political signs receive less protection than commercial temporary signs. It protects the City's obligation to regulate signage for health, safety and welfare reasons, while simultaneously balancing the rights of free speech. However, Council should be aware that the adoption of this proposed sign ordinance may or may not resolve the ACLU's concerns that were raised in the *Fehribach* lawsuit.

Although it is only August, the November 2005 election is right around the corner, and the rules concerning political signage should be resolved at the earliest opportunity. We would appreciate receiving any comments on the ordinance revision proposal at your earliest convenience, so that any issues can be addressed prior to the City Council meeting. We are available to answer any questions concerning this matter.

CITY OF TROY
AN ORDINANCE TO ENACT
CHAPTER 85 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Enactment

This Ordinance shall be known and may be cited as Chapter 85 – Signs of the Code of the City of Troy.

CHAPTER 85 - SIGNS

85.01.00 Administration

85.01.01 Title and Purpose

A. Short Title: This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.

B. Findings and Purpose: It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.

85.01.02 Enforcement:

A. This Chapter shall be administered and enforced by the Building Inspector as provided for in Chapter 3 of the Troy City Code.

B. Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof.

C. Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the Sign Erector and/or Owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of written notice. If the Sign Erector or Owner fails to comply within the allocated 30 day period, then the Building Inspector shall remove the offending sign within 48 hours from the time of written notification. However, if the

enforcing official determines that a sign is unsafe and an immediate hazard to health or safety, then the sign shall be removed or repaired at the owner's expense within 48 hours of written notification of such condition.

85.01.03 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:

Board of Appeals: Board of Appeals means the Building Code Board of Appeals.

Business Development: One or more uses within a building or buildings that share common parking facilities.

Building Inspector: The Director of Building and Zoning or his/her authorized representative.

Department: The Building Department of the City of Troy, its officers, inspectors and other employees.

Ground Sign: A freestanding sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.

Owner: A person, firm, partnership, association or corporation and/or their legal successors.

Person: Any individual firm, partnership, association or corporation and their legal successors.

Political Sign: A sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body.

Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure, by more than twelve (12) inches.

Public Property: All publicly-owned property, including streets, rights-of-way, and everything affixed thereto and there over.

Roof line: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

Roof Sign: A sign that is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

Sign: A sign means any structure or wall or other object used for the display of any message, and includes but is not limited to any bill, poster, placard, handbill, flyer, painting, balloon, streamer or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof attached to or affixed to the ground or any structure.

Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line.

85.01.04 Requirements for Permits

A. Permit Required: It is unlawful for any person to erect, re-erect, alter, or relocate any sign without obtaining a permit from the Building Inspector and paying the applicable permit fee, as set forth-in Chapter 60 of the City Code.

Exceptions:

1. Sign Permits shall not be required for street signs, which are erected by the City, State or Federal Government for street direction or traffic control.

2. Sign Permits shall not be required for signs located on the interior of buildings.

3. Sign Permits shall not be required for signs that are not visible from any adjacent right-of-way which do not exceed thirty-six square feet.

4. Sign Permits shall not be required for small ground signs for uses other than one and two family dwellings, as long as the signs are not more than two square feet in area.

5. Sign Permits shall not be required for temporary signs, as set forth in Section 85.03.02 of this Chapter

B. Permit Application: Applications for sign permits shall be made upon forms provided by the Department and shall contain the following information:

1. Name, address and telephone number of applicant.

2. Name and address of the Sign Erector.

3. Location of the building or structure to which the sign is to be attached or lot where the sign is to be erected.

4. Position of the sign in relation to nearby buildings, structures, property lines, and existing or proposed rights-of-way.

5. The zoning district of the real property where the sign is to be located.

6. Two copies of the plans and specifications for the proposed sign and the method of construction and attachment to the building or placement in the ground.

7. If deemed necessary by the Building Inspector, two copies of stress sheets and calculations, bearing the signature and seal of a registered professional engineer or architect, which show the structure as designed for dead load and wind pressure, and demonstrate that the proposed sign will satisfy the regulations adopted by the City of Troy.

8. Such other information as the Building Inspector may require to demonstrate that the proposed sign would meet full compliance with this and other applicable laws of the City of Troy and the State of Michigan.

C. Contractor Registration Required:

1. All Sign Erectors, as defined in Section 85.01.03 of this Chapter, shall annually register with the Department. The Sign Erector registrations shall expire April 1st of each year. The registration fee is as set forth in Chapter 60 of the City Code.

2. Insurance Requirement: The following insurance is required before a sign permit will be issued:

a. Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit a Certificate of Insurance for Public Liability in the amount of One Hundred Thousand ($100,000) Dollars for injuries to one person and Three Hundred Thousand ($300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand ($25,000) Dollars for damage to any property due to the actions of the Sign Erector or any of their agents or employees. This Certificate shall be submitted to the Building Department, and approved by the City's Risk Manager or his/her delegate.

b. Lapsing of Insurance: Sign Erectors shall maintain the above referenced insurance coverage at all times in order to be eligible to obtain sign permits. If the insurance coverage lapses at any time, the City can automatically revoke the right of a Sign Erector to obtain sign permits.

c. Notification of Change: A Sign Erector shall notify the Building Department of any change in address, or any change in ownership or management that differs from what is indicated on the Insurance Certificates.

