

CITY OF CHARLEVOIX
Ordinance No. ___ of 2008

AN ORDINANCE TO AMEND TITLE V, CHAPTER 51: ZONING,
ARTICLE VII: SIGN REGULATIONS OF THE CODE OF THE CITY OF
CHARLEVOIX

THE CITY OF CHARLEVOIX ORDAINS:

SECTION 1. Repeal Article I, Section 5.11: Sign-Related Definitions.

Chapter 51, Article I, Section 5.11: Sign-Related Definitions is hereby repealed in its entirety.

SECTION 2. Amendment of Article VII: Sign Regulations

Chapter 51, Article VII: Sign Regulations is hereby revised in its entirety as follows:

ARTICLE VII. SIGN REGULATIONS

5.216 PURPOSE

The purpose of this article is to regulate signs, designed to be visible to the public, in a manner which does not restrict the content thereof while:

- (1) Recognizing the mass communications needs of both businesses and other parties.
- (2) Protecting property values and neighborhood character.
- (3) Creating a more attractive business climate.
- (4) Promoting pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards.
- (5) Promoting pleasing community environmental aesthetics.
- (6) Discouraging visual competition among businesses.

5.217 SIGN RELATED DEFINITIONS

- “Awning”: A permanent shelter constructed on a supporting framework, projecting from and supported by the exterior wall of a building.
- “Airborne Devices”: A sign supported by aerodynamic forces or propelled through the air by force, including but not limited to air filled balloons, signs animated by forced air, and lighter than air signs.
- “Awning Sign”: A sign painted, printed, attached flat against, or integrated within the surface of an awning.
- “Banner”: A sign made of a non-rigid material; however, not including pennants or flags.
- “Billboard-Highway Advertising Sign”: An off-premises sign owned by a person, corporation or other legal entity that engages in the business of utilizing and/or selling the space on that sign for advertising. See “Off-Premises Sign.”
- “Building Elevation”: All of that part of a building facade(s) which would be included in an elevational view rendering of the building drawn parallel to and for the entire length of a lot line.

- “Business Center Sign”: An on-premises sign which identifies or gives direction to a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group. See “*On-Premises Sign.*”
- “Canopy (Building)”: A permanent rigid structure covered with fabric, metal, shingles, or other material and supported by a building at one or more points.
- “Canopy (Freestanding)”: A permanent, rigid structure covered with fabric, metal, or other material and supported by columns, posts, or other forms of support not a part of a building.
- “Canopy Sign”: A sign affixed or applied to or a part of a canopy.
- “Construction Sign”: An on-premises sign erected during a construction project which identifies the project, the owner or developer of the site, the architect, engineer, contractor and subcontractors working on the project, and any funding sources for the project, but which does not act to advertise a product or service.
- “Development Identification Sign”. An on-premises sign that contains the name of the development or neighborhood or residents residing on the premises where located.
- “Directional Sign”: An on-premises sign, which directs visitors or customers to a particular land use on the premises where located. See “*On-Premises Sign.*”
- “Electronic Sign Face”: That portion of a sign face capable of changing its message or image electronically.
- “Flag”: A sign made of non-rigid material having a distinctive size, color, and design used as a symbol or emblem.
- “Flashing Sign”: Any illuminated sign on which the artificial light is not at all times stationary or constant in intensity and color.
- “Ground Sign”: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in the ground surface and not attached to any building.
- “Home Occupation Sign”: A non-illuminated, on-premises sign announcing a home occupation or professional service. See “*On-Premises Sign.*”
- “Identification Sign”: An on-premises sign that identifies the type of business and contains the name and/or street address.
- “Illuminated Sign”: A sign that includes artificial light by either emission, reflection, or refraction.
- “Informational Sign”: A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, and similar features.
- “Ingress-Egress Sign”: A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- “Internally Lighted Sign”: A sign having an internal lighting source which allows light to be visible through the sign face.
- “Marquee”: A permanent structure of rigid materials supported by and extending from, or above the facade of a building.
- “Marquee Sign”: Any sign attached to or supported by a marquee.

