

Ordinance No. 2017-11

Be it Ordained by the City of Bay City:

1. That the Code of Ordinances of the City of Bay City, Article XX, Chapter 122, Sections 122-441 through 122-448, be repealed in their entirety.

2. That the Code of Ordinances of the City of Bay City, Chapter 85, Signs, Section 85-1 through Section 85-17, be added to read as follows:

Sec. 85-1. Purpose.

The purpose of this chapter is to:

- (1) Promote safe travel by minimizing sign hazards, obstructions and driver distractions;
- (2) Protect property values by improving the city's image;
- (3) Acknowledge that signs help locate goods, services, and facilities;
- (4) Recognize the contribution business signs make to sales, job opportunities and the city's tax base;
- (5) Recognize that well-designed signs create attractive business districts;
- (6) Further visibility and effectiveness of all signs by instituting reasonable standards;
- (7) Protect scenic views, landscapes, architecture, and the night sky;
- (8) Provide flexible regulations for diverse needs;
- (9) Preserve public health, safety, and welfare; and
- (10) Provide time, place, and manner regulations for signs. The provisions of this ordinance are intended to have neither the purpose nor the effect of imposing regulations on the content of signs.

Sec. 85-2. Application.

This chapter shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs in the city. No person shall display, construct, enlarge, erect, alter, use or maintain any sign, except in conformity with this chapter. Furthermore, if any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement will apply. If any of the provisions of any other chapter of this code is clearly in conflict with this chapter, this chapter shall apply.

Sec. 85-3. Definitions.

As used in this chapter:

Awning means a retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building. An awning sign is considered a “wall sign”.

Banner means a sign made of vinyl, cloth, plastic or other flexible material.

Billboard means a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Canopy means a permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground including gas pump shelters.

Code official means any building code enforcement employee who performs building or property maintenance code inspections on behalf of the city.

Commercial use means a use for the sale of products or services.

Electronic message center (EMC) means an electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable, also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source and liquid-crystal display (LCDs) for light modulation.

Freestanding sign means a sign principally supported independent of any building.

Height means the vertical distance measured from the grade.

Indirect illumination means lighting a sign by means of a light source which is directed at its front surface, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. “Indirect illumination” does not include lighting which is primarily used for purposes other than sign illumination, e.g. parking lot lights, or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Internal illumination means lighting by means of a light source which is within a sign having an opaque background or silhouetting opaque letters or designs, or within letters or designs which are themselves made of a translucent material.

Institutional use means a school, church, hospital or any other public or quasi-public use.

Joint identification sign means a sign which serves as a common or collective identification for two or more commercial or industrial uses on the same parcel. Such sign may contain a directory to such uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like.

Landmark means an older sign subject to the historic preservation district regulations of chapter 64 of this code.

Lot means a portion of land under one ownership or one tax parcel identification number, whether or not part of a platted subdivision, occupied or intended to be occupied by a building or use.

Lot width means the width of the parcel at the front lot line.

Marquee sign means a sign depicted upon, attached to or supported by a marquee a permanently roofed structure attached to and supported by a building and projecting from the building.

Monument sign means a freestanding sign where the base of the sign structure is permanently in the ground or integrated into landscaping or other solid structural features.

Person means a corporation, association, partnership, trust, firm, or similar activity as well as an individual.

Portable sign means a sign of A-frame or similar construction which can be easily removed on a daily basis.

Projecting sign means a sign which is attached directly to the building wall, and which extends more than fifteen inches from the face of the wall.

Recreational use means a use designed for activities such as picnicking, sports, swimming, biking, etc.

Residential use means a use primarily designed for non-commercial dwellings.

Roof sign means a sign erected, constructed, or maintained upon, or which projects above the roof surface of a building.

Sign means any writing, letter, word, symbol, pictorial representation, form light, or structure which, by reason of its shape, bulk, color, message, wording, symbol, design, illustration, motion, or otherwise, attracts or is designed to attract attention or to communicate a visual message, including any back lighted translucent, roof, wall, canopy, or other architectural element.