D. Permit Fees: Permit fees are as set forth-in Chapter 60 of the City Code.

85.01.05 Prohibited Signs

A. Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as provided below:

1. Signs established and maintained by the City, County, State, or Federal Governments may be located in the right of way.

2. Banners advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.

3. In its discretion, City Council may approve an agreement to allow residential development identification signs in the medians of boulevard entrance streets. Any such agreement shall require continuing liability insurance and also provide satisfactory maintenance of the sign, as well as any other condition that is deemed necessary by the Troy City Council to protect the right of way. The agreement must also indicate the City Council's approval of the proposed design and materials for

the sign. The residential development identification sign shall not exceed five feet in height, and shall not be more than 50 square feet in area. The height of such signs shall not exceed 30" when located in the corner clearance area depicted in Figure 85.01.05 A.

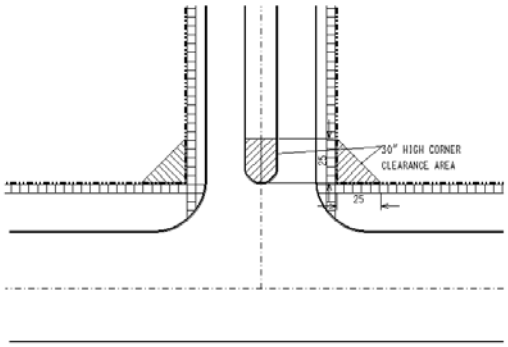

Figure 85.01.05 A

B. Corner Clearance: Signs higher than 30 inches shall be prohibited in the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection. No sign shall be located in that area, or project into, or overhang into the area.

C. Roof Projecting Signs: Roof signs and projecting signs are prohibited.

D. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

E. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

F. Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

G. Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.

H. Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

85.10.06 Inspections

A. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Building Inspector so that the inspection may be made before concealment.

B. Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.

C: Inspections of Existing Signs: The Building Inspector can inspect existing signs to determine compliance with the provisions of this chapter.

85.01.07 Non-Conforming Signs:

A. Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to facilitate the removal of illegal non-conforming signs while simultaneously avoiding any unreasonable invasion of established private property rights.

B. Continuance: A non-conforming sign shall be maintained in good condition. A non-conforming sign may be continued, but shall not be:

1. Replaced by another non-conforming sign; or

2. Structurally altered so as to prolong the life of the sign; or

3. Expanded; or

4. Re-established after damage or destruction to the sign, if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost of the sign.

85.01.08 Appeals:

A. Procedure

1. Any person aggrieved by any decision, ruling or order from the Building Inspector may appeal that decision to the Board of Appeals. The appeal shall be made by filing an application for a hearing with the Department. The application shall specify the grounds for the appeal. The Building Inspector shall transmit the application and all other documents relating to the appeal to the Board of Appeals. Upon receipt of the Appeal Application, the Building Inspector shall administratively establish a date of the Public Hearing.

2. The Building Inspector shall notify all owners of real property within 300 feet of the real property that is proposed as the site of the sign subject to the appeal. The notice shall be sent by U.S. Mail to the owners at the address listed with the Troy Assessing Department, and shall be postmarked no less than 14 days before the date of the Public Hearing.

B. Powers of the Board of Appeals

1. The Board of Appeals has the power to grant specific variances from the requirements of this Chapter, upon a showing of each of the following:

a. The variance would not be contrary to the public interest or general purpose and intent of this Chapter; and

b. The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and

c. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

2. Duration of Variances: The Board of Appeals shall not grant any variance for a period that exceeds 15 years. All variances shall terminate at the expiration of the period of time set by the Board of Appeals, or upon alteration or reconstruction of more than 50% of the sign, whichever occurs first.

85.01.09 Violations

A. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction of any such violation, shall be punished with a fine of between $50 and $500 and/or incarceration of up to 90 days. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign or other responsible party, in the discretion of the Building Inspector.

B. Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 85.01.09 A, any sign erected in violation of this Chapter may be removed by the Building Inspector or his/her authorized representative and stored in a safe location for at least 48 hours. During this period of time, the owner of the sign may obtain the sign from the Building Inspector upon request and payment of a fee of Fifty Dollars ($50) for each sign to cover the costs of removal and storage. After 48 hours, the Building Inspector may dispose of the sign.

C. Public Nuisance: Signs installed after the effective date of the adoption or subsequent amendment of this Chapter that are in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The City can take any legal action to abate the public nuisance. The collection of removal fees from the Owner, Sign Erector, or other responsible person shall not preclude the City from prosecuting the responsible person.

85.02.00 <u>General Provisions</u>

85.02.01 Construction Requirements

A. Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the Michigan Building Code and the requirements of this Chapter.

B. Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. The Sign Erector shall repair any defect that is the fault of the Sign Erector.

C. Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign, where the change cycle shall not be less than 30 seconds.

D. Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.

E. Proximity to Electrical Conductors: No sign shall be erected so that any part, including cables, guys, etc, will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

F. Sanitation: Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

85.02.02 Illuminated Signs:

A. Illumination: Only listed electrical devices shall be used for the illumination of signs. These listed electrical devices shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark of flame may be used for display purposes unless specifically approved by the Building Inspector.

B. Shielding from Residential Districts: Any lighting used to illuminate signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

85.02.03 Identification of Sign Erector:

A. Sign Erector's Imprint: Every sign, other than temporary signs herein defined, must carry the identification of the Sign Erector, in clearly legible letters.