- “Non-Commercial Speech Sign”: Legal speech, in written form, by an individual or group of individuals expressing thoughts, ideas, opinions, etc. to the public.
- “Off-Premises Sign”: A sign which contains a message related to a business or profession or to a commodity, service, or activity sold or offered for sale on property other than the premises where such sign is located.
- “On-Premises Sign”: A sign which contains a message related to a business or profession or to a commodity, service, or activity sold or offered for sale on the property where such sign is located.
- “Pennant”: A small, often triangular, flag used in multiples as a device to call attention to a land use or activity.
- “Political Sign”: A sign relating to the election of a person to public office, to a political party, or to a proposition to be voted on at a scheduled election.
- “Portable Sign”: A freestanding sign, usually having a changeable message, not permanently anchored or secured to either a building or the ground.
- “Projecting Sign”: A sign which is affixed to any building or structure other than a marquee or canopy and projects in such a way that the sign face is not parallel to the wall to which it is attached.
- “Real Estate Development Sign”: A sign placed on the premises of a subdivision or other real estate development to indicate the proposed start of the development project or to inform the public that property within the development is available.
- “Real Estate Sign”: A sign containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent.
- “Roof Sign”: Any sign or any part of a sign, which is erected on or as a part of the roof of a building.
- “Sign”: A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from outdoors on behalf of or for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business, or organization.
- “Sign Face”: That portion of a sign excluding its base, foundation, and erection supports on which identifications, descriptions, illustrations, displays or devices are placed pertaining to an idea, opinion, product, use, occupancy, function, service, or activity.
- “Streamers”: A long narrow wavy strip resembling or suggesting a banner floating in the wind.
- “Temporary Sign”: A sign, banner or advertising display, with or without a structural frame, intended for a limited period of display, including displays for holidays or public events.
- “TOD Sign” – “TODS”: Michigan Tourist Oriented Directional Sign Program sign.
- “Wall Sign”: A sign which is attached directly to or painted upon a building wall, the exposed face of which is essentially in a plane parallel to the building wall or structure.
- “Window Sign”: A sign, picture, symbol, or combination thereof, designed to communicate information about any idea, activity, business, commodity, event, sale, or

service that is placed on a window pane or glass with the intent to be visible from the outdoors.

5.218 PROHIBITED SIGNS

ALL ZONE DISTRICTS: The following signs shall not be allowed in any district:

- (1) Signs that are not consistent with the standards of this chapter.
- (2) Signs that are not clean, i.e. are covered with materials that obscure the message, in whole or in part. Signs that are not in good repair, i.e. having broken foundation, base, or support structures, lighting fixtures, etc., and/or having a faded appearance.
- (3) Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions.
- (4) Signs that are attached to any natural growth, such as trees, shrubs, or other natural foliage.
- (5) Signs, which by reason of their location, shape, size, or color appear to regulate, warn, or direct the movement of traffic on public thoroughfares or interfere with or resemble an official traffic sign, signal, or device.
- (6) Signs other than utility company signs affixed to power utility poles or other utility structures or fixtures.
- (7) Signs located so as to interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. (See Section 5.185. Intersection Visibility)
- (8) Signs in public rights-of-way other than those allowed by the City Highway Banner Program.
- (9) External neon signs other than in the C-1, CBD, or M-H Districts where the wording specifically states "Open," "Closed," "Vacancy," or "No Vacancy." These specific signs shall be no larger than two (2) square feet.
- (10) All types of flags, banners (except those authorized under Section 5.220(8)), pennants, streamers, and airborne devices attached to the ground or buildings ("Over Highway Banners" are allowed only by the City Highway Banner Program by permit from the City Manager and MDOT.
- (11) Billboard-Highway Advertising Signs
- (12) Internally Lighted Signs
- (13) Off Premise signs
- (14) Roof signs
- (15) All types of signage on sidewalks, roads or ground
- (16) Sign containing an electronic sign face

5.219 SIGNS EXCLUDED FROM PERMITS

The following signs are permitted in any district without a Sign Permit, but shall conform to the applicable requirements of this chapter and the applicable building codes.

- (1) One (1) identification sign not exceeding two and a half (2.5) square feet in sign face area used to identify a residential or non-commercial use.

