

MUSKEGON CHARTER TOWNSHIP
COUNTY OF MUSKEGON
STATE OF MICHIGAN
AN ORDINANCE TO AMEND THE ZONING ORDINANCE
FOR THE CHARTER TOWNSHIP OF MUSKEGON TOWNSHIP
BY CHANGING THE REGULATIONS OF SIGNS

Ordinance 17-01

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. Purpose.

This amendment is intended provide for regulation of signs in Muskegon Charter Township.

Section 2. Definitions.

That Section 58-366 of the Zoning Ordinance of Muskegon Township titled Definitions be amended by adding thereto new language to read as follows:

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

Alteration. As used in this chapter, the term "alteration" means any change in a sign, including, but not limited to, any change in a sign's dimensions, shape, area, height, number or orientation of sign faces, structural support, location on the property, materials or lighting. A change solely in the wording of the copy of a sign shall not constitute an "alteration" for purposes of this chapter, unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulation (e.g., a change from an on-premises to an off-premises sign).

Billboard means any sign, including a sign on the wall of a building used for advertising a business, service, entertainment or other matter which is not conducted on the land where the sign is located or products not principally sold, manufactured, processed or fabricated on such land.

Business sign means any sign, including a sign on the wall of a business, on which lettered, figured or pictorial material is displayed for advertising a business, service, entertainment or other enterprise conducted on the land where the sign is located, or products primarily sold, manufactured, processed or fabricated on such land.

Community special event sign means any sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are nonprofit and whose purpose is charitable, philanthropic, religious or benevolent.

Construction sign means any sign that identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.

Directional sign means any sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Electronic reader board or changeable message sign means a permanent sign on which copy is changed manually, mechanically or electronically, including any electronically displayed sign.

Freestanding sign means a sign supported on poles not attached to a building or wall.

Ground sign means a sign resting directly on the ground or on a foundation, or supported by short poles not attached to a building or wall, the bottom of which is no more than 24 inches above the finished grade.

Identifying sign means any sign on the same premises it identifies which serves only to tell the name or use of any public or semipublic building or recreation area, club, lodge, church or institution; to tell the name or address of an apartment building, garden apartment, hotel, motel or similar business enterprise; or to inform the public as to the use of a parking lot.

Non-permanent sign means a non-lit sign which is not permanently installed and which is intended to be displayed for a limited period of time; including freestanding, sandwich boards, and flags, but not including certain on-premises signs as described in this ordinance.

Off-premises sign means any sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).

On-premises sign means any sign which solely identifies the name of the subdivision, mobile home community, or a multiple-family development of five or more dwelling units; or identifying the owner or occupant; or directing traffic on the premises.

Park sponsorship sign means an accessory sign that is isolated at a park owned and operated by Muskegon Charter Township (MCT), used by the public for athletic activities, and that identifies a sponsor in recognition of the sponsor's financial support for the parks, activities and facilities therein.

Political sign means any temporary sign used for advertising a political candidate and/or issue.