Sign area means the total surface area of a sign that can be seen from one vantage point exclusive of supports and masonry encasing.

Sign face means the surface of a sign where the message is displayed or illustrated.

Sign structure means any supports, uprights, or internal framework and bracing of a sign.

Street frontage means that side of a parcel which is adjacent to a street.

Structure means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables, or other transmission or distribution facilities of public utilities.

Suspended sign means a sign attached to and hanging below the ceiling of an eave, arcade, marquee, or canopy.

Temporary sign means a sign intended to be displayed for a limited period and associated with a temporary event and one which is without permanent foundations and not attached to the exterior of a building.

Traffic directional sign means a sign erected on private property for the purpose of guiding vehicular and pedestrian traffic only.

Trailer-mounted sign means a sign designed to be easily relocated to a different lot to draw attention.

Wall sign means a sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen inches from the face of the wall. Wall signs include awning signs.

Wind sign means a sign consisting of one or more pennants, ribbons, spinners, streamers, captive balloons, air pressure stabilized bags, or other objects or materials fastened or supported in such a manner as to provide movement when subjected to wind.

Window sign means a sign which is applied, affixed, or attached to any building window.

Zoning administrator means the zoning administrator or other person charged with the administration of chapter 122 of this code or that person's duly authorized deputy.

Sec. 85-4. Prohibited signs.

No person shall display, erect, use, or maintain a sign for which a permit is required and has not been issued, or any of the following:

- (1) *New billboard* either as on-premises or off-premises sign not construction and permitted prior to July 1, 2017.
- (2) *Imitation traffic sign* which, by reason of its location, shape, color, use of lighting, or other factor, is similar in both size and appearance to any official traffic signal or traffic sign.
- (3) *Internally illuminated sign* in a residential area.
- (4) *Motor vehicle with a sign* which is parked in a position visible to traffic on a public road or parking area for the primary purpose of displaying the sign to the public.
- (5) *Obsolete sign*. Any sign that does not meet the provisions of this code together with its supporting structure which is still standing 180 days or more after the premises have been vacated. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided there is a clear intent to continue operation of the business.
- (6) *Revolving sign or sign with movable parts* or which give the illusion of movement by means of illumination or otherwise are not permitted, except barber poles less than eight feet in height are allowed.
- (7) *Searchlights, lasers, or other high intensity lights* sources to light the night sky;
- (8) *Sign on public property*. Any signs or advertising matter of any kind displayed in any way whatsoever on public property, except as permitted by this chapter and other sections of this code, or by written authorization approved by the city in conjunction with a lease agreement or a special use permit for city parks, streets, buildings, or grounds.
- (9) *Unsafe sign*. Any sign or structure determined by a code official which is structurally unsafe, constitutes a hazard to the public health, welfare, and safety, or is otherwise not kept in a state of good repair.

Sec. 85-5. Signs authorized without a sign permit.

Subject to any other applicable requirements and permits, the following are authorized without a sign permit:

- (1) *Banners* within the public right-of-way as authorized by chapter 94.
- (2) *Copy changes* to bulletin boards, display cases or marquees, or maintenance where no structural changes are made, or copy changes on signs using interchangeable letters.
- (3) *Cornerstones and commemorative tablets* identifying a building or building complex that are an integral part of the building.
- (4) *Directional signs*. Two entrance/exit directional signs per driveway, each four square feet or less and limited to 42 inches in height. These signs may be illuminated.
- (5) *Flag signs* not exceeding 15 square feet in area with no dimension greater than 5 feet. Flag signs are limited to one per business front or parcel. Flag signs shall be installed in a manner that will not impede pedestrian traffic.
- (6) *Inconspicuous signs* which are not readable beyond the boundaries of the parcel upon which they are located or from any public or private street or alley.
- (7) *Neighborhood identification signs* which identify a commercial district or recognized residential neighborhood when located on public land or within a public right of way with the public property owner's approval.

