

Section

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s GENERAL PROVISIONS

§ 157.001 PURPOSE.

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The chapter creates the legal framework for signage regulations
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intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well maintained and attractive appearance in a community, and the need for adequate business identification and advertising and communication. This chapter recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and general public opinions vary from one era to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

(A) This chapter completely attempts to prevent the unsightly clutter apparent in photograph (I). See the triangulation formula in § 157.044.

(B) Tastefully proportioned and well spaced projecting signs are permitted. See the triangulation formula in § 157.044.

(C) This chapter authorizes the use of signs visible from public rights-of-way provided the signs are:

(1) Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities;

(2) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public;

(3) Designed, constructed, installed, and maintained in such a

manner that they do not endanger public safety or traffic safety;

(4) Legible, readable, and visible in the circumstances in which they are used;

(5) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(D) The cluttered and overworded wall or fascia sign, shown in photograph (3) is prohibited.

(E) This chapter does not cause patch-like effect of the sign shown in photograph (4) as is often the case when facia or wall sign area is restricted by formula.

(F) The copy area and bonusing formula given in § 157.043 substantially encourages comprehensive store front improving facia or wall sign installations with tastefully limited lettering copy, as shown in photograph (5).

(G) Unsightly roof sign installations such as that shown in photograph (6) are totally prohibited.

(H) Architecturally harmonious signs such as that of photograph (7) are permitted in certain zones. They are in fact treated as wall signs.

(I) Specific details of antiflashing legislation should be carefully studied by each individual community in consultation with dependable sign manufacturers, as blanket prohibition has more than one disadvantage. There is no question that certain carnival type, attention-compelling, jerky devices are both totally outdated and undesirable in most areas. In cities in certain areas, however, fascinating and artistic changing or rippling effects are quite suitable and actually are enjoyed by most people.

(J) Unfortunately it is impractical to stipulate in a general code which types of zoning should or should not permit such effects. For example, signs adjacent to an elevated highway in a specific zone might, in one city, impinge on or partially obscure a beautiful horizon, while in another more heavily industrialized city with the same type of highway, they might be a vast improvement and a visual relief amongst ugly factories and chimneys. One must always recognize as well that signs as a communications device require certain letter sizes for legibility at any given distance, and that in many cases this necessary letter size may be accomplished with a much smaller sign background by alternating messages. These alternations are actually accomplished by an electrical device known as a flasher.

(K) The outdated and garish flashing sign shown in photograph (8) is

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prohibited with the possible exception of special sign zones which may be created for unusual or ethnic groupings.

(L) It is apparent, therefore, that as the difference between irritating and undesirable flashing devices, desirable alternating copy or even certain artistic effects may be only the difference in speed of change, certainly is often only the difference between clever and artistic design or something less, it becomes obvious that each community, together with leaders in the industry, must give the subject very careful study, considering the already existing visual environment, density ratios, and other considerations.

(M) Public service time and temperature, date, electronic message centers are classed as changing signs and are permitted as shown in photograph (9) above.

(N) When writing a uniform code, it becomes apparent that off-premise signage (third party posters and bulletins) is one of the subjects that cannot be specified in detail on a zone by zone basis, as a zone of any given category may appear in cities of vastly different size and may have a greatly different density ratio from one city to another. It is recommended that any given community in consultation with the outdoor advertising people study that which is presently permissible in their community and consider the use of the spacing formula suggested in § 157.042. At the same time, carefully recognizing that the very nature of the outdoor business requires as broad and even a coverage as possible and that the broader and more reasonable distribution

permitted, more easily will all concerned be able to comply with spacing formula. This would avoid too heavy saturation in any given area often caused by a prohibition of the medium in certain zones where it should have been permitted. In most communities, therefore, off-premise or outdoor advertising may be considered and analyzed for all types of commercial and industrial zones, as well as certain holding zones, although obviously not for residential zones.

(O) This chapter is designed to prevent a vast majority of those things which are undesirable in commercial signage without hampering the inherent right of business to communicate reasonably, to advertise and to reasonably assist a potential customer to conveniently locate and identify any product, goods, service, or facility which he may desire to use or purchase at any given time.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.002 SHORT TITLE.

This chapter shall be known as the sign code of the city or may be so cited.
(Ord. 81-0-8, passed 4-21-81)

§ 157.003 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ABANDONED SIGN." A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such sign is displayed.

"ACCESSORY SIGN." See "ON-PREMISE SIGN."

"ADMINISTRATOR." The duly appointed Building Commissioner of the city.

"ADVERTISING MESSAGE." That copy on a sign describing products or services being offered to the public.

"ANIMATED SIGN." Any sign which includes action or motion. For purposes of this chapter, this term does not refer to flashing, changing, or indexing, all of which are separately defined.

"ARCHITECTURAL PROJECTION." Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies, or marquees.

"AREA OF COPY." The entire area within a single, continuous perimeter

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composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.

"AREA OF SIGN." The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

"CHANGEABLE COPY SIGN, MANUAL." A sign on which copy is changed manually in the field, such as reader boards with changeable letters or changeable pictorial panels.

"CHANGING SIGN, AUTOMATIC." A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or readerboard, where different copy changes are shown on the same lamp bank.

"COMPREHENSIVE DESIGN PLAN." Building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural, and electrical requirements.

"COPY, PERMANENT AND TEMPORARY." The wording on a sign surface either in permanent or removable letter form.

"COPY AREA." The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

"DETACHED SIGN." See "FREE-STANDING SIGN" or "GROUND SIGN."

"DIRECTIONAL SIGN." Any sign which serves solely to designate the location or direction of any place or area.

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"DIRECTLY ILLUMINATED SIGN." Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

"ELECTRICAL SIGN." Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

"ARCHITECTURAL BLADE." A roof sign or projecting sign

with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

"AREA OF OFF-PREMISE SIGN." Where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted.

"AWNING." A temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

"BACKGROUND AREA." The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with facia or wall signs.

"BANNER SIGN." A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

"BILLBOARD." See "OFF-PREMISE SIGN." "OFF-SITE SIGN" or "OUTDOOR ADVERTISING."

"BIANNUAL." Every two years.

"BUILDING FACE" or "BUILDING WALL." All window and wall area of a building in one plane or elevation.

"BUILDING FRONTAGE." The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

"BUILDING SIGN." A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

"BULLETIN." See "OFF-PREMISE SIGNS." "OFF-SITE SIGN" or "OUTDOOR ADVERTISING."

"CANADIAN STANDARDS ASSOCIATION (C.S.A.)."

In Canada a nonprofit organization which establishes standards for electrical and structural building materials which minimizes damage to the

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health and welfare of the public, hereinafter referred to as CSA. Comparable to Underwriters' Laboratories (48) in the United States.

"CANOPY" or "MARQUEE." A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass, or plastic.

"CANOPY SIGN" or "MARQUEE SIGN." Any sign attached to or constructed in or on a canopy or marquee.

"EMBELLISHMENT."

(l) Letters, figures, characters, or representations in cut-outs or irregular forms or similar ornaments attached to or superimposed on the sign.

(2) "EMBELLISHMENT, DECORATIVE ONLY."
A purely decorative embellishment on a free-standing sign.

"ERECTED." This term shall mean attached, altered, built, constructed, reconstructed, enlarged, or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

"EXEMPT SIGNS." Signs exempted from normal permit requirements.

"FACELIFT." The remodeling of a building's frontage which is visible from a public right-of-way, so that the building material, door frames, window frames, and signs are designed in harmony with each other.

"FACE OF SIGN." The entire area of sign on which copy could be placed.

"FACIA SIGN" or "WALL SIGN." A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

"FIELD FABRICATED SIGN." An electrical sign of such magnitude that it cannot be completely constructed in the factory.

"FLASHING SIGN." Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Automatic changing signs such as public service time, temperature, and date signs or electronically controlled message centers are classed as changing signs not flashing signs.

"FREE-STANDING SIGNS." See "GROUND SIGNS" or "DETACHED SIGNS."

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"FREEWAY" or "CONTROLLED ACCESS HIGHWAY." A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting land, or in respect of which such owners have only limited or restricted right or easement of access and which is declared to be a freeway as provided by the highway authority.

"FREEWAY-ORIENTED SIGN" or "CONTROLLED