

CITY OF NORTH MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 564

THE CITY OF NORTH MUSKEGON ORDAINS:

The City of North Muskegon Code of Ordinances, Appendix A, Chapter 21 is amended as follows:

Chapter 21 – Signs is amended to read the following:

Sec. 21.01. – Intent.

- A. The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of the City of North Muskegon; to maintain and improve the appearance of the City; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.
- B. It is further determined that to allow signs of excessive number and size in the City would unduly distract pedestrians and motorists, create a traffic hazard, and reduce the effectiveness of signs needed to direct the public.

Sec. 21.02. – Definitions.

- A. Awning. A retractable or fixed shelter constructed on a supporting framework that projects from the exterior wall of a building.
- B. Billboard. An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- C. Business Center. Any two (2) or more businesses which:
 - 1. Are located on a single parcel of property; or
 - 2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings; or
 - 3. Share a common parking area; or
 - 4. Otherwise present the appearance of a single, contiguous business area.
- D. Mural. A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- E. Reader Board. A portion of a sign on which copy is changed manually.
- F. Roof Line. The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- G. Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

1. Sign, animated or moving: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, not including electronic message boards.
2. Sign, banner: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
3. Sign, bench: A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.
4. Sign, bulletin board: A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
5. Sign, construction: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
6. Sign, directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
7. Sign, electronic message board: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
8. Sign, government: A temporary or permanent sign erected by the City of North Muskegon, Muskegon County, the State of Michigan, or federal government either on public land or within the right-of-way.
9. Sign, ground: Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.
10. Sign, identification: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
11. Sign, memorial: A non-illuminated sign, tablet, or plaque commemorating a person, event, structure, or site.
12. Sign, marquee: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.
13. Sign, multi-tenant: A freestanding sign identifying the name of a business center and/or one or more individual businesses.
14. Sign, off-premises. See Billboard.
15. Sign, placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting", "Closed", or "Open" signs.
16. Sign, pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.
17. Sign, political: A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
18. Sign, portable: A sign that is not permanent, affixed to a building, structure, or the ground, such as an A-frame sign.
19. Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.
20. Sign, real estate: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

21. Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
 22. Sign, special event: A temporary sign containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
 23. Sign, suspended: A sign hanging down from a marquee, awning, or porch that would exist without the sign.
 24. Sign, temporary: A sign designed for use for a limited period of time to announce special events.
 25. Sign, wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
 26. Sign, wayfinding: An off-premises sign that is part of a city-sponsored and coordinated program for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated and recognized by the city's way-finding sign program.
 27. Sign, window: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.
 28. Sign, yard: A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.
- H. Sign area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sec. 21.03. – General Requirements.

- A. All signs shall conform to all applicable codes and ordinances of the city and shall be approved by the building inspector or zoning administrator, and a permit issued.
- B. Sign area.
 1. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of no more than eight (8) straight line segments which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign.
 2. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one of the faces.
- C. Sign setbacks. All signs shall be set back a minimum of one-half (1/2) of the front yard setback.
- D. Height. Sign height shall be measured as the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign. A sign shall not extend above the roof line of a building to which it is attached.
- E. Maintenance.

