

CODE
City of
ANN ARBOR, MICHIGAN

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Preliminaries

**CODE
CITY OF
ANN ARBOR, MICHIGAN**

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Chapter 61 SIGNS AND OUTDOOR ADVERTISING

5:500. Application of chapter.

Signs may be erected or maintained in the City of Ann Arbor only as permitted by this chapter and subject to other restrictions contained in this Code.
(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82)

5:501. Definitions.

The following words and phrases shall have the meanings set forth in this section when they are used in this Chapter:

- (1) *Area* (or other reference to square measure) means the entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing representation, emblem or any figure of similar character together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has 2 or more faces, the area of all faces shall be included in determining the area of the sign. Where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded.
- (2) *Billboard*. An off-premises sign with an area in excess of 200 square feet.
- (3) *Building*. A permanent structure for human occupation to which the sign relates.

(4) *Business*. Any legal use of a building, other than for a religious institution, day care center, school, home occupation, or residence by a person, firm or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.

(5) *Business Center*. A group of 5 or more stores, offices, research facilities, or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common private parking and entrance facilities, or which is a platted business subdivision.

(6) *Distance from a building to a sign* shall be measured from the nearest wall of the building, or, in the case of a gasoline service station, the nearest gasoline pump, to the furthest portion of the sign or its supporting structure.

(7) *Exterior Sign*. Any sign other than an interior sign.

(8) *Frontage*. The length of the portion of a building occupied by a single business facing a street adjacent to the premises on which the business is located.

(9) *Interior Sign*. A sign within the walls of a building.

(10) *Maximum heights* shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

(11) *Message Unit*. Each of the following equals 1 message unit: a word, an abbreviation, a number, a symbol, a geometric shape, a person's or firm's initials, a web site, an electronic mail address. Letters or numbers 4 inches or smaller in height and punctuation marks are not counted in computing a number of message units. When a business has a sign with identical sign messages facing opposite directions, only the message units on 1 side of each such pair shall be counted in computing the permitted number of message units.

(12) *Minimum height* shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.

(13) *Off-Premises Sign*. A sign other than an on-premises sign.

(14) *On-Premises Sign*. A sign which advertises only goods, services, facilities, events, or attractions on the premises where located.

(15) *Political Sign*. A sign whose message relates to a candidate for political office, or to a political party, or to a political issue or an ideological opinion.

(16) *Premises*. The contiguous land in the same ownership or control which is not divided by a public street.

(17) *Public Right-of-Way* or *Right-of-Way*. For purposes of this Chapter 61 only, all public rights-of-way within the City which are used for streets, highways, sidewalks and alleys.

(18) *Sign*. A name, identification, description, display, light, balloon, banner, or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, sidewalk, alley, park, or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The

definition does not include religious symbols or paintings which do not display lettering and do not advertise a business, product or service.

(19) *Temporary Sign.* A sign intended for a limited period of display.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 11-86, 4-10-86; Ord. No. 32-94, § 1, 4-4-94; Ord. No. 10-01, § 1, 3-19-01)

5:502. Exterior business signs.

(1) Each ground floor business is permitted exterior on-premises and noncommercial signs having an area totaling 2 square feet per linear feet of ground floor frontage. The total area of such signs may not exceed 200 square feet. Such signs may contain a total of 10 message units and shall meet the placement standards contained in this section. If all the signs of a business do not exceed a maximum height of 15 feet, such business shall be permitted sign area and message units of 20 percent more than would otherwise be permitted by this Chapter.

(2) Placement.

(a) Signs attached to the building shall not extend more than 3 feet above the building or 4 feet from the wall of the building. The extension from the wall or roof shall be measured from the location of attachment.

(b) Ground Signs. Signs not structurally attached to the building shall be at least 15 feet from any street or from any lot line of the premises. Such signs shall have a maximum height starting at 3 feet in height at the right-of-way line, and increasing 1 additional foot for each 2 feet the sign is set back from the right-of-way line, provided that, if it is located within 20 feet of the building, it may have the same maximum height as could a sign located on the building, provided that the height of any such sign shall not exceed 25 feet.