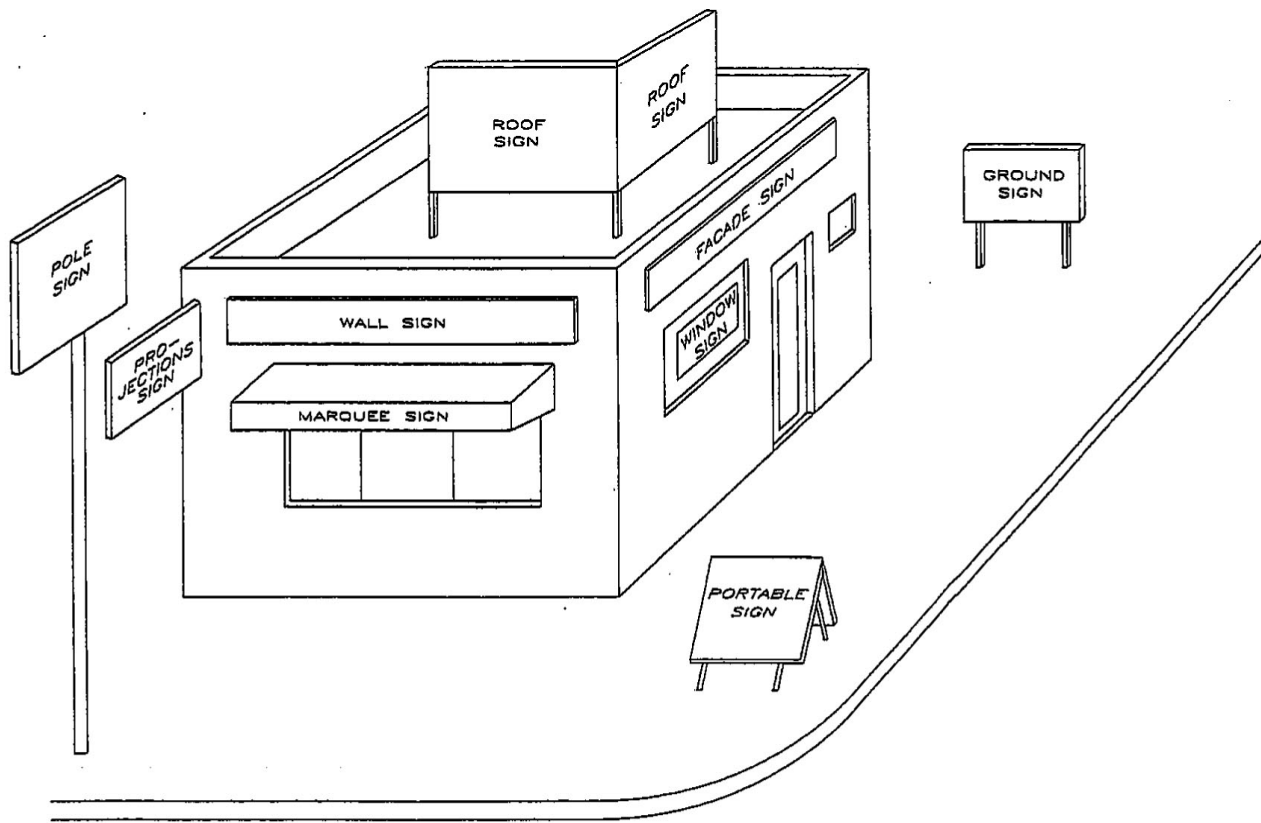
Portable sign means any sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, including "A" frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.

Real estate sign means a temporary sign used to advertise the pertinent information of sale, rental or leasing of the premises upon which it is located.

Sign means any device, structure, fixture, billboard or placard and its supporting structure, which is designed, intended or used to direct attention to any service, place, institution, organization, or business.

Sunset Provision means a measure within an ordinance that provides that the ordinance shall cease to have effect after a specific date, unless further legislative action is taken to extend the ordinance.

Temporary sign means any sign not permanently attached to the ground, a structure or a building. Temporary signs include banners, portable signs and any other sign displayed for a limited period of time.



SIGN TYPES

(Ord. No. 7, § 21.1, 4-18-83; Ord. No. 11-05, § 2, 6-6-11)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

Section 3. That Section 58-367 of the Zoning Ordinance of Muskegon Township titled Permit required be amended by adding thereto new language to read as follows:

Sec. 58-367. - Permit required.

- (a) Except as specifically excused hereinafter, no sign shall be constructed, erected, attached to a building, installed, structurally altered, or relocated prior to the issuance of a permit therefor by the building official. The application for the sign permit shall include the name of the applicant, the size of the sign, plans and specifications for the sign, the proposed method of construction, erection, structural alteration, or relocation, and description and the equipment to be used for such work.
- (b) No permit shall be required for any of the following:
 - (1) Normal maintenance and repair.
 - (2) Change of lettering or display panels.
 - (3) Real estate signs.
 - (4) Highway signs erected by the United States of America, the state, the county or the township.
 - (5) Governmental-use signs erected by governmental agencies to designate hours of activity or conditions for use for parks, parking lots, recreational areas, other public areas, or for governmental buildings.
 - (6) The following on-premises signs: signs having a message which is limited to a warning of danger, directional signs in conjunction with the prohibition or regulation of the use of property, traffic or

parking thereon, signs advertising the premises for sale or rent or for help wanted. These on- premises signs shall not exceed six square feet each in area.

(7) Signs identifying a building's address and/or the name(s) of the building's occupant(s), not exceeding four square feet in area.

(8) Historic signs designating sites recognized by the state historical commission as Centennial Farms and Historic Landmarks.

(9) Signs posted to control or prohibit hunting or trespassing within the township not to exceed three square feet.

(10) Essential public service signs denoting utility lines, railroad lines, hazards and precautions.

(11) Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material when located flat on the face of a building.

(12) One construction sign per project, of no more than 32 square feet in area, denoting architects, engineers, or contractors connected with the work under construction.

(13) Signs for political advertising.

(14) Menu and order boards for drive-through facilities provided such signs shall be located on the interior of the lot and not legible from adjacent properties. The placement, size, content, manner of illumination and sound level of such signs shall not constitute a traffic or pedestrian hazard. Such signs shall be limited to four per establishment. Any proposal for signage not meeting these requirements shall be submitted to the planning commission for a decision.

(15) Permanent signs on vending machines, gas pumps or ice containers.