- (2) Signs not exceeding two-and-one-half (2.5) square feet in sign face area on mailboxes or newspaper tubes, or posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (3) Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, street signs, historical markers, traffic, directional, and regulatory signs, public displays for holidays and public events.
- (4) Official signs of a noncommercial nature erected by public utilities.
- (5) Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- (6) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (7) Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
- (8) Informational signs not exceeding one-and-one-half (1.5) square foot in sign face area.
- (9) Any sign wholly located within a building and not visible from outside the building.
- (10) Window signs less than or equal to six (6) square feet. Window signs, whether inside or outside of a building, exceeding 6 square feet are considered wall signs and are subject to this chapter.
- (11) Non-commercial speech signs placed on private property, outside of any street right-of-way, not exceeding four square feet in sign face.
- (12) External neon signs no larger than two (2) square feet in sign face area in the C-1, CBD, or M-H Districts, which specifically state "Open," "Closed," "Vacancy," or "No Vacancy."
- (13) Public signs or signs sanctioned by a public body on public land are not subject to this chapter.

5.220 CERTAIN TEMPORARY SIGNS - PERMIT EXEMPTIONS AND ADDITIONAL EXEMPTIONS

The following signs, related to temporary land uses, are permitted in any district without a Sign Permit. However, such signs shall conform to the requirements set forth herein as well as all other applicable requirements of this chapter.

- (1) Construction Signs. One (1) construction sign not to exceed twenty (20) square feet is permitted. In the place of one large sign, a maximum of four (4) individual smaller signs may be erected, one along each street frontage upon which the property faces on the site, upon the condition that each smaller sign shall not exceed four (4) square feet in sign face area per sign.
- (2) Political Signs. Political signs are allowed in connection with elections or political campaigns. Such signs shall be removed within three (3) days following the election or conclusion of the campaign. No such sign may exceed eight (8) square feet in sign face area or be placed in any public street right-of-way.
- (3) Real Estate Development Signs. One (1) real estate development sign is permitted for each street frontage upon which the property faces. Such sign(s) may be present only for the duration of the development's construction. Such duration is limited to developer having majority ownership in saleable lots.
- (4) Real Estate Signs. One (1) real estate listing sign is permitted for each street frontage upon which the property faces. Such sign(s) shall be removed within ten (10) days after sale, lease, or rental.
- (5) Special temporary events. One (1) sign not exceeding twenty-four (24) square feet in sign face

area indicating a special temporary event such as a carnival, circus, festival, or similar event, is permitted on the lot where the activity is to take place. Such signs may be erected not sooner than one (1) month before the event and must be removed not later than three (3) days after the event.

- (6) Yard sales and similar events. Signs for yard sales or other similar temporary activities not covered in the foregoing categories are permitted. Not more than one (1) sign may be located on any lot. No sign may exceed four (4) square feet in sign face area. Signs may be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
- (7) Other temporary signs. Temporary signs not listed in Section 5.219 shall be regarded and treated in all respects as permanent signs.
- (8) Temporary banners are only allowed in two (2) specific locations within the City, adjacent to the city golf course and near the intersection of M-66 and US-31. Banners advertising community events may be placed in those locations by non-profit or for-profit businesses or entities when the zoning administrator determines that those events will provide a substantial benefit to the City of Charlevoix and the event will not create any unfair competition among local businesses. Banners shall not exceed 30 square feet in area, may be erected not more than two (2) weeks before the event, and must be removed within two (2) days after the event.