(c) Marquee. Signs may be located on a building marquee or awning which is over a public sidewalk provided that such structures shall not extend more than 8 feet over the public right-of-way nor be closer than 3 feet to the curb line.

(d) Minimum Height. No portion of any sign which extends over the public right-of-way shall be lower than 8 feet.

(3) Area and Message Unit Exceptions. The following signs shall be exempt from the message unit and area limitations contained in this section, but shall be subject to the placement regulations of this section:

(a) *Gasoline Price Signs.* A gasoline service station shall be permitted signs on each pump island indicating the prices and types of gasoline and the type of service. The area of such signs shall not exceed 20 square feet per pump island.

(b) *Theater Signs.* Theaters shall be permitted 200 square feet of additional signs designed for periodic message change which indicate the entertainment at the theater.

(c) *Business Center.* A business center may have a sign identifying, by name only, the business center and the business contained therein. Such a sign may have an area of 2 square feet for each 1 linear foot of building frontage, but not more than 200 square feet of total area. No such sign may be erected until after the City Attorney has reviewed the permit application to determine whether it meets the standards of this chapter.

(d) *Alley Signs.* A business with an entrance on an alley shall be permitted additional sign area of 1 square foot of sign for each linear foot of alley frontage and 10 additional message units solely for signs facing said alley.

(4) **Message Unit Exceptions.** The message unit restrictions of Section 5:502(1) have the following exceptions, provided that the area and placement provisions of that section are met.

(a) A business without ground floor frontage shall be permitted signs having 10 message units to advertise that business, provided that the total area of all exterior signs on any building shall not exceed the total sign area permitted for businesses in the building having ground floor frontage.

(b) A business with frontage on more than one street may be permitted 10 additional message units on each additional street side.

(c) **Business Name.** If the name of the proprietor of a business exceeds 10 message units, said name may be displayed on each street frontage provided no other message units are displayed by that business on said frontage.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 12-83, 4-18-83; Ord. No. 11-86, 4-10-86; Ord. No. 70-87, § 1, 11-16-87; Ord. No. 29-98, § 1, 7-20-98; Ord. No. 10-01, § 2, 3-19-01)

5:503. Interior business signs.

(1) **Permanent.** A business shall be permitted interior signs which occupy not more than 25% of the window area of each floor level of said business, provided that the message units on said signs when combined with those on any exterior signs do not exceed the number permitted by section 5:502. If the permanent interior signs will exceed 25% of the window area of a floor level of a business, they shall be treated as exterior signs and shall be permitted only if they meet all the requirements of section 5:502.

(2) **Temporary.** A business shall be permitted temporary interior signs which occupy not more than 25% of the window area of said business. No such sign shall be displayed for more than 30 business days in any 60-day period.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82)

5:504. Residence signs.

(1) **Single and 2-family houses.** Townhouses and detached single-family and duplex houses are permitted signs having a total area of 3 square feet indicating the address and names of the occupants.

(2) **Multiple family residences.** Apartment houses, fraternity houses, sorority houses, cooperative houses, retirement homes, tourist homes and religious institutions are permitted signs having a total area of 12 square feet indicating only the address, the names of the occupants and the name of the building or organization.

(3) **Subdivisions.** Subdivisions of single and 2-family homes and housing complexes of more than 1 apartment or town house building are permitted signs identifying the subdivisions or housing complex. Such signs shall have an area of not more than 50 square feet and a height of not more than 8 feet. A subdivision or housing complex shall not have a total of more than 2 such signs nor more than 1 per entrance.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82)

5:505. Temporary signs.

Unilluminated on-premises temporary exterior signs may be erected in accordance with the regulations of this section.

(1) *Single and Two-Family Real Estate--For Sale Signs.*

(a) A single sign with a maximum height of 48 inches and a maximum width of 36 inches, including the support structure and all riders, and with the bottom of the sign a minimum of 6 inches from the ground, advertising the sale of a single or two-family house or variant property adjacent to such a house is permitted.