(16) Residential yard and garage sale signs.

(17) Flags. The flag of any civic organization, municipality, state or nation respectfully displayed, including one flag bearing the official design insignia, name or logo of the on-premises business subject to the following conditions: Flags shall be attached to freestanding flagpoles located within the property. Placement of flagpoles shall not impede vehicular or pedestrian traffic. Flags may not project beyond the property lines, and flags shall not project into the existing or proposed right-of-way. All flags shall be maintained in good repair, free of tearing, fraying or other deterioration.

(c) Signs for political advertising are permitted in all zoning districts provided they are temporary, not illuminated, and do not exceed 32 square feet in area per sign face. Such signs shall be removed within ten days after the election with which the political sign is concerned.

Section 4. That Section 58-373 of the Zoning Ordinance of Muskegon Township titled General Conditions be amended by adding thereto new language to read as follows:

General conditions.

The following regulations are applicable to signs in all zoning districts.

(a) No sign shall be erected, constructed or reconstructed in any location where it may interfere with, obscure the view of, or be confused with an authorized traffic sign.

(b) All signs shall be secured in a manner that the unit remains stationary on the property. Any moving parts on the sign must be able to execute their full range of motion within the setback requirements defined in this ordinance.

(c) Signs shall be constructed of metal, wood, plastic, foam, paint and/or comparable weather-resistant material, and shall be kept in good repair and maintained in safe, neat, clean condition. Banners shall not be allowed as permanent signs.

(d) No freestanding sign shall exceed 30 feet in height, measured from the highest point of the sign to the grade of the nearest street, and shall not be less than four feet measured from the grade of the nearest street to the bottom of the sign. The sign may be placed at the property line, but no part of it may be in or project over the road right-of-way or any easement.

(e) Freestanding sign materials. All freestanding sign structures or poles shall be self-supporting structures erected on, and permanently attached to, concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the building official in accordance with the building code of the township which may be amended from time to time.

(1) *Glass.* When glass is used for sign letters or transparent panels, it shall be plexiglass for sign areas up to and including 300 square inches. When glass is used for sign letters or transparent panels for sign areas in excess of 300 square inches, at least one-quarter-inch wire glass shall be used and the maximum span between supports shall be four feet.

(2) *Strength of parapet wall.* A parapet wall must be designed for, and have sufficient strength to, support any sign which is attached thereto.

(3) *Supports and braces.* Metal supports or braces shall be adequate for wind loading and wire or cable supports shall have a safety factor of four. All metal, wire cable supports and braces and all bolts used to attach sign to bracket or brackets and sign to the support building or structure shall be of galvanized metal or equivalent material. There shall be no visible angle irons or unsightly supports. All such sign supports shall be an integral part of the sign design. There shall be a pole cover on all freestanding signs unless the pole is an integral part of the sign.

(4) *Wind loads.* All signs, except those attached flat against the wall of a building, shall be constructed to meet the standards of the currently adopted state of Michigan Building Code.

(5) *Sign anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(f) No sign, temporary or permanent, shall be erected, constructed, installed or located on private property without the written consent of the owner of such property.

(g) No sign, including, political signs, shall be located in the public right-of-way or attached to any tree, utility pole, street sign, traffic control device or any other similar objects. Political signs are prohibited on any township owned property.

(h) Signs which are not an integral part of a building may not extend more than four feet above the roof line.

(i) No ground sign shall exceed eight feet in height and shall be no larger than 60 square feet and must be permanently attached to the ground or concrete foundation.

(j) Community special event signs must be approved by the township before being displayed. A Community Special Event sign application must be submitted before installation of the sign. The following regulations apply:

Community special event sign regulations:

(1) The display of signs for special events shall be limited to 30 days.

(2) A maximum size of 32 square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of 15 feet. The front setback shall be as required for signs in the zoning district in which the sign is to be located.

(3) The signs shall be removed within 48 hours of the conclusion of the event which is being advertised.

- (4) No sign may be affixed, attached or otherwise placed on any utility pole or traffic control sign, signal or device.
- (5) The sign must be placed outside of the road right-of-way.
- (6) If the sign is illuminated, it must comply with section 58-372 of this chapter.
- (7) Nonprofit/charitable events. A 501 C3 registered nonprofit organization hosting an event within the township may utilize signage to advertise the event and provide direction to the event provided the following conditions are met:
 - a.If the event is reoccurring, application must specify exact dates of planned event and the sign must be removed within 48 hours of the planned event.
 - b.The sign must not violate subsection 58-373(i)(2)–(6).
- (8) Grand opening events are subject to approval by Fire Inspector, Building Inspector and Zoning Administrator after review of site plan.