B. Re-hanging: In case of re-hanging or re-erection of any sign, the Sign Erector must place his/her identification and the date of the re-hanging on the sign.

85.02.04 Measurement of Signs:

A. Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, and is further calculated as follows:

1. Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.

2. Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.

Exceptions:

1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.

2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a

"V" is greater than 15 degrees, the area shall be computed as a single face sign.

3. Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.

B. Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.

85.02.05 Allowable Signs:

A. The Zoning District Regulations and Table 85.02.05 set forth the allowable signs in each zoning districts. These are in addition to the signage allowed by Section 85.01.04 A

B. Nothing in this Chapter shall be construed so as to prohibit ideological or non-commercial advertising on any sign on which commercial advertising is allowed

C. Specific Zoning District Regulations

1. R-1 and R-2 Districts: Signs in single-family and two-family districts shall be allowed as follows:

a. For Special Approval Uses listed in Chapter 39, Section 10.30.00 of the Troy City Code: One sign not to exceed 100 square feet in area.

b. For Subdivision Entrances: One sign not to exceed 100 square feet in area.

c. For Subdivisions Under Development: One sign not to exceed 100 square feet in area is allowed until such time as a certificate of occupancy is issued for all homes.

2. R-M, RI-T, CR-1 and C-F Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments shall be allowed as follows:

a. One sign not to exceed 100 square feet in area.

b. One additional sign not to exceed 36 square feet in area.

c. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 District.

3 All O and R-C Districts: Signs in Office and Research Center districts shall be allowed as follows:

a. One wall sign for each building, not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.

b. One ground sign for each building in accordance with Table 85.02.05.

c. One additional ground sign for each building, not to exceed thirty-six square feet in area, if the site fronts on a major thoroughfare.

d. Each tenant on the ground floor may have one wall sign, which shall not exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant.

e. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 district.

4. B-1, B-2, B-3 and H-S Districts: Signs for each business development in the Commercial Districts shall be allowed as follows:

a. One ground sign in accordance with Table 85.02.05.

b. One additional ground sign, not to exceed thirty-six square feet in area if the site fronts on a Major Thoroughfare.

c. The required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.

d. Any number of wall signs, such that the total combined area of all wall signs for each tenant shall not exceed 10% of the front area of the structure or tenant area. Wall signs must be located on the face of the area that is occupied by the tenant.

5. M-1 Districts: Signs for each M-1 development shall be allowed as follows:

a. One ground sign in accordance with Table 85.02.05.

b. One additional ground sign, not to exceed thirty-six square feet in area, if the site fronts on a Major Thoroughfare.

c. One wall sign for each building, not to exceed 10% of the area of the front of the structure, up to a maximum of 100 square feet.

d. One wall sign, not to exceed 20 square feet in area, for each tenant in multi-tenant buildings. Tenant signs must be located on the face of the area that is occupied by the tenant.

e. One additional ground sign, provided it complies with all of the following:

1. The sign is set back a minimum of 200 feet from any street right-of-way.

2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.

3. The sign does not exceed 300 square feet in area.

4. The sign does not exceed 25 feet in height.

f. A dealership within a Planned Auto Center shall be allowed the following additional signage:

1. One ground sign, in accordance with Table 85.02.05.

2. Two wall signs, with each sign being 20 square feet in area or less.

g. No sign shall be located closer than 50 feet to any property line of an adjacent R-1 or R-2 district.

TABLE 85.02.05 STANDARDS FOR GROUND SIGNS			
Zoning District	Minimum Setbacks*	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	12 ft.	See Section 85.02.05,C,1 & 85.02.05,C,2
All B, H-S, O, R-C and Planned Auto Centers in M-1	0 ft. - 20 ft.	10 ft.	50 sq. ft.
	20 ft. - 30 ft	20 ft.	100 sq. ft.
	30 ft. +	25 ft.	200 sq. ft.
M-1	10 ft	12 ft.	100 sq. ft. Max. See Section 85.02.05,C,5,e

* Indicates setback from existing street right-of-way, or from planned right-of-way (Master Thoroughfare Plan), whichever is greater.

85.03.00 <u>General Exceptions</u>

85.03.01 Special Event Signs

A Signs advertising a Special Event may be allowed for events that include, but are not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals as long as a Special Event Sign permit is issued. The application for a Special Event sign permit shall be submitted to the Building Inspector, and shall include the following:

1. Plans indicating the following:

a. Site layout (building location, parking, etc.)

b. Number, size and location of proposed signs, including banners, flags, cold air balloons, and other forms of signage.

2. Documentation detailing the purpose of the event and desired dates for the placement of the Special Event signs.

3. If the applicant for the Special Event Sign permit is not the property owner of the site where the signage is proposed to be located, then the written approval of property owner must be submitted with the application.

4. The required application fee, as set forth in Chapter 60 of the Troy City Code.

   Exception: All fees for a Special Event sign application shall be waived for all non-profit applicants who provide satisfactory proof of the non-profit status to the Building Inspector.

B A Special Event Sign permit shall be issued for not more than seven (7) consecutive days within any twelve (12) month period.

C. No more than four off-site signs related to a Special Event may be permitted. Such off-site signs shall each be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties where the off-site Special Event Signs are proposed to be located. This permission must be provided prior to the issuance of a permit.