5.221 SIGN STANDARDS FOR ALL SIGNS

- (1) Number and square footage requirements
 - (a) Each business shall be allowed a maximum of two (2) types of signs per any single building elevation that has public frontage as specified in Section 5.224, Table of Use Districts. (For example a business may have a wall sign and a ground sign for each frontage, but cannot have two of the same type of signs on one elevation.)
 - (b) For the purpose of determining the number of signs, where graphic material is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A number of small signs randomly placed on a wall cannot be construed to be a single sign.
 - (c) A two-sided or multi-sided sign shall be regarded as one (1) sign so long as the interior angle of a "V" type sign does not exceed thirty (30) degrees and the two (2) sides are at no point separated by a distance that exceeds five (5) feet; and the distance between the backs of each face of a double-faced (back-to-back) sign does not exceed three (3) feet.
 - (d) Canopy signs and Marquee signs are allowed the same square footage as a wall sign.
 - (e) All signs in the US 31 highway right of way are regulated by the Michigan Department of Transportation (MDOT) at locations approved by and installed in accord with the State of Michigan TODS program
 - (f) Window signs are allowed provided they do not exceed 25% of the total area of each window pane and do not exceed 6 square feet.
 - (g) A development identification sign shall contain no other advertisement display.
 - (h) An identification sign shall contain no other advertisement display, except that the identification sign for a business may identify the type of business being conducted on the premises.
- (2) Computation of sign area.
 - (a) The sign face area of a sign shall be computed by including the entire area within a single, continuous perimeter of a circle, triangle, rectangle, or parallelogram enclosing the

extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

- (b) If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
 - (c) Subject to the provisions of Section 5.221(1)(c), the sign face area of two-sided, multi-sided, or three-dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point.
- (3) Height, setback, and projection requirements.
- (a) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this chapter, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
 - (b) No wall sign attached to a building may project more than twelve (12) inches from the building wall. In those instances, where a wall sign is affixed to the wall of the structure, which lies on a right-of-way line, the bottom of the wall sign may be no closer than eight (8) feet from the ground.
 - (c) No part of a ground sign may exceed a height of sixteen (16) feet, measured from ground level.
 - (d) No part of a ground sign may be closer than four (4) feet to the right-of-way line.
 - (e) No part of a projecting sign may extend more than eight (8) feet over private property or a public right-of-way nor be less than eight (8) feet from ground level.
 - (f) Except for awning signs hanging entirely over private property, no part of an awning sign may be closer than eight (8) feet from ground level.
- (4) Illumination/ lighting
- (a) All electrical wiring to the sign shall be placed underground.
 - (b) Signs must be lighted indirectly and not internally. Indirect lighting shall be directed either downward or upward onto the sign face and shielded so that it illuminates only the sign face and does not shine directly into a public right-of-way or residential premises.
 - (c) No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- (5) Sign Materials
- (a) Sign Materials shall be constructed of durable materials.
 - (b) Natural or natural-like materials are encouraged. Earth tone colors are to be encouraged.
 - (c) It is recommended that the sign be constructed of materials compatible with the existing structure.

5.222 STANDARDS FOR PORTABLE SIGNS

- (1) Shall be not more than forty eight (48) inches in height and thirty (30) inches in width, and

cannot exceed six (6) square feet in sign face area;

- (2) Shall be located on private property;
- (3) Shall not block pedestrian access;
- (4) Shall be constructed of durable materials and be clearly portable in terms of size, weight, and placements; and
- (5) Shall only be displayed between the hours of 7:00 am and 12:00 am;

5.223 SIGN STANDARDS FOR SPECIFIC USES

- (1) All signs must comply with Table 5.224, unless otherwise provided.
- (2) Signs relating to automobile gasoline service stations, including any business selling gasoline.
 - (a) In addition to the signs allowed by Section 5.221, automobile gasoline service stations, including any business selling gasoline, may display one (1) other sign, with a sign face not exceeding eighteen (18) square feet, for the purpose of advertising the price of gasoline or other accessory products sold on the premises, including information regarding accepted credit cards. For purposes of this subsection, the sign advertising the price of gasoline or fuel may be an electronic sign face. Signs on pump canopies may be considered secondary to a station's primary sign should the primary sign, for example, be a ground sign.
 - (b) Directional signs or lettering displayed over individual entrances or service bays shall be permitted, provided they consist only of the words, "washing," "lubrication," "repairs," "mechanic on duty," or similar words directly relating to motor vehicle services offered on the premises. Not more than one (1) such sign per bay shall be permitted and each sign shall not exceed four (4) square feet in total sign face.
- (3) Home Occupations may have one (1) wall sign no larger than two (2) square feet.
- (4) Except for the signs permitted under Sections 5.219 and 5.220, no other signs are permitted in residential areas in a PUD Zone District, but are allowed in the commercial areas in the PUD Zone District.
- (5) Multi-tenant, Business Center Sign. Notwithstanding Section 5.221(1)(a), in the case of a shopping center or other integrated group of stores or commercial buildings one (1) freestanding business center sign may be erected. The maximum area for such sign face shall be equal to one-half (0.5) square foot of sign face area for each foot of building frontage, or sixty (60) square feet, whichever is less.