1. Signs shall be maintained free of peeling paint or paper, staining, rust, or other condition which impairs legibility or intelligibility.
 2. Sign supports, braces, guys, and anchors shall be maintained in such a manner as not to cause a hazard.
 3. If signs are not properly maintained and/or pose a threat to the public health, safety, and welfare, the city shall have the right to remove the sign. Accordingly, the city shall pass on all removal costs to the sign owner.
- F. Where a projecting sign, marquee sign, suspended sign, or similar element projects or protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least nine (9) feet from said walkway. Projecting signs, including brackets, shall not project more than forty-eight (48) inches from the face of a building or wall and shall not exceed twelve (12) square feet in sign area.
1. If any sign encroaches, projects, or is suspended on or over public property, public street, sidewalk, or alley, the owner of such sign shall keep in force a public liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00). In addition, when a sign is extending into the right-of-way, an encroachment permit must be obtained, which will require showing the insurance coverage and shall be renewed at least every three (3) years.
 2. If at any time the insurance policy is canceled, the sign encroaching on, over, or into the public right-of-way, alley, or other public place shall be immediately removed. In the event the sign is not removed, the City of North Muskegon shall have the right to remove the sign and repair the façade at the expense of the property owner.
- G. Illumination. Unless further regulated elsewhere in the ordinance, sign illumination shall be opaque background with internally lit lettering, facelit channel lettering, backlit lettering or externally lit. When illumination of signs is permitted, illumination shall comply with the following requirements:
1. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.
 2. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
 3. External illuminated sign. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.
 4. Internal illuminated sign. Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face. Only the sign face may be internally illuminated.
 5. Backlit illuminated sign. Individual bulbs and light sources shall not be visible.
- I. Design Standards for awnings. Awnings shall meet the following standards in all districts:
1. Awnings shall be constructed of an opaque material only
 2. Lighting shall be downward facing illuminating the area beneath the awning, downward facing illuminating the awning, or upward facing directed at the sign upon the awning.

Sec. 21.04. – Exempt Signs.

The following signs are exempt from the permitting requirements in this article, but shall be subject to all other applicable general requirements:

- A. Any public notice, traffic control, or warning required by a valid and applicable federal, state or local law, regulation, or ordinance.
- B. Placards.
- C. Property address and owner identification up to two (2) square feet in area.
- D. Window signs. Window sign overage shall not exceed twenty-five (25) percent of window area provided per building elevation.
- E. Special event signage on public property.
- F. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
- G. Holiday lights and decorations with no commercial message.
- H. Murals and other works of art that do not contain a commercial message.
- I. Governmental historical designation signs and markers.
- J. City wayfinding signs as approved by the city manager on public or private property.
- K. Temporary yard signs.
 - 1. A lot or parcel shall be limited to one (1) sign per street frontage.
 - 2. Extra signs are permitted during a time period of thirty (30) days prior to an election date to seven (7) days after the election date, and during times of emergency to allow businesses the ability to adequately advertise business practices.
 - 3. Signs shall not exceed three (3) square feet in area on residential property and twelve (12) square feet in area on nonresidential property.
 - 4. Location.
 - a. Signs shall be setback a minimum of two (2) feet from the property line where a sidewalk is present adjacent to the parcel.
 - b. Signs shall be setback a minimum of fifteen (15) feet from the curb/road edge on parcels without an adjacent sidewalk.
 - c. Signs on the Causeway and Whitehall Road in the GC and RPO districts shall be setback a minimum of thirty (30) feet from the edge of the roadway to ensure signs do not encroach on the right-of-way.
- L. Temporary yard signs on residential or commercial construction sites.
 - 1. A lot or parcel shall be limited to one sign per street frontage.
 - 2. Signs shall not exceed twelve (12) square feet in area in residential districts and twenty-four (24) square feet in area in nonresidential districts.
 - 3. Signs shall not exceed ten (10) feet in height.
 - 4. Signs shall be subject to a one-foot setback from any property line and right-of-way.
 - 5. Signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit.

Sec. 21.05. – Prohibited Signs.

The following signs shall not be allowed in any district.

- A. Signs placed in, upon, or over any public right-of-way, alley or other public place, except for permitted highway and government signs.
- B. Signs affixed to a light pole, utility pole, or other supporting member, except for permitted highway and government signs.

- C. Signs which are obsolete, that do not relate to existing business or products for sale or available on the site.
- D. Signs which are illegal under state laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.
- E. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- F. Air filled balloons, air dancer signs, and lighter than air signs.
- G. Signs not securely affixed to a supporting structure.
- H. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, or which may obstruct a motorist's vision.
- I. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, provided the following shall be permitted with the following requirements:
 - 1. Official traffic signs posted by a governmental agency;
 - 2. Public transit signs, including bus stop signs and routing signs, erected by a public transit company;
 - 3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - 4. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted;
 - 5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way;
 - 6. Temporary signs, banners, or directional signs approved by the city council. The city council shall establish sign area standards and a time period for any temporary sign, banner or directional sign within the public right-of-way; and
 - 7. Sandwich board signs provided all other requirements of this article are met.
- J. Truck or trailer mounted signs. No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.
- J. Electronic message board signs. An electronic message board sign may only be allowed on the Causeway and Whitehall Road in GC and RPO districts and Holton Road in GC and LI districts. An electronic message board sign shall be regulated/operated by the following standards:
 - 1. One electronic message board sign is permitted for each lot.
 - 2. Electronic message board signs shall not flash, scroll, blink, strobe, or show moving pictures.
 - 3. Graphics are prohibited.
 - 4. Messages may not change more than once every three and one-half (3.5) seconds.
 - 5. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and nighttime hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - 6. Electronic message board signs shall be secondary to a traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed fifty (50) percent of the traditional stationary sign area.