85.03.02 Temporary Signs

A. Temporary signs include, but are not limited to the following:

1. For a single dwelling or building or vacant land: an on-site real estate sign, advertising the premise for sale, rent or lease.

2. For a single dwelling or building or vacant land: an off-site real estate sign for the purpose of providing direction to another premise that is offered for sale, rent, or lease.

3. An on-site sign advertising an on-going garage, estate or yard sale.

4. An off-site sign for the purpose of providing direction to another premise that is having a garage, estate or yard sale, as long as the dates of the sale are clearly indicated on the sign.

5. Non-commercial signs, which contain non-commercial informational or directional messages.

6. Political signs

7. Holiday or other seasonal signs

8. Construction signs for buildings under construction.

9. Flags that are attached to a structure or a standardized flagpole.

B. All temporary signs must comply with all of the following regulations:

1. Size of Temporary Signs: The temporary signs shall not exceed six square feet in area and shall not be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.

   Exceptions:

1. Flags may be no larger than 3’ x 5’

2. For uses other than one and two family dwellings, signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 10 feet in height.

3. One sign advertising the sale or lease of vacant land, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 15 square feet of sign area per acre of land or 15 square feet of sign area per 100 lineal feet of thoroughfare frontage. In no case shall the sign be allowed to exceed 100 square feet of sign area or be more than 10 feet in height.

2. Number of Temporary Signs: There shall be a maximum of three temporary signs on each parcel of real property at any given time.

3. Location of Temporary Signs:

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 and shall not be located in a dedicated right-of-way.

c. Temporary signs shall not be erected in such a manner that they will or reasonably may 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. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.

4. Time Limitations for Temporary Signs: Each temporary sign shall be removed within 90 days of placement.

85.03.03 Signs on Motor Vehicles

A. No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property in the City of Troy for the purpose of advertising same "for sale" or "for trade".

Exceptions:

1. Properly licensed auto dealerships and properly licensed used car lots.

2. The owner of a motor vehicle who places a “for sale” or “for trade” sign on or within the vehicle provided:

a. The vehicle is located only on the vehicle owner's residential property; and;

b. The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner's name and address; and

c. Not more than one vehicle is displayed on the residential property.

3. The owner of non-residential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:

a. Not more than one vehicle is displayed on the nonresidential property; and

b. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.

B. 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.

C. 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.

Section 2. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 3. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 4. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60, Section 60.03, of the Code of the City of Troy.

Section 2. Amendment

Chapter 60, Section 60.03 – Fee Schedule, shall be amended by adding the following items:

ITEM/SERVICE:	FEE:
Sign Permits (Chapter 85)	
Painted Wall Sign – under 100 square feet	$75.00
Painted Wall Sign – 101 – 200 square feet	$100.00
Painted Wall Sign – 201 – 300 square feet	$100.00
Attached Wall Sign – under 100 square feet	$100.00
Attached Wall Sign – 101 – 200 square feet	$125.00
Attached Wall Sign – 201 – 300 square feet	$150.00
Ground Sign – under 100 square feet	$125.00
Ground Sign – 101 – 200 square feet	$150.00
Ground Sign – 201 – 300 square feet	$175.00
Special Event Sign	$30.00

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in

accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 3 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3 – Administrative Service, Section 1.141(6), of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Section 1.141(6), shall be amended as follows

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming
Chapter 16: Garbage and Rubbish
Chapter 18: City Water Utility
Chapter 19: City Sewer Service
Chapter 20: Water and Sewer Rates
Chapter 39: Zoning
Chapter 47: House Trailers and Trailer Courts
Chapter 48: Litter
Chapter 64: Gasoline Stations
Chapter 67: Dances and Dance Halls
Chapter 68: Amusements and Recreation Places
Chapter 69: Miscellaneous Licensed Businesses
Chapter 70: Self Service Laundries and Dry Cleaners
Chapter 71: Auto Wash
Chapter 73: Drive-In Restaurant
Chapter 79: General Building Regulations
Chapter 79-A: One and Two Family Dwellings
Chapter 81: Moving of Buildings
Chapter 82: Property Maintenance Regulations
Chapter 82-A: Rental and Dwelling Inspection and Enforcement
Chapter 82-B: Dangerous Buildings
Chapter 83: Fences
Chapter 85: Signs
~~Chapter 85-A. Political Signs~~
Chapter 88: Nuisances
Chapter 93: Fire and Explosives (provisions related to building codes)
Chapter 97: Coin-Operated Amusement Devices and Arcades

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO REPEAL
CHAPTER 78 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as repeal of Chapter 78 of the Code of the City of Troy.

Section 2. Repeal

Chapter 78 – Signs of the Code of the City of Troy shall be repealed in its entirety.

~~Chapter 78~~

~~Signs~~

~~1.00 Short Title~~

~~This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.~~

~~2.00 General Provisions~~

~~2.01 Findings and Purpose:~~

~~It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.~~

~~2.02 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:~~

~~2.02.01 Sign: A sign means any structure or wall or other object used for the display of any message. Nothing in this ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.~~

~~2.02.02 Roof Sign: A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.~~

~~2.02.03 Ground Sign: A free-standing sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.~~

~~2.02.04 Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure by more than twelve (12) inches.~~

~~(Rev. 04-24-95)~~

2.02.05 Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line. The roof line means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

2.02.06 Building Inspector: The Director of Building and Zoning or his authorized representative.

(Rev. 08-02-99)

2.02.07 Department: The Building Department of the City of Troy, its officers, inspectors and other employees.

2.02.08 Owner: A person, firm, partnership, association or corporation and/or their legal successors.

2.02.09 Person: Any individual firm, partnership, association or corporation and their legal successors.

2.02.10 Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.