- (8) *Official governmental notices and notices* posted by governmental officers in the performance of their duties.
- (9) *Small signs*. One wall, freestanding, or projecting sign per one or two-family residential parcel. The sign shall not be illuminated, shall not exceed two square feet in area, and shall not exceed a height of four feet above ground level.
- (10) *Temporary signs* such as those associated with construction projects, real estate sales or leases, and other such temporary signs in connection with:
 - a. Commercial, industrial, multiple family, recreational, and institutional uses. These signs shall not be illuminated, are limited to two per parcel and limited to a maximum area of 32 square feet and eight feet above grade. These signs shall be set back ten feet from the front property line. These signs shall be removed within 14 days after the conclusion of the project, sale or event.
 - b. One and two-family residential uses. These signs shall not be illuminated, are limited to a maximum area of 16 square feet each and 60 inches in height. These signs shall be located on private property. These signs shall be removed shall be removed within 14 days after the conclusion of the project, sale or one-time event.
 - c. Temporary signs shall not be arranged to create a sign with a single message exceeding the size and area requirement of this section.
 - d. Temporary signs shall be adequately secured and must be taut or made of a rigid material.
- (11) *Vehicle mounted signs* with a permanent message displayed on trucks, buses, trailers, or other vehicles which are being operated or stored in the normal course of a business, such as a sign indicating the name of the owner or business, which sign is located on a moving van, delivery truck, rental truck, trailer or the like, provided that the primary purpose of such vehicle is not for the display of signs, and provided, further, that such vehicle is parked or stored in an area appropriate to its use as a work vehicle;
- (12) *Warning signs* exclusively devoted to warning the public of dangerous conditions and unusual hazards.
- (13) *Window signs* for commercial, industrial, institutional, and recreational uses, not exceeding 30% of each window area.

Sec. 85-6. Signs authorized with a permit.

(a) *Permit required*. Except as otherwise provided in this chapter, no person shall display, erect, relocate or alter, excluding maintenance, any sign or allow the same to occur on his or her property without first obtaining a sign permit.

(b) *Applications*. The owner or tenant of the property on which the sign is to be located, or his or her authorized agent, shall complete and sign an application for a sign permit on forms furnished by the city. The application shall be accompanied by a sign plan according to section 85-8. The zoning administrator shall, within ten working days of the date of the application,

either approve or deny the application or, if sufficient information has not been furnished, refer the application back to the applicant.

(c) *Fees.* The sign permit application fee shall be those fees on file with the city clerk which have been approved and filed by the city manager and which the city commission has been notified of for at least 30 days, in compliance with section 2-1 of this code.

(d) *Modifications.* When a sign permit has been issued, no person shall change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior written approval.

Sec. 85-7. Specific sign regulations.

(a) *Applicability.* The regulations contained in this section apply specifically to signs authorized with a permit.

(b) *Schedule of regulations.* Freestanding, wall, canopy, awning, projecting, suspended, window signs, monument and portable signs must comply with the place, area, height, number, and location requirements in the Schedule of Regulations contained in this section. In addition to any other regulations contained in this Code, the following specific regulations apply:

(1) Freestanding and wall signs.

- a. Freestanding signs area computations are computed as shown in Appendix A.
Freestanding signs shall be set back in conformity with clear vision triangle standards if located near intersections and driveways. See Appendix B.
- b. Freestanding signs are not allowed in the Downtown area, described on Appendix C.
- c. A multiple-family residential use in a predominately one or two-family residential area shall be limited to one wall or projecting sign per parcel, shall not be illuminated, shall not exceed two square feet in area, and shall not exceed a height of eight feet above ground level.
- d. A commercial, industrial, or institutional use utilizing a freestanding or wall sign located in a predominately one or two-family residential area shall be limited to the following:
 1. No freestanding sign shall exceed six feet in height
 2. No sign shall exceed 24 square feet in area.
 3. No sign shall be internally illuminated.
- e. In no case shall the area of a wall sign, or signs, exceed 15% of the area of the wall upon which the sign or signs are displayed.

(2) Projecting and suspended signs.