Sec. 21.07 – Reserved.

Sec. 21.08 – Reserved.

Sec. 21.09 – Signs Permitted by District.

The following signs are permitted in combination (unless otherwise noted) in each district, subject to the requirements described in the tables and all other applicable regulations of the Chapter.

Residential Districts: R-1, R-2, R-3, MHP, RPO	
Wall Sign for Dwelling with a Home Occupation	
Max. Number	1
Max. Sign Area	2 sq. ft.
Illumination	Not permitted
Wall Sign for Nonresidential Uses, Existing Non-Conforming Use	
Max. Number	1 per frontage
Max. Sign Area	5% of the wall area not to exceed 18 sq. ft.
Illumination	Downward facing external
Ground Sign for Nonresidential Uses	
Max. Number	1 per frontage
Max. Sign Area	18 sq. ft.
Illumination	Downward facing external
Nonresidential Districts: CBD, OS, NC, GC, LI	
Wall, Awning, and Projecting Signs	
Max. Number	1 each per frontage
Max. Sign Area for all signs	5% of wall area each not to exceed 30% total
Illumination	Permitted
Ground Sign	
Max. Number	1 per frontage
Max. Sign Area	24 sq. ft.
	50 sq. ft. on lots of record having at least 90 feet of frontage on Causeway/Whitehall Rd. and Holton Rd.
Max. Height	6 feet
Min. Setback	½ required front yard setback
Illumination	Permitted
Pole Sign	

Max. Number	One, in lieu of one permitted ground sign on lots of record having at least 90 feet of frontage on Causeway/Whitehall Rd. and Holton Rd.
Max. Sign Area	50 sq. ft.
Max. Height	20 feet
Min. Setback	½ required front yard setback
Illumination	Permitted
Gas Station Canopy Signs	
Max. Number	2; one per side of canopy fascia
Max. Sign Area	24 sq. ft.
Illumination	Permitted
Mixed Use Development or Multi-Tenant Commercial Development	
Max. Number	One wall sign per building entrance
Max. Sign Area	10% of wall area of the portion of the building that the entrance serves.
Illumination	Permitted

Sec. 21.10 – Nonconforming Signs.

- A. Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this Chapter, but which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of these regulations, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, or other non-permanent sign.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this Chapter, a nonconforming sign may be diminished in size or dimension without jeopardizing the privilege of nonconforming use. The copy of the sign may not be amended or changed, unless specifically designed to be changed periodically as in Reader Board, without bringing such sign into compliance with the requirements of this chapter.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of six (6) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign for a nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.

Sec. 21.11 – Sign Permits.

No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, unless such sign is specifically exempted as provided in this Chapter.

This ordinance adopted:

Ayes: Closz, Mogren, Seyferth, Schultz, McKibben, Wilson, Mayor Freeman

Nays: None

Adoption Date: September 19, 2022

Effective Date: October 5, 2022

Publish: September 25, 2022

CITY OF NORTH MUSKEGON

By _____
Lynne Fuller, City Clerk

CERTIFICATE

The undersigned, being duly qualified clerk of the City of North Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council of the City of North Muskegon at a regular meeting of the City Council on the 19th day of September, 2022, at which meeting a quorum was present and remained throughout, and that the original said ordinance is on file in the records of the City of North Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Dated: September 21, 2022

CITY OF NORTH MUSKEGON

By _____
Lynne Fuller, City Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.