2.02.11 Board of Appeals: Board of Appeals means the Building Code Board of Appeals.

(Rev. 07-19-99)

3.00 Signs Not Requiring Permits:

No erection permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance.

3.01 Small Signs: Any sign erected on a premise which is not more than two square feet in area.

3.02 Sale, Rent or Lease Signs: Signs not to exceed six (6) square feet in area used to advertise real estate or garage sales and directional signs for such sales as further described below and limited to a height of 42". Signs located in a corner clearance shall not exceed 30" in height.

A. A real estate sign advertising a premise for sale, rent or lease, for a single dwelling or building or vacant land.

B. A real estate sign for the purpose of providing direction may be located on private property on Sundays, Tuesdays and Saturdays with permission from the property owner.

C. A garage sale sign having the dates of the sale clearly indicated for the purpose of providing direction may be located on private property on Thursday, Friday, Saturday and Sundays with permission from the property owner.

(Rev. 06-07-99)

~~3.03 Street Signs: Signs erected by the City, County, State or Federal Government for street direction or traffic control.~~

~~3.04 Non-commercial Signs: Signs containing non-commercial informational or directional messages which do not exceed six square feet in area.~~

~~3.05 Interior Building Signs: Signs located on the interior of buildings.~~

~~3.06 Signs Not Visible From Rights of Way: Signs not visible from any adjacent right-of-way which do not exceed thirty-six square feet.~~

~~3.07 Corporate Flags: Not more than one corporate flag when flown in conjunction with the American or State flag.~~

~~(Rev. 11-27-95)~~

~~4.00 Administration~~

~~4.01 Enforcement: This Chapter shall be administered and enforced by the Building Inspector as provided for in Chapter 1 of the Troy City Code.~~

~~4.02 Permit Required: It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign unless a permit shall have been first obtained from the Building Inspector, except as provided in Section 03.00 and a permit fee paid in accordance with the schedule adopted by resolution of the City Council.~~

~~4.03 Application: Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:~~

~~4.03.01 Name, address and telephone number of applicant.~~

~~4.03.02 Location of the building, structure, or lot to which the sign is to be attached or erected.~~

~~4.03.03 Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way existing or proposed.~~

~~4.03.04 Two copies of the plans and specifications and method of construction and attachment to the building or in the ground.~~

~~4.03.05 Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Troy.~~

~~4.03.06 Name and address of the sign erector.~~

~~(04-24-95)~~

~~4.03.07 Insurance policy as required herein.~~

~~4.03.08 Such other information as the Building Inspector may require to show full compliance with this and other applicable laws of the City of Troy and the State of Michigan.~~

4.03.09When the public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

4.03.10Indicate the zoning district that the sign is to be located in.

4.04 Insurance Requirement: Permits may be issued to sign erectors only under the following conditions.

4.04.01Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Building Department, a Certificate of Insurance, approved by the City Attorney, for Public Liability in the amount of One Hundred Thousand ($100,000) Dollars for injuries to one person and Three Hundred Thousand ($300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand ($25,000) Dollars for damage to any property due to the actions of himself or any of his agents or employees.

4.04.02Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.

4.04.03Notification of Change: A sign erector shall notify the Building Department of any change in address, and if a firm or corporation, an change in ownership or management if other than that indicated on the Insurance Certificates.

4.04.04Registration Required: Sign erectors shall be registered with the City of Troy; registrations shall expire April 1st of each year. Registration fee shall be established by a schedule adopted by resolution of the City Council.

5.00 Permit Fees: Permit fees shall be determined based on size, type and height according to the following schedule:

	WALL SIGNS		GROUND SIGNS
	Painted on wall	Structurally Attached	
AREA			
Under 100 sq. ft.	$ 75.00	$ 100.00	$125.00
100 to 200 sq. ft.	100.00	125.00	150.00
200 to 300 sq. ft.	100.00	150.00	175.00

EXCEPTION: Special Event Signs $30.00 per event.

(Rev. 10-6-97)

6.00 Construction Requirements

6.01 General Provisions:

6.01.01Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this Chapter.

6.01.02 Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

6.01.03 Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

6.01.04 Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

6.01.05 Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.

6.01.06 Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign where the change cycle shall not be less that 30 seconds.

6.01.07 Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.

6.01.08 Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

6.01.09 Rehanging: In case of rehanging or re-erection of any sign, the erector must place his identification and the date on the sign.

6.01.10 Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

6.01.11 Sanitation: Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

6.01.12 Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign, are equally responsible for the condition of the sign and the area in the vicinity thereof.

6.01.13 Erector's Imprint: Signs of every class must carry the identification of the sign erector in clearly legible letters.

6.02 Compliance Certificate Required:
(Rev. 04-24-95)

6.02.01 Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.

6.02.02 Inspections: The Director of Building and Zoning shall cause existing signs to be inspected if deemed necessary by him to determine continuation of compliance with the provisions of this chapter.