(b) Such a sign shall be set back at least 15 feet from the street and at least 5 feet from the inside edge of the sidewalk, or in accordance with Table 5:505 when conditions do not permit such placement. Provided, that if a legally existing obstruction on the property prevents the sign from being seen from the street when the sign is placed in accordance with the foregoing placement requirements, then the sign may be affixed to or placed immediately in front of such obstruction, so long as the display face of the sign is parallel to the right-of-way line, and so long as the sign is not placed within the public right-of-way.

(c) A sign advertising the sale of a property must be removed within 48 hours after the closing on the sale.

(2) *Single and Two-Family Real Estate--Rental Signs.*

(a) A single sign with a maximum height of 48 inches and a maximum width of 36 inches, including the support structure and all riders, and with the bottom of the sign a minimum of 6 inches from the ground, advertising the rental of a single or two-family house or variant property adjacent to such a house is permitted.

(b) Such sign shall be set back at least 15 feet from the street and at least 5 feet from the inside edge of the sidewalk, or in accordance with Table 5:505 when conditions do not permit such placement. Provided, that if a legally existing obstruction on the property prevents the sign from being seen from the street when the sign is placed in accordance with the foregoing placement requirements, then the sign may be affixed to or placed immediately in front of such obstruction, so long as the display face of the sign is parallel to the right-of-way line, and so long as the sign is not placed within the public right-of-way.

(c) A sign advertising the rental of a property must be removed within 48 hours after the property is no longer available for rent.

Table 5:505--Minimum Distances from Street and Sidewalk for Placement of Temporary Signs

TABLE INSET:

Sidewalk		No Sidewalk	
Street to House Less than 20 Feet	Street to House 20 Feet or More	Street to House Less than 20 Feet	Street to House 20 Feet or More

Sidewalk to House Over 5 Feet	Sidewalk to House 5 Feet or Less	Sidewalk to House Over 5 Feet	Sidewalk to House 5 Feet or Less		
5 Feet from Inside Edge of Sidewalk	Interior Sign or Affixed to Exterior of House	15 Feet from Street and 5 Feet from Inside Edge of Sidewalk	Interior Sign or Affixed to Exterior of House	2/3 Distance from Street to House	20 Feet to Sign from Edge of Street

(3) *Real Estate.* A sign with a total area not in excess of 12 square feet advertising the sale or rental of real estate other than single or two-family houses is permitted pursuant to a permit having a maximum duration of 120 days. It shall have a maximum height of 10 feet and shall be set back 25 feet unless attached to a permanent building.

(4) *Single and Two-Family Real Estate--Contractor Signs.*

(a) A single sign with a maximum height of 48 inches and a maximum width of 36 inches, including the support structure and all riders, and with the bottom of the sign a minimum of 6 inches from the ground, identifying the builders or other construction contractors on a single or two-family residential construction-site is permitted, provided that only a builder or other construction contractor who is engaged in work which requires a building permit from the City may erect such a sign.

(b) Such sign shall be set back at least 15 feet from the street and at least 5 feet from the inside edge of the sidewalk, or in accordance with Table 5:505 where conditions do not permit such placement. Provided, that if a legally existing obstruction on the property prevents the sign from being seen from the street when the sign is placed in accordance with the foregoing placement requirements, then the sign may be affixed to or placed immediately in front of such obstruction, so long as the display face of the sign is parallel to the right-of-way line, and so long as the sign is not placed within the public right-of-way.

(c) A sign identifying a builder or other construction contractor may not be erected until issuance of the building permit for the work being done by said builder or other construction contractor and must be removed at the completion of construction.

(5) *Other Real Estate--Contractor Signs.* On a site other than a single or two-family residential construction-site, signs with a total area of 50 square feet per street with vehicle entrance which identify a project and its developers, contractors, engineers, brokers and architects are permitted, provided that the site currently is being developed, and provided that such signs may be erected only for projects which includes work which requires a building permit from the City. Such signs shall have a maximum height of 10

feet and shall be set back from the street at least 25 feet unless attached to a building, construction fence or barricade and shall be removed at the completion of construction. (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 10-01, § 3, 3-19-01)

5:506. Political signs.

(1) A sign whose message relates to a candidate for political office, or to a political party, or to a political issue or an ideological opinion, is permitted, subject to the following conditions.

(a) Each sign shall have a maximum height of 48 inches and a maximum width of 36 inches, including the support structure and all riders, and shall have the bottom of the sign a minimum of 6 inches from the ground.

(b) Such signs shall be set back at least 15 feet from the street and at least 5 feet from the inside edge of the sidewalk, or in accordance with Table 5:505 where conditions do not permit such placement. Provided, that if a legally existing obstruction on the property prevents the sign from being seen from the street when the sign is placed in accordance with the foregoing placement requirements, then the sign may be affixed to or placed immediately in front of such obstruction, so long as the display face of the sign is parallel to the right-of-way line, and so long as the sign is not placed within the public right-of-way.

(c) A sign which advocates or opposes a candidate for public office or a position on an issue to be determined at an election shall be removed not more than 18 hours after the election.

(d) Other political signs shall not be subject to any specified time limit but must be removed if they become dangerous or otherwise are prohibited by Section 5:508.

(2) Signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election shall be erected no less than 100 feet nor more than 200 feet from any entrance to a building in which a polling place is located, provided that such signs are erected not more than 12 hours before and removed not more than 18 hours after the election, and provided that such signs are not erected in the public right-of-way. Permission to locate such signs on private property shall be obtained from the owner or occupant of the property on which such signs are located. During the period specified in this subsection (2), such signs are not otherwise subject to the placement requirements of subsection (1).

(Ord. No. 32-94, § 2, 4-4-94; Ord. No. 10-01, § 4, 3-19-01)

5:507. Permitted signs.

The following signs are permitted, notwithstanding any prohibition contained in this Chapter other than prohibitions contained in Section 5:508.

(1) Address numbers with a numeral height not greater than 12 inches for residences and 24 inches for businesses.

(2) Names of building occupants painted on or attached to the building with a letter height not greater than 2 inches.

(3) Exterior signs having a total area of not more than 3 square feet on merchandise displayed within 6 feet of the front of the building.

(4) Portable real estate "open house" signs with an area not greater than 6 square feet. One such sign may be located on the premises being sold. No more than two additional

such signs are permitted and may be placed in the public right-of-way, notwithstanding the prohibition in Section 5:508(12) provided, however, that a property owner shall have the right to remove and destroy or otherwise dispose of without notice to any person, signs which are placed without his or her permission on his or her property, including signs placed in that portion of the public right-of-way which is an easement across the property. All of the signs permitted by this Section 5:507(4) and pertaining to a single property may be displayed only for 6 hours during 1 day in any 7-day period. All such signs shall be located so as not to interfere with the free passage of vehicular and pedestrian traffic upon the public right-of-way, and so as not to constitute a hazard to public safety.

- (5) Paper notice placed on bulletin boards or on kiosks.
 - (6) Authorized signs of the state or a political subdivision of state.
 - (7) Signs of a religious institution, school, museum, community recreational facility or library indicating the name, current displays or activities and having an area not greater than 50 square feet.
 - (8) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface of a building or when constructed of bronze or other incombustible material affixed to a building.
 - (9) Flags bearing the official design of a nation, state, municipality, educational institution or noncommercial organization, provided that the flag pole is set back from the property line a distance of 1 foot for every 1 foot of pole height.
 - (10) Special event signs, banners or search lights approved by the City Council or City Administrator.
 - (11) Permanent signs on vending machines, gas pumps or ice containers indicating only the contents of such devices provided that such devices must be located within 10 feet of the building. The sign area of each such device may not exceed 6 square feet.
 - (12) Signs not exceeding 6 square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, door openings and private traffic control and parking signs.
 - (13) One sign per parking lot not exceeding 3 square feet per sign face and 6 feet in height identifying the business and providing driving and parking information.
 - (14) Interior signs up to 4 square feet indicating property is for sale or for rent.
 - (15) Plaques or signs not exceeding 2 square feet designating a building as a historical structure.
 - (16) Business signs not exceeding 2 square feet per sign face containing information on credit cards and business affiliations.
 - (17) Temporary signs as provided for in Section 5:505.
 - (18) Political Signs as defined in Section 5:501(15) and as provided for in Section 5:506.
- (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 29-98, § 2, 7-20-98; Ord. No. 10-01, § 5, 3-19-01)

5:508. Prohibited signs.

The following signs are prohibited, notwithstanding anything to the contrary in this Chapter.

- (1) Signs which incorporate in any manner or are illuminated by any flashing or moving lights other than for conveyance of noncommercial information which requires periodic change. This section does not prohibit barber poles which meet the other requirements of this Chapter.
 - (2) Exterior banners, pennants, spinners and streamers, other than a banner or pennant used as a permitted sign under Section 5:502.
 - (3) Exterior string lights used in connection with a commercial premises, other than holiday decorations.
 - (4) Any sign which has any visible motion other than permitted flags or banners and other than for the conveyance of noncommercial information requiring periodic change.
 - (5) Any sign which is structurally or electrically unsafe.
 - (6) Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
 - (7) Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
 - (8) Portable Signs. Except as provided in Section 5:507(4), any freestanding exterior sign not permanently anchored or secured to either a building or the ground.
 - (9) Any sign on a motor vehicle or trailer which is parked in front of a business for the purpose of advertising a business or product or service of a business located on the premises where such vehicle is parked.
 - (10) Any sign on a motor vehicle or trailer which projects more than 6 inches from the surface of such a vehicle when it is parked at a location visible from a public street.
 - (11) Any sign structure or frame no longer containing a sign.
 - (12) Any sign erected on the public right-of-way, except for signs of a political subdivision of this state, and except for portable "open house" signs to the extent they are permitted by Section 5:507(4). The City may remove and destroy or otherwise dispose of, without notice to any person, any sign which is erected on the public right-of-way in violation of this subsection.
- (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 28-98, § 1, 7-20-98; Ord. No. 10-01, § 6, 3-19-01)

5:509. Off-premises signs.

Off-premises signs are permitted only in accordance with the following regulations and any other applicable provision of this Code:

- (1) No such sign shall have a total area of all faces in excess of 700 square feet or 350 square feet per sign face.
 - (2) It shall have a maximum height not greater than 25 feet.
 - (3) It shall not be closer than 300 feet to any other off-premises sign.
 - (4) It shall have a minimum height of 1 foot for each 2 feet it is set back from any street and must not be closer than 50 feet to any on-premises sign and 500 feet to any playground, school, residential dwelling, church or park.
 - (5) No billboard shall be erected at any time when there are 30 or more billboard faces in the city.
- (Ord. No. 8-86, 3-3-86; Ord. No. 32-94, § 3, 4-4-94)

5:510. Illumination.

Signs permitted by sections 5:502, 5:503, 5:504 and subsections (1), (2), (7), (11) and (12) of sections 5:507 and 5:509 may be illuminated by artificial light. Signs permitted by section 5:504 and subsections (1) and (7) of section 5:507 may be illuminated only by white light.

All electric signs and outline lighting shall be installed in accordance with the Electrical Code adopted by the City as referenced in Chapter 98 of this Code. Every electric sign of any type, fixed or portable, shall be listed and installed in conformance with that listing, unless otherwise permitted by special permission.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 29-98, § 3, 7-20-98)

5:511. Permits.

No sign regulated by sections 5:502, 5:505 or 5:509 shall be erected, altered, relocated or maintained unless a permit for it is obtained from the city in accordance with the following regulations:

(1) *Application for erection permit.* Application for erection permits shall be made upon forms provided for by the city and shall contain or have attached thereto the following information:

- (a) Name, address and telephone number of the applicant.
- (b) Location of building, structure, or lot to which the sign is to be attached or erected.
- (c) Position of the sign in relation to nearby buildings, structures and property lines.
- (d) 2 drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
- (e) Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations adopted by the city.
- (f) Name and address of the person, firm, corporation or association erecting the structure.
- (g) Insurance policy or bond as required herein.
- (h) Such other information as the city may require to show full compliance with this and all other applicable laws of the City of Ann Arbor and the State of Michigan.
- (i) In the discretion of the city, when the public safety requires it, the application containing the aforesaid material shall, in addition, bear the certificate or seal of registered architect or engineer as a condition to the issuance of a permit.

(2) *Permit fee.* The fees for sign permits shall be established by resolution of the city council upon the recommendations of the city administrator.

(3) No permit shall be required for ordinary servicing, repainting of existing sign message or cleaning of a sign. No permit is required for change of message of sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

(4) No permit shall be issued pursuant to section 5:502 or 5:503 unless the applicant displays on the premises the street address number in digits having a height of at least 3 inches which also meet the requirements of Chapter 2 of this Code.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 41-92, § 1, 6-15-92; Ord. No. 32-94, § 3, 4-4-94)

5:512. Liability insurance.

If any wall, projecting, pole or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a public liability insurance policy in the amount of \$50,000.00 for injury to 1 person, \$100,000.00 for injury to more than 1 person and \$25,000.00 for damage to property. In lieu of an insurance policy as required herein, an owner may present proof satisfactory to the City Attorney that said owner is financially capable of self-insurance in the above amounts.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94)

5:513. Authorized sign erectors.

Every person, before engaging or continuing in the business of erecting or repairing signs in the City of Ann Arbor, shall obtain an annual sign erector's license. To obtain said license he shall first furnish the city a public liability insurance policy in the amount of \$50,000.00 for injury to 1 person, \$1,000,000.00 for injury to more than 1 person and \$25,000.00 for damage to property. In lieu of an insurance policy as herein required, an erector may present proof satisfactory to the city attorney that the said erector is financially capable of self-insurance in the above amounts. Said license shall terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the city clerk. The license may be suspended or revoked in the manner provided by Chapter 76 (Licenses) of this Code. All persons erecting, installing, repairing, replacing or otherwise engaging in such activities with respect to an electric sign or outline lighting must also be appropriately licensed as required by the Michigan Electrical Administrative Act 217 of 1956, as amended.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 29-98, § 4, 7-20-98)

5:514. Materials and design.

The materials, design and maintenance standards of Chapter 98 of this Code shall be met by all signs whether or not visible from public property. Nothing contained in Chapter 98 shall be construed to permit any sign prohibited by this chapter.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94)

5:515. Inspections.

Any sign of the type specified by section 5:512 may be routinely inspected once every calendar year. A fee of \$10.00 per sign shall be charged the owner or occupant of each sign so inspected, provided that such fee shall not be imposed more than once in any 3 calendar years unless violations necessitate additional inspections.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94)

5:516. Nonconforming signs.

(1) Signs lawfully erected prior to May 1, 1975, which do not meet the standards of this chapter may be maintained except as hereafter provided.

- (2) No nonconforming sign:
- (a) Shall be changed to another nonconforming sign;
 - (b) Shall have any change made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message;
 - (c) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign;
 - (d) Shall have the face or faces changed when such sign is a type of construction to permit such a complete change of face;
 - (e) Shall be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
 - (f) Shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50% of the cost of an identical new sign.
- (3) A sign erected prior to May 1, 1975 which was permitted by previous regulations contained in this chapter and Chapter 61A of this Code, shall not, for purposes of this section, be considered a nonconforming sign.
- (4) No person shall be required to remove a sign which was erected in compliance with this chapter if said sign becomes nonconforming due to a change occurring after May 1, 1975, in the location of buildings, streets or other signs which change is beyond the control of the owner of the sign and the premises on which it is located.
- (5) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.
- (6) Notwithstanding the foregoing, signs which violate subsections (5), (6), (7), (8), (9) or (10) of section 5:508 shall not be maintained in existence after September 1, 1975. (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94)

5:517. Appeals.

- (1) *Appointment of Board of Sign Appeals.* The Board of Sign Appeals (hereinafter "Board") shall consist of 7 members appointed by the City Council. At the time the Board is first appointed there shall be 3 appointments for a period of one year, 2 appointments for a period of 2 years and 2 appointments for a period of 3 years. Thereafter, all appointments shall be for a term of 3 years and shall continue until a successor is appointed and has qualified.
- (2) *Meetings.* Meetings of the Board shall be held at least once every month and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its rules of procedure and keep a record of its proceedings showing the action of the Board, the finding of facts made by the Board and the vote of each member upon each question considered. The presence of 4 members shall be necessary to constitute a quorum and 4 affirmative votes shall be required to grant a variance.
- (3) *Powers.* The Board shall have power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or determination made by the Administrator, or any other administrative official, in connection with the enforcement of this Chapter. The Board shall have power to authorize a variance from the

strict application of this Chapter where such application will result in practical difficulties or unnecessary hardships to the person owning or having the beneficial use of the property or sign for which a variance is sought. The provisions of this Chapter shall not be mandatory for buildings designated as historic structures by State, Federal or local governments, subject to a variance being granted by the Sign Board of Appeals and upon a recommendation of the Historic District Commission that the proposed sign is necessary and integral to the historic character of the building. Prior to the granting of an appeal or of a variance by the Board, the City Attorney and the planning and development services manager or designee shall be given a reasonable opportunity to study the appeal or request for variances and to make recommendations thereon to the Board. The concurring vote of 4 members shall be necessary to reverse or modify any order, requirement, decision or determination of the Administrator, or any other administrative official, or to grant any variance from the strict application of this Chapter.

(4) *Application of the variance power.* A variance may be allowed by the Board in cases involving practical difficulties or unnecessary hardships only when the evidence in the official record of the appeal supports all the following affirmative findings:

(a) That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.

(b) That allowing the variance 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 a variance and the rights of others whose property would be affected by the allowance of the variance.

(5) *Application of the variance power - Historic building.* A variance may be allowed by the Board in cases where the Board has received a recommendation from the Historic District Commission that the proposed sign is necessary and integral to the historic character of the building. In such cases, the findings in Subsections (4)(a) and (b) are not required.

(6) *Duration of variance.* A variance which is granted shall remain in effect only so long as the site plan that is in effect at the time the variance is granted remains in effect without change or modification for the property on which the sign is located.

(7) *Appeal procedure.*

(a) Appeals shall be commenced by a person filing a notice of appeal with the planning and development services manager on a form to be supplied by the planning and development services manager. The fees for appeals shall be established by resolution of City Council upon the recommendation of the City Administrator. In the case of an appeal from a decision or order of an administrative official, this fee shall be returned if the appellant prevails. The notice of appeal shall specify the particular grounds upon which the appeal is based and shall be signed. It shall also specify the requirements from which a variance is sought and the nature and extent of such variance.

(b) The Board shall fix a reasonable time for the hearing of appeals and, in the case of variance requests, shall give due notice thereof to all owners-of-record of real property within 300 feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll.

(c) Any person shall be accorded the right to appear in person or be represented by a duly authorized agent.

- (d) The Board shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
- (i) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - (ii) The notice of appeal.
 - (iii) Such documents, exhibits, photographs or written reports as may be submitted to the Board for its consideration.
- (Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 42-91, § 2, 6-15-92; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 10-01, § 7, 3-19-01; Ord. No. 43-04, § 26, 1-3-05)

5:518. Penalties and enforcement.

It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move or convert any sign in the City of Ann Arbor, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction of any such violation shall be punishable with a fine of not more than \$500.00 and not less than \$100.00. Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the administrator at the expense of the owner of the sign and assessed under the provisions of section 1:292 of this Code; and provided, further, that except for those signs which may be removed and destroyed or otherwise disposed of by the city in accordance with section 5:508(12), any sign unlawfully erected, altered or maintained may be removed by the administrator at the expense of the sign owner and assessed under the provisions of section 1:292 of this Code after said sign owner has been ordered in writing to remove said sign by the administrator and has refused to do so without providing justification for so refusing at a hearing to be held by the administrator. The City Attorney may apply to a court of appropriate jurisdiction for an order requiring the removal of a sign in violation of this chapter.

(Ord. No. 55-74, 6-9-75; Ord. No. 33-82, 8-2-82; Ord. No. 32-94, § 3, 4-4-94; Ord. No. 28-98, § 2, 7-20-98; Ord. No. 25-04, § 6, 8-2-04)