(k) Residential yard and garage sale signage. Signs used to advertise a residential yard or garage sale are permitted subject to the following restrictions:

- (1) One sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted.
- (2) Such sign shall not exceed six square feet in area.
- (3) Such sign shall be erected no more than seven days prior to the day of the sale and shall be removed within one day after completion of the sale.

(l) Changeable message signs. Changeable message signs may be manual or electronic, and shall comply with the maximum area and site location requirements of the applicable zone district.

- (1) The changeable copy portion of a ground, pylon or wall sign shall not exceed 50 percent of the total sign area and shall be integral to the sign cabinet. The remainder of the sign shall be of a permanent character as otherwise required under this chapter.
- (2) Electronic signs include electronic message boards and changeable message centers, multimedia or computer-controlled variable message signs, and similar devices. Electronic signs shall be permitted under the conditions described in this subsection.
 - a. Display regulations.
 - 1.Scrolling or traveling of a message onto and/or off of the display shall be allowed; provided the message is coming from one direction only and that no message shall take more than five seconds to be displayed in its entirety. Once scrolled, the screen may not change for ten seconds.
 - 2.If nonscrolling, the screen of the sign shall not change more than once every ten seconds.
 - 3.The display shall not, or shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or other similar movements.
 - 4. All electronic signs in any residential zone district, or within 150 feet of a residential zone district, shall discontinue the display between the hours of 11:00 p.m. and 6:00 a.m.
 - b. Light levels requirements.
 - 1. In order to prevent glare, electronic signs shall not operate at a brightness level greater than the manufacturer's recommended levels, except as provided in this or other township codes.
 - 2. All signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.

3. Maximum brightness levels for electronic signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.

c. Additional requirements.

1. Electronic sign permit applications shall include a copy of the manufacturer's specifications for luminosity.
2. Electronic sign permit applications shall also include certification from the sign manufacturer that the individual sign's maximum light intensity has been preset not to exceed the maximum illumination levels established by the code, and that the maximum intensity level is protected from end user manipulation by password protected software or other method approved by the township.
3. If the sign is programmed from the site or from a remote location, the computer interface that programs the sign shall be available to township staff for inspection upon request. If the computer interface is not immediately available, the sign shall cease operation until such information can be provided.
4. No parcel or abutting parcels under common ownership shall be permitted more than one electronic sign.

- (m) A Non-permanent Sign Application must be submitted before installation/display of the sign(s). The following regulations apply:

Non-permanent Sign Regulations:

1. Annual application and payment of fee is required along with the business license renewal before installation. Applications may be submitted at a later date, but the expiration date will remain April 30th of the following year.
2. Must be secured in a manner that the unit remains stationary on the property. Any moving parts on the sign must be able to execute their full range of motion within the setback requirements defined in this ordinance.
3. Must be maintained so as not to be torn, tattered, frayed or faded.
4. Two non-permanent sign allowed per business. Parcels with more than one business are allowed one per 80' of frontage, not to exceed five.
5. Maximum aggregate size allowed is 32 sf in area, with no single sign exceeding 20 sf and a maximum height above ground level of 14 feet. Non-permanent signs shall be set back from the front property line a minimum 10' and must be kept out of the "line of vision area". Setback area must include fall zone footage for sign(s).
6. Violation of these regulations for a non-permanent sign will result in a fine as determined by the Township Board. Each day the violation exists constitutes a new violation. There will be no violation warning notice issued prior to citation being issued.

(n) Sunset Provision.

The Township Board is enacting these non-permanent sign regulations in order to address the needs requested of business owners in the township. In order to gauge the impact on the township code enforcement officer, the Township Board hereby institutes a sunset provision on Section 58-373(m) Non-permanent Sign Regulations, of April 30, 2018. In the first quarter of 2018, the Township Board shall

review the impact of this amendment to determine whether to delete the sunset provision entirely, modify, or extend the same.

Section 5. That Section 58-376 of the Zoning Ordinance of Muskegon Township titled Prohibited signs be amended by adding thereto new language to read as follows:

Sec. 58-376. - Prohibited signs.

All signs not expressly allowed under this chapter (unless exempted from regulation under this chapter) are prohibited in the township. Further, the following types of signs are expressly prohibited:

- (1) Portable signs, except as allowed by section 58-373 (j) and (m) of this chapter.
- (2) Roof signs.
- (3) Off-premises signs except for noncommercial.
- (4) Signs using high intensity, flashing or oscillating with the exception of changeable message signs otherwise permitted by this chapter.

Section 6. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 7. Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 8. Effective Date. This ordinance shall be effective ten (10) days after adoption.

Ann D. Oakes, CMC
Muskegon Charter Township Clerk

Introduced: January 3, 2017

Adopted: January 17, 2017

Published: January 19, 2017

Effective: January 29, 2017