(Rev. 7-12-99)

6.02.03 Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the sign erector must advise the Building Inspector so that the inspection may be made before concealment.

6.02.04 Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing.

Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 48 hours of notification.

6.03 Illuminated Signs:

6.03.01 Illumination: No sign shall be illuminated by other than approved electrical devices and shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark of flame may be used for display purposes unless specifically approved by the Building Inspector.

6.03.02 Shielding from Residential Districts: Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

7.00 Regulations for Permitted Signs

General Provisions: The following conditions shall apply to all signs erected or located in any zoning district.

7.01.01 Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exceptions:

A) Signs established and maintained by the City, County, State, or Federal Governments.

B) Banners, advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.

(Rev. 07-17-00)

C) Residential development identification signs not more than five feet in height and not more than 50 square feet in area located within the median of boulevard entrance streets subject to City Council approval of design and materials and further subject to the execution of an agreement with the City of Troy covering liability and maintenance of the sign. The height of such signs shall further be subject to the corner clearance requirements of Figure 7.01.01.

(Rev. 11-04-02)

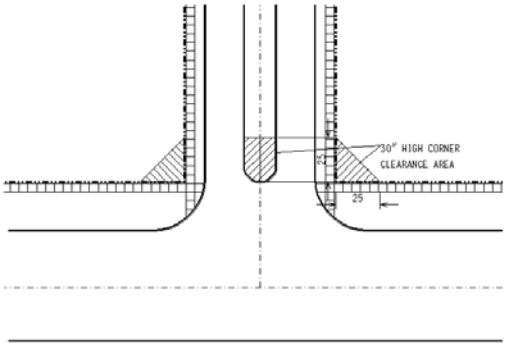

Figure 7.01.01

~~(Rev. 11-05-01)~~

~~7.01.02 Signs Overhanging Intersections: No sign above a height of 30 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.~~

~~7.01.03 Construction Signs: A building under construction may have one sign on the site of construction. The sign may not exceed 10% of the square foot area of the front of the structure with a maximum size of 200 square feet.~~

~~7.01.04 Roof Projecting Signs: Roof signs and projecting signs are prohibited.~~

~~Vacant Land Signs:~~

~~(a) One sign not to exceed six square feet in area on parcels of vacant land two acres in size or less.~~

~~(b) Signs on parcels of vacant land exceeding two acres shall not exceed 15 square feet of sign per acre of land or 15 square feet of sign per 100 lineal feet of thoroughfare frontage, not to exceed 100 square feet of sign area. Signs shall be spaced 200 feet or more apart.~~

~~7.01.06 For Sale or Lease Signs: For sale or lease signs shall be removed within 10 days of sale or lease or within one year of date of installation, whichever occurs first.~~

~~7.01.07 Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.~~

~~(10-19-98)~~

~~8.00 Measurement of Signs:~~

~~8.01.00 Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed.~~

~~8.01.01 Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.~~

~~8.01.02 Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.~~

~~Exceptions:~~

~~1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.~~

~~2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a "V" is greater than 15 degrees, the area shall be computed as a single face sign.~~

~~8.01.03 Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.~~

~~(Rev. 04-24-95)~~

~~8.02 Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.~~

~~9.00 Schedule of Sign Regulations:~~

~~9.01 Permitted Signs: Except as otherwise provided herein, signs shall only be permitted according to the following Tables, and Zoning District Regulations.~~

STANDARDS FOR GROUND SIGNS

TABLE A - GENERAL PROVISIONS

Zoning District	Minimum Setbacks	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	l2 ft.	See 09.02.01 & 09.02.02
All B, H-S, O, R-C and Planned Auto Centers in M-1	O*	See Table B	See Table B
M-	10 ft from street* 50 ft. from "R" Dist.	12 ft.	100 sq. ft. Max. See 09.02.05

TABLE B - HEIGHT AND AREA REQUIREMENTS IN "O" "B", "H-S", "R-C" AND PLANNED AUTO CENTER DISTRICT

Setback Range	Height Maximum	Area Maximum
O ft. - 20 ft.	10 ft.	50 sq. ft.
20 ft. - 30 ft	20 ft.	100 sq. ft.
30 ft. +	25 ft.	200 sq. ft.

* Indicates setback from existing street right-of-way, or from planned right-of-way (Master Thoroughfare Plan), whichever is greater.

(Rev. 04-24-95)

~~9.02 Zoning District Regulations:~~

~~9.02.01 R-1 and R-2 Districts: Signs in single-family and two-family districts shall be permitted as follows:~~

~~A. Dwelling Units: Not more than one of each sign described in Section 3.02.~~

~~B. Special Approval Uses Listed in Chapter 39, Section 10.30.00 and Subdivision Entrances: One sign not to exceed 100 square feet in area.~~

~~C. Subdivision Under Development: Signs in a subdivision being developed shall not exceed 200 square feet in area, and shall be spaced a minimum of 200 feet apart.~~

~~9.02.02 RM, RIT, CR-1 and CF Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments shall be permitted as follows:~~

~~A. One sign not to exceed 100 square feet in area.~~

~~B. One additional sign not to exceed 36 square feet in area.~~

~~C. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 District.~~

~~9.02.03 All O and R-C Districts: Each building shall be permitted signs as follows:~~

~~A. One wall sign for each building, not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.~~