- a. Shall not project over a building's roofline.
- b. May project over public property only with an encroachment permit issued by the city.

(3) Portable signs. Portable signs during hours of operation only.

(4) Temporary signs. One temporary sign is permitted per improved parcel. The sign shall not exceed 50 square feet in area and shall not be displayed more than 45 days in any calendar year. Exception: Where multiple tenants occupy a tenant space on a single parcel, no more than two portable signs (not exceeding 50 square feet) may be placed at any one time (placed no closer than 100 feet apart).

(5) Electronic message center. One electronic message center shall be permitted in commercial, office, industrial uses, subject to the following conditions:

- a. Frequency of message change. The message change shall not be more frequent than once every five seconds.
- b. Size. Up to 50% of the sign face area of any permitted permanent freestanding or wall sign and up to 100% of the sign face area of a marquee sign may incorporate an electronic message center.
- c. Number. One such electronic message center shall be permitted.
- d. Intensity. The intensity of lights shall not interfere with traffic control devices, nor shall they distract motorists or otherwise create a traffic hazard.

(6) Monument sign. One monument sign shall be permitted for commercial, office, industrial, institutional and recreational uses, subject to the following conditions:

- a. Two feet from a front and ten feet from side lot line.

(c) *Sign bonuses.* Bonuses in height and area for freestanding and wall signs may be granted by the zoning administrator for the following:

(1) Freestanding signs. The surface area for freestanding signs may be increased up to a maximum total sign area of 40 square feet for the following:

- a. Height. A sign eight feet or less in height: an additional 10 square feet in sign area is allowed.
- b. Background. A sign having a dark or opaque sign face of at least 60%: an additional 10 square feet is allowed. See Appendix D.

- (2) Wall signs. The surface area or height for wall signs may be increased up to a maximum total sign area of 65 square feet for the following:
- a. Background. A sign having a dark or opaque sign face of 60%: an additional 15 square feet is allowed.
 - b. No freestanding sign. If there is no freestanding sign on the premises, an additional 15 square feet is allowed.
 - c. Single individual letters or logos that appear integral to the architecture and made of metal or masonry and permanently engraved or built in to a structure may exceed the maximum height requirement provided the letters meet the area requirements as outlined in the Schedule of Regulations. The letters and logos shall not be internally lit.
- (3) Canopy signs. For a commercial, office, industrial, institutional, or recreational use, an additional sign is allowed on a canopy if there is no freestanding sign on the parcel or if the freestanding sign on the parcel is less than 24 square feet in area and no taller than eight feet in height. The sign on the canopy shall be no larger than 12 square feet and on a canopy no taller than 18 feet. Two such signs per parcel are allowed on the canopy.
- (4) Time/temperature/date devices. Clocks and thermometers may be incorporated into any sign provided such device does not exceed nine square feet.

Sec. 85-8. Sign inventory.

(a) *Inventory required*. No permit shall be issued for an individual sign unless a sign inventory for the site upon which the sign is to be erected has been submitted to and approved by the Community Development Department as conforming with this ordinance. No sign shall be erected on any site unless it is shown on an approved sign inventory.

(b) *Submittal requirements*. A sign inventory submitted for approval shall include the following:

- (1) An inventory of all existing signs on the applicable site, including locations and sizes.
- (2) An accurate site plan, drawn to scale, showing the proposed location of each freestanding sign and the location of all buildings and driveways on the parcel.
- (3) An accurate elevation of each building wall intended to accommodate a sign, including window signs, showing the location, dimensions, and height of each sign above grade level.
- (4) An illustration depicting each proposed sign, its size and proportions, color scheme, construction material and type of illumination.

(c) *Amendment.* A sign inventory may be amended by filing a new sign inventory which conforms to all of the requirements of this chapter.

(d) *Binding effect.* Upon approval of a sign inventory, no sign shall be erected, placed, painted, attached or maintained, except as shown on such inventory and a violation of the approved inventory may be enforced in the same manner as any provision of this ordinance. In the case of a conflict between the provisions of the sign inventory and any other provision of this chapter, the ordinance shall control.