TABLE ON NEXT PAGE

5.224 TABLE OF USE DISTRICTS

Sign face in Square footage/ Setback from Right of Way/ Height

| ZONING DISTRICT | AWNING | GROUND | PROJECTING | WALL & WINDOW | DIRECTIONAL | INGRESS/EGRESS | CONSTRUCTION | REAL ESTATE | REAL EST DEV | TEMPORARY | BUSCT. | INFO SIGN | POLITICAL | DEVELOPEMENT | IDENTIFICATION |
|--------------------|--------|---------|------------|---------------|-------------|----------------|--------------|-------------|--------------|-----------|-----------|-----------|-----------|--------------|----------------|
| R-1, R-2, R-2A, SR | 0 | 16/4/16 | 0 | 5.222 (3) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 0 | 1.5/4/0 | 8/0/4 | | 2.5 |
| R-3 | 0 | 16/4/16 | 0 | 0 | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 0 | 1.5/4/0 | 8/0/4 | | 2.5 |
| R-4 | 0 | 16/4/16 | 0 | 0 | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 0 | 1.5/4/0 | 8/0/4 | | 2.5 |
| PUD + | 0 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 0 | 1.5/4/0 | 8/0/4 | 20/4/8 | |
| C-1 | 16/0/8 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| MU | 16/0/8 | 16/4/16 | 36/0/10 | 0 | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| CBD | 16/0/8 | 16/4/16 | 16/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| PO | 16/0/8 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| I | 16/0/8 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| MC | 16/0/8 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| MCS | 16/0/8 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| CS | 16/0/8 | 16/4/16 | 36/0/10 | 0 | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 5.220 (1) | 1.5/4/0 | 8/0/4 | | |
| MH | 0 | 16/4/16 | 36/0/10 | 5.220 (5) | 4/4/8 | 2/4/4 | 20/4/8 | 8/0/8 | 36/4/8 | 6/4/8 | 0 | 1.5/4/0 | 8/0/4 | | |
| | | | | | | | | | | | | | | | |

5.225 NONCONFORMING SIGNS

- (1) Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this chapter may be continued, repaired, and maintained as is necessary to keep in a sound condition.
- (2) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. In addition, no person may add illumination.
- (3) A nonconforming sign may not be moved or replaced except to bring the sign into greater conformity with this chapter.
- (4) If a nonconforming sign is destroyed to the extent it is impractical to be restored using a majority of its existing major components, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.

- (5) The message of a nonconforming sign may be changed so long as this does not create any new non-conformity.

5.226 PERMIT REQUIRED FOR SIGNS

- (1) Except as otherwise provided in Sections 5.219 (Signs Excluded from Permits) and 5.220 (Certain Temporary Signs-Permit Exceptions and Additional Exemptions), no sign may be constructed, erected, moved, enlarged, illuminated, or otherwise altered unless a sign permit has been issued in accordance with the provisions of this chapter. Repainting or changing the message of a sign shall not in and of itself be considered an alteration.
- (2) Application for a sign permit shall be submitted to the Zoning Administrator on appropriate forms supplied by his/her office. Said application shall contain the following information:
 - (a) Name, address, and telephone number of applicant.
 - (b) Written permission of property owner on which the sign will be located.
 - (c) Type of sign as defined in this chapter.
 - (d) Scaled drawing showing sign size, height, type of support (if applicable), zone district in which the sign will be located, location of sign on property including front and side yard setback distances, and any other information required herein.
 - (e) Street address of the property upon which the sign will be located.
 - (f) The name of the sign contractor, who shall erect the sign and/or sign structure.
- (3) No permit shall be issued for the erection of any sign or signs until such sign(s) have been reviewed and approved by the Zoning Administrator and without first having paid a permit fee as established by the City Council.
- (4) Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Zoning Board of Appeals.

5.227 UNSAFE SIGNS

- (1) No person, corporation, business organization, or other legal entity shall own or maintain any sign or advertising device that is structurally unsafe. For purposes of this section, the term "structurally unsafe" shall mean being in a state of disrepair or being designed and/or constructed so as to pose a likely threat of a total or partial collapse.
- (2) The Zoning Administrator and/or other officials designated by the Zoning Administrator shall have the right to inspect signs and advertising devices to determine whether they are structurally unsafe. The Zoning Administrator and/or other officials designated by the Zoning Administrator may exercise this right of inspection by consent of the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located or by administrative search warrant.
- (3) If the Zoning Administrator finds that a sign or advertising device is structurally unsafe, he or she shall serve on the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located a written notice, which specifies all of the following:
 - (a) The location of the sign or advertising device that is structurally unsafe.
 - (b) The nature of the unsafe condition.
 - (c) The date, no less than twenty (20) days after the written notice was served, before which the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located shall remedy the unsafe condition.

- (d) A statement that if the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located fails to remedy the unsafe condition within the time specified in the written notice, the City may enter onto the property to remedy the unsafe condition and charge the costs of such action, including reasonable attorney fees, to the owner of the sign or advertising device and/or the owner of the property on which the sign or advertising device is located.
- (e) A statement that the owner of the sign or advertising device and the owner of the property on which the sign or advertising device is located has the right before the expiration of the deadline contained in the written notice to request a hearing before the City Council regarding whether the sign or advertising device is structurally unsafe.

The service required by this subsection shall be personal service or service by certified mail, restricted delivery, return receipt requested. For purposes of this section, the phrase "remedy the unsafe condition" shall mean repairing the sign or advertising device so that it does not pose a serious threat of a total or partial collapse or removing the sign or advertising device from the property.

- (4) If the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located requests a hearing before the City Council as provided in this section, the City shall take no action to remedy the unsafe condition until, after notice and hearing, the City Council finds that the sign or advertising device is structurally unsafe. A notice of the time, date, and place of the hearing before the City Council shall be served on the owner of the sign or advertising device and on the owner of the property on which the sign or advertising device is located no less than fourteen (14) days before the scheduled hearing. The service of this notice may be made by first class mail. The owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located may appeal an adverse decision by City Council to the circuit court as provided by law.
- (5) In exercising its right under this section to remedy the unsafe condition, either with or without a hearing before the City Council, the City shall remove the sign or advertising device from the property if the repairs necessary to remedy the unsafe condition exceeds fifty (50) percent of the value of the sign or advertising device.
- (6) The costs of remedying the unsafe condition by the City, including reasonable attorney fees, may be collected in a lawsuit against the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located.

5.228 ABATEMENT OF DANGEROUS SIGNS

- (1) To protect the health, safety, and general welfare of the inhabitants of the City of Charlevoix, the City Manager is hereby authorized and empowered to order city officials to enter onto private property to remove, repair, or otherwise make safe any dangerous sign or advertising device without notice to the owner of the sign or advertising device or the owner of the property on which the sign or advertising device is located. For purposes of this section, the phrase "dangerous sign or advertising device" means a sign or advertising device that is in such a state of disrepair or has such a design and/or construction flaw that it poses an imminent threat of total or partial collapse such that following the procedures of Section 5.227 would result in a substantial likelihood of injury to persons or property.
- (2) If the City Manager exercises the authority granted in subsection (1) above, he or she shall cause a written notice of such action to be served on the entity who benefits from the sign or advertising device and on the owner of the property on which the sign or advertising device is located as soon as possible after the action is taken. The service required by this subsection shall be by personal service or by first class mail. Service shall be deemed completed when the notice is mailed. Acceptance of the certified mail is not required.
- (3) The costs incurred by the City in removing, repairing, or otherwise making a dangerous sign or advertising device safe under this section, including reasonable attorney fees, may be collected in a lawsuit against the owner of the sign or advertising device or the owner of the property on which the a sign or advertising device is located.