~~B. One ground sign in accordance with tables "A" and "B".~~

~~Exception: No sign shall be located closer than 30 feet to any property line of adjacent residential district.~~

~~C. One ground sign not to exceed thirty-six square feet in area when the site fronts a major thoroughfare.~~

~~D. Each tenant may have one wall sign on the ground floor not to exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant. Individual ground signs for each tenant within an office building shall not be permitted.~~

~~9.02.04 B-1, B-2, B-3 and H-S Districts: Each business development (one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:~~

~~A. Ground Sign: One ground sign in accordance with Tables "A" and "B" above plus one not to exceed thirty-six square feet in area when the site fronts on a Major Throughfare.~~

~~Exception: The Required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.~~

~~(Rev. 04-24-95)~~

B. Wall Sign: The total combined area of all wall signs for each tenant shall not exceed 10% of the front area of structure or tenant area. The signs must be located on the face of an area occupied by the tenant.

9.02.05M-1 Districts: Each M-1 development shall be permitted signs as follows:

A. Ground Signs: One ground sign in accordance with Tables "A" and "B" plus one not to exceed thirty-six square feet in area when the site fronts on a Major Thoroughfare.

B. Wall Signs: One wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 100 square feet, plus one wall sign for each tenant, not to exceed 20 square feet in area. Signs must be located on the face of an area occupied by the tenant.

C. In M-1 districts, in addition to paragraph A. & B., an M-1 Site may be permitted an additional ground sign, provided:

1. The sign is set back a minimum of 200 feet from any street right-of-way.

2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.

3. The sign does not exceed 300 square feet in area.

4. The sign does not exceed 25 feet in height.

D. In M-1 Districts a dealership within a Planned Auto Center shall be permitted signs as follows:

1. One Ground Sign in accordance with Tables "A" and "B" above.

2. Two additional signs not to exceed 20 square feet in area each.

10.00 Non-Conforming Signs:

10.01 Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights.

10.02 Continuance: A non-conforming sign may be continued, and shall be maintained in good condition, but shall not be:

10.02.01 Replaced by another non-conforming sign.

10.02.02 Structurally altered so as to prolong the life of the sign.

(Rev. 04-24-95)

~~10.02.03 Expanded.~~

~~10.02.04 Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost.~~

~~11.00.00 Signs on Motor Vehicles~~

~~(Rev. 04-19-99)~~

~~11.01.00 No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property, in the City of Troy, for the purpose of advertising same "for sale" or "for trade".~~

~~(Rev. 04-19-99)~~

~~11.01.01 Exceptions:~~

~~A. This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.~~

~~B. This section shall not apply to 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.~~

~~3. Not more than one vehicle is displayed on the residential property.~~

~~(Rev. 08-02-99)~~

~~C. This section shall not apply to the owner of nonresidential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:~~

~~1. Not more than one vehicle is displayed on the nonresidential property; and;~~

~~2. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.~~

~~(Rev. 04-19-99)~~

~~11.01.02 A sign containing a phone number in or on a parked motor vehicle which was visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.~~

~~(Rev. 04-19-99)~~

~~11.01.03 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 parking, the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.~~

~~(Rev. 04-19-99)~~

~~12.00 Appeals~~

~~12.01 General: Any person aggrieved by any decision, ruling or order from the Building Inspector, may appeal to the Building Code Board of Appeals. The Building Code Board of Appeals may grant a variance after a public hearing. The appeal shall be made by filing with the Building Department an application for hearing before the Building Code Board of Appeals specifying the grounds for appeal. The Director of Building and Zoning shall transmit to the Building Code Board of Appeals all documents relating to the appeal.~~

~~Upon receipt of the Appeal Application from the Director of Building and Zoning, the City Administration shall by resolution establish a date of the Public Hearing which date shall respect the following requirements:~~

~~1. All owners of property within 300 feet of the property proposed to be the site of such sign shall be notified by U.S. Mail.~~

~~2. Said notice shall be postmarked no less than 14 days before the date of the Public Hearing.~~

~~(Rev. 07-19-99)~~

~~12.02 Variances: The Building Code Board of Appeals has the power to grant specific variances from the requirements of this Chapter upon a showing that:~~

~~(Rev. 07-19-99)~~

~~12.02.01 The variance would not be contrary to the public interest or general purpose and intent of this Chapter;~~

~~12.02.02 The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and~~

~~12.02.03 The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.~~

~~12.03 Duration of Variances: No variance shall be given for a period greater than 15 years. All variances shall terminate upon alteration or reconstruction of more than 50% of the sign or at a date set by the Building Code Board of Appeals, whichever occurs first.~~

~~(Rev. 07-19-99)~~

~~13.00 Penalties~~

~~13.01 General: It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punishable with a fine of not more than $500 and not less than $50. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign.~~

~~13.02 Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 13.01, any sign erected in violation of this section in a public right-of-way may be removed by the Building Inspector or his authorized representative and stored in a safe location for at least 48 hours. During this period of time the owner of the sign may obtain his sign upon request and payment of a fee of Fifty Dollars ($50) for each sign to cover the costs of removal and storage. After 48 hours, the Building Inspector may dispose of the sign.~~

~~14.00 SPECIAL EVENT SIGNS~~

~~14.01 General: Special sign permit requests for events such as, but not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals occurring on sites, which exceed the signage permitted in this Chapter, shall be eligible for a Special Event Sign Permit, subject to the following provisions:~~