SCHEDULE OF REGULATIONS

Sign	Use	Area		Height ¹	Number	Location
		Surface area	Area bonus ¹			
Freestanding	Commercial, office, industrial, institutional, recreational (Except not allowed in the “Downtown” area shown on Appendix C, see below)	32 square feet	Where permitted, a monument sign 16 additional square feet is allowed.	12 feet or the height of the principal building, whichever is less	Street frontage per parcel: 0' - 200': 1 sign 201' -399': 2 signs 400' or more: 3 signs per parcel	Set back minimum of 10 feet from any property line (Not allowed in the “Downtown” area shown on Appendix C)
	Multiple family residential	12 square feet	N/A	6 feet	1 per street frontage per parcel	
Wall and awning	Commercial, office, industrial, institutional, recreational	Except in Downtown Bay City, business front width feet x 4 feet or 75 square feet, whichever is less but not more than 15% of wall area In Downtown Bay City (Appendix C), maximum of 10% of wall area but not more than 250 square feet total exterior signage for entire parcel	For a dark or opaque background: 15 additional square feet If no freestanding sign: an additional 15 square feet	18 feet or one foot below the second-floor window trim	N/A	
	Multiple family residential	12 square feet ¹	N/A	18 feet or one foot below the second-floor window trim	1 sign per parcel	First floor of building wall

Projecting/ Suspended	Commercial, office, industrial, institutional, recreational	16 square feet				
Window	Commercial, office industrial, institutional and recreational	Thirty percent (30%) of each window area is authorized <i>without</i> a sign permit.				
Portable	Commercial, office, industrial, institutional and recreational	6 square feet with no dimension greater than 3 feet	N/A	Maximum 4 feet	1. One sign per business front 2. If no business front, one per parcel.	1. On private property within 10 feet of building face. 2. If no building face, 10 feet from any property line.
Electronic message center	Commercial, office, industrial, institutional, and recreational	Up to 50% of the sign face area of any permitted permanent freestanding or wall sign and up to 100% of the sign face area of a marquee sign may incorporate an electronic message center.	N/A	Based on most similar sign type	1 per street frontage	Based on most similar sign type.
Monument	Commercial, office, industrial, institutional, and recreational	48 square feet	N/A	Maximum 8 feet	1 per street frontage	Two feet from a front and ten feet from side lot line.

¹ For commercial, industrial, multiple family dwellings, recreational or institutional users in a predominantly residential block.

Sec. 85-9. Sign illumination regulations.

Illuminated signs shall be designed, constructed, and installed to comply with the following standards in order to reduce glare and the general over-wash of light to public rights-of-way and residential uses and to promote the protection of the dark sky.

- (1) Flashing, rotating and intermittent lighting is prohibited except for marquee signs on buildings used solely for theaters for the general public subject to the following conditions:
 - a. The marquee shall be designed as to not be dangerous or confusing to motorists on the public right-of-way by its color, wording, design, location, or illumination that would resemble or conflict with any official traffic-control device or which impedes the safe and efficient flow of traffic.
 - b. The marquee lights shall be lit only during times the theater is in operation.
- (2) Back-lighted individual opaque channel letterforms shall be softly silhouetted against their background.
- (3) Internally illuminated channel letters and logos with translucent faces, shall contain soft, diffused light sources inside each letter or logo.

Sec. 85-10. Sign structures.

The following requirements apply to all signs requiring a permit:

- (1) *General design.* Signs and sign structures shall be designed and constructed to meet any requirements of applicable Michigan construction codes, and with all applicable regulations adopted thereunder.
- (2) *Maintenance.* Every sign, including those specifically exempt from this chapter with respect to permits and permit fees, shall be maintained in good repair and sound structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or constructed of rust resistant metals.
- (3) *Safety.* All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted and free from corrosion.

Sec. 85-11. Non-conforming signs.

A legal nonconforming sign is any sign which was lawfully erected and maintained prior to the enactment of this chapter, and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this chapter and any amendment thereto.

Sec. 85-12. Continuation of non-conforming signs.

(a) A non-conforming sign may be continued during the useful life of the sign if it is maintained in good condition. It shall not, however, be replaced by another non-conforming sign. Non-conforming signs may not be expanded or altered to increase the extent of a non-conformity. It may not be reestablished after damage or destruction if the Community Development Department determines that the estimated cost of reconstruction exceeds 50% percent of the estimated replacement costs.

(b) Any legal nonconforming sign designed for changing the sign's message on a regular basis (such as a bulletin or message board, joint identification sign, or gasoline pricing sign where individual letters, numerals or name panels are readily interchangeable) may be changed without having to be brought into compliance with this Code.

(c) All non-conforming signs in existence at the time of adoption of this chapter are presumed to have a useful life that ends on December 31, 2032, after which time they must come into conformance with this chapter.

(d) Any non-conforming sign owner who believes their non-conforming sign has a useful life beyond December 31, 2032 may file a petition with the Sign Board of Appeals, no earlier than January 1, 2025, requesting determination be made that a non-conforming sign's useful life be extended beyond December 31, 2032.

(e) The Sign Board of Appeals, after hearing as provided in this chapter, may determine that the sign has a different useful life than established by the chapter, and if so, shall determine the remaining useful life of the sign.

(f) All petitions to extend the useful life of a non-conforming sign shall include the following information:

- (1) Copies of all leases for the sign for the last five years;
- (2) Copies of all maintenance records for the sign for the last five years;
- (3) A description of all deferred maintenance on the sign that needs to be accomplished and the estimated cost;
- (4) The square footage of the sign;
- (5) The height of the above ground level;
- (6) A drawing showing the position of the sign and all other structures on the parcel and all roads abutting the property;
- (7) Date when sign was installed; and
- (8) Initial capital cost of sign.

Sec. 85-13. Violations.

(a) *Notice.* If a code official or his/her designee finds that a sign violates this chapter, he or she shall give written notice to the owner of the sign or to the owner of the property where the sign is located and an order ordering that the violation be corrected.

(b) *Order.* The order shall specify those sections of this chapter violated, and shall state the amount of time from the date of the order in which to either correct the alleged violation or appeal the order to the zoning board of appeals.

(c) *Dangerous signs.* If a code official or his/her designee finds that a sign endangers public or private property or public safety, the Official may, after notice given to the owner of the sign and of the property where the sign is located, immediately remove or alter such sign at the expense of the sign owner or property owner.

(d) *Forfeiture of fees.* When any permit has been revoked, permit fees shall not be refunded.

Sec. 85-14. Appeals.

(a) *Board.* The zoning board of appeals shall serve as the board of appeals for the purposes of this chapter.

(b) *Powers.* Nothing contained herein shall be construed to empower the board of appeals to substantially change the terms of this chapter or to significantly add to the types of signs permitted on any premises. Upon an affirmative vote of the majority of the members present, the appeals board shall have the power to:

- (1) Modify or reverse, in whole or in part, the notice or order of the code official.
- (2) Grant an extension of time for the performance of any act required of not more than three (3) additional months, where the appeals board finds that there is practical difficulty or undue hardship connected with the performance of this Chapter or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.
- (3) Grant exceptions only in cases involving unique circumstances when the evidence in the official record of the appeal supports all of the following affirmative findings:
 - a. That the alleged circumstances are exceptional and peculiar to the property of the person requesting the exception, and result from conditions which do not exist generally throughout the city.
 - b. That the alleged consequences resulting from a failure to grant the exception include substantially more than mere inconvenience, or mere inability to attain a higher financial return.

- c. That allowing the exception will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant an exception, and the rights of others whose property would be affected by the allowance of the exception, and will not be contrary to the public purpose and general intent and purpose of this chapter.
- d. The above findings of fact shall be made by the board of appeals, which is not empowered to grant an exception without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the board.

(4) Interpret this chapter in such a way as to carry out its intent and purpose.

(c) *Initiating appeals.* Appeals shall be filed with the planning/zoning department on an application form determined by the department and shall be accompanied by a fee established by the city commission. Appeals shall be filed within twenty-one (21) days after written notice is given of the action being appealed. An appeal must be submitted at least twenty-one (21) days before the board of appeals meeting at which it will be considered.

(d) *Application.* The application form shall be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application. Applications shall be accompanied by a sign plan and any other information the zoning administrator deems pertinent. All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.

(e) *Representation at hearing.* The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the discretion of the board of appeals.

(f) *Reconsideration.* An applicant may re-appeal a decision after 12 months from the decision of the board of appeals. The board will not reconsider any appeal within 12 months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the board of appeals at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the board of appeals shall decide whether there is a substantial change in circumstances allowing the rehearing.

Sec. 85-15. Enforcement.

(a) The code official or his or her designee shall enforce this chapter. He or she shall appear for and on behalf of the city in all matters regarding the interpretation and application of this chapter and shall resist and oppose any deviations from this chapter.

(b) The code official and his or her designees, or such other officials as are designated by this code or the city manager, are hereby authorized to issue and serve municipal civil infraction citations and municipal ordinance violation notices in conformity with chapter 87 of the Revised Judicature Act, Act No. 236 of the Public Acts of Michigan of 1961, as amended.

(c) The code official or his or her authorized representative may enter at reasonable times any land, building, structure, or premises in the city to perform any duty imposed upon the community development department by this chapter.

Sec. 85-16. Transition.

The intent of this chapter is to make the sign ordinance fully effective as soon as possible, but to allow for the continuation of all sign permits. All sign permits which have been previously issued, but which have not been acted upon by the permit holder by starting substantial construction, are hereby revoked. Other such permits may be continued if construction is diligently pursued and timely completed.

Sec. 85-17. Penalty.

(a) Any person who shall violate a provision of this chapter shall be responsible for a municipal civil infraction, punishable by a fine specified herein for that violation:

- (1) Failure to obtain a permit, Class I
- (2) Failure to Comply with Notice and Order, Class I
- (3) All other violations, Class H

A separate offense is deemed committed each day during or on which a violation or noncompliance occurs or continues.

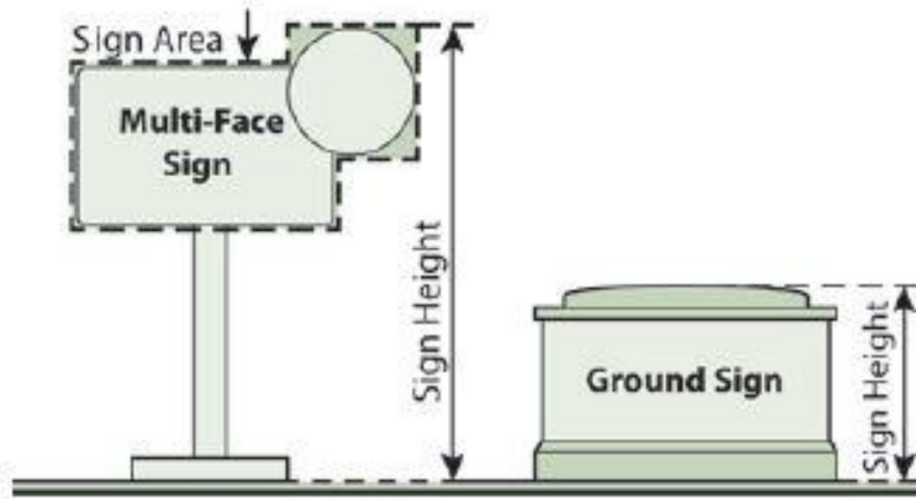
(b) The imposition of penalties herein prescribed shall not preclude the city from instituting appropriate action to restrain, correct, or abate a violation, or to seek an order from a court of competent jurisdiction to enjoin a violation of this chapter.

Kathleen L. Newsham, Mayor

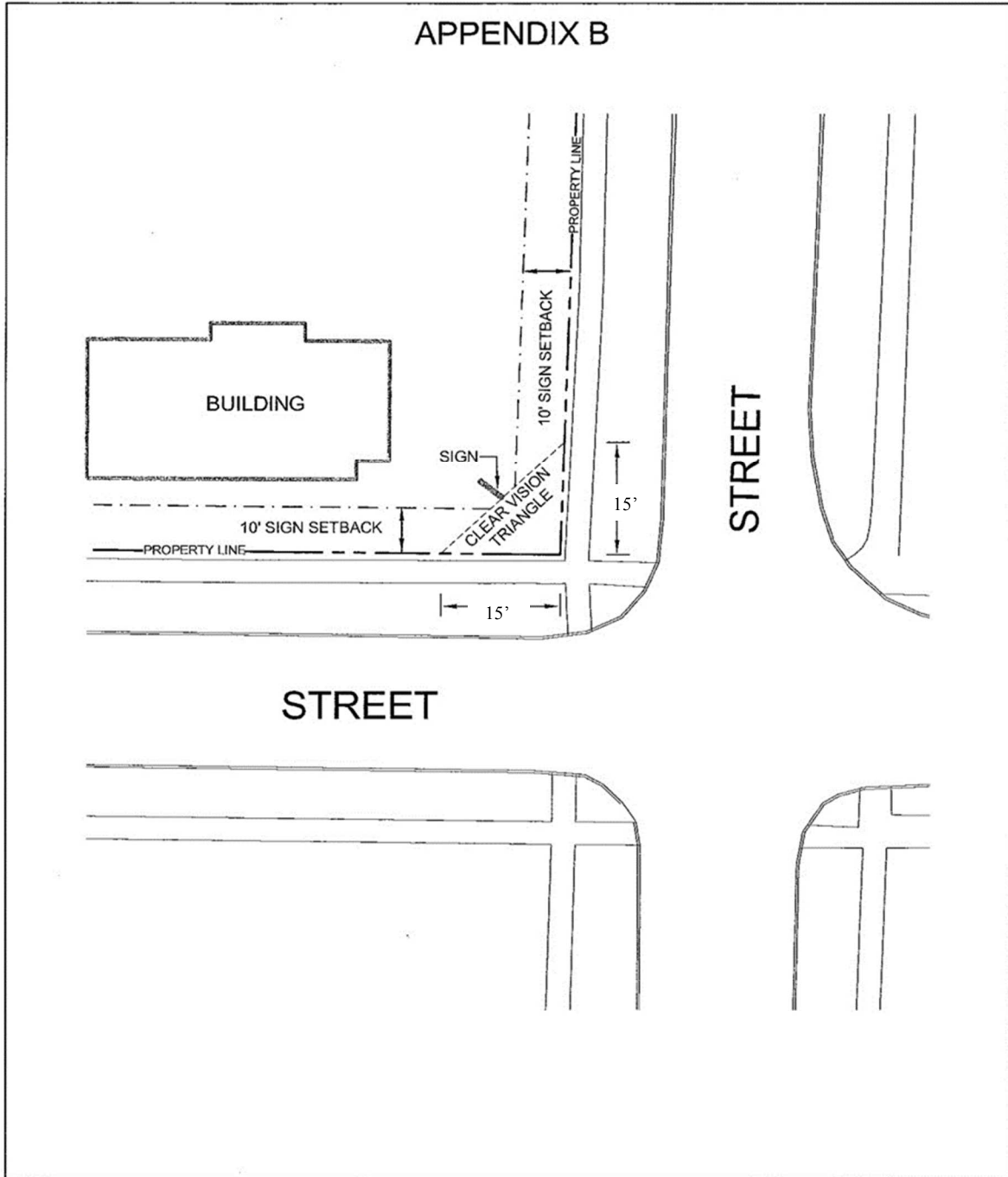
Tema J. Lucero, City Clerk

ADOPTED: JUL 17, 2017
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Appendix A:
Measurement of Freestanding Signage



Appendix B:
Clear Vision Requirements



Appendix C Downtown Bay City