~~1. Submittal of plans indicating the following:~~

~~a. Site layout (building location, parking, etc.)~~

~~b. Number, size and location of signs including banners, flags, cold air balloons, other forms of signage.~~

~~2. Provide documentation detailing the purpose of the event and desired dates, and written approval of property owner, if the applicant is not the owner.~~

~~14.02 Special Event Sign permit shall be issued for no more than seven (7) consecutive days within any twelve (12) month period.~~

~~14.03 No more than four off-site signs related to the event may be permitted. Such off-site signs shall be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties proposed for off-site signs, prior to obtaining a permit.~~

~~14.04 Any appeal from a determination of the Building Department relative to Special Event Signs shall be considered by the Building Code Board of Appeals, and shall be subject to the procedures and the fees as established by the Building Code Board of Appeals for Sign Variances.~~

~~Exception: All fees related to a variance requested by those submitting proof of non-profit status, shall be waived.~~

~~(Rev. 07-19-99)~~

~~(All Section 14.00 - 10-6-97)~~

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO REPEAL
CHAPTER 85-A OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as repeal of Chapter 85-A of the Code of the City of Troy.

Section 2. Repeal

Chapter 85-A – Political Signs of the Code of the City of Troy shall be repealed in its entirety.

~~CHAPTER 85-A~~

~~POLITICAL SIGNS~~

~~1. Definitions~~

~~Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this section.~~

~~(a) "Director" means the Building Official or his authorized representative of the City of Troy.~~

~~(b) "Political Sign" means a sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body. Signs relating to an expression of opinion may be included in this definition providing they are not signs as defined in Chapter 78.~~

~~(Rev. 9-23-96)~~

~~(c) "Public Property" means all publicly-owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.~~

~~(d) "Sign" means and includes any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.~~

~~2. Measurement of Sign Area~~

~~For the purpose of this Chapter, for either single face or double face signs, the area of the sign shall be determined by calculating the outermost dimensions of any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. For a sign so arranged that the faces are greater than twenty-four (24) inches from one another or such sign with any two (2) faces that form a "V" in plan and the angle of the "V" is greater than fifteen (15) degrees, the total area shall be computed as a single face sign.~~

~~(Rev. 2-1-99 - Effective April 6, 1999)~~

~~3. Political Sign Control~~

~~(a) Political signs may be erected in addition to all other signs permitted by Chapter 78 without a permit if they comply with the provisions of this section. Permission shall be obtained from the property owners where signs are located.~~

~~(Rev. 01-13-03)~~

~~(b) Uses: Political signs shall be solely for the purpose of providing information relating to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions.~~

~~(1) Maximum Area and Number: No more than two (2) political signs shall be placed on any parcel of real property in one ownership and the area of each sign shall not exceed two and one half (2.5) square feet. Political Signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way. Political signs shall be ground or wall signs, no ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.~~

~~(Rev 2-1-99 - Effective 4-6-99)~~

~~(2) No sign shall be erected or displayed earlier than thirty (30) days before an election or event to which it relates, and shall be removed within ten (10) calendar days after the event or election. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days in one (1) calendar year on any parcel of real property in one ownership. Signs shall not be attached to any utility pole or be located within any public right-of-way.~~

~~(3) Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse of mislead traffic.~~

~~(Rev. 12-19-77)~~

~~4. Removal of Illegal Signs~~

~~The Director, or his authorized agents, shall remove any political campaign sign found posted within the corporate limits of the City which is in violation of this Chapter.~~

~~(Rev. 12-19-77)~~

~~5. Authority of the Directory~~

~~For the purpose of removing political signs, the Director or his authorized agents, are empowered to enter upon the property where the signs are posted, and the Director is further authorized to enlist the aid or assistance of any other department of the City and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.~~

~~6. Removal Procedure~~

~~Where the Director or his agents find that a political sign has been posted in violation of this Chapter, he shall remove the sign and store it in a safe location.~~

~~(Rev. 8-3-98)~~

~~7. Storage -- Notice -- Return~~

~~If the Director or his agents remove any political sign, he shall keep a record of the location from which the sign was removed. He shall store the political sign in a safe location for at least seven (7) days, and shall immediately notify by telephone the candidate, committee or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Director is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee or person is known or can be ascertained. The Director shall return any political campaign sign upon the payment of a fee of Ten ($10) Dollars for each sign, to cover the costs of removal, notice and storage.~~

~~**EXCEPTION:** Beginning seven (7) days prior to any election the storage and notification requirements shall not apply to those illegal signs removed by the Director or his agents.~~

~~Illegal signs removed during this time period may be disposed of as necessary.~~

~~(Rev. 9-23-96)~~

~~8. Removal of Sign - Charge~~

~~The City shall be entitled to receive the sum of Ten ($10) Dollars for every political campaign sign removed by the Director, to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs", or other unusual situation, the City shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized.~~

~~(Rev. 12-19-77)~~

~~9. Persons Responsible~~

~~In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he first notifies the Directory or another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the Director or some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein.~~

~~10. Illegal Signs - Public Nuisance~~

~~Political signs in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The collection of removal fees shall not preclude the City from prosecuting the responsible person.~~

~~(Rev. 12-19-77)~~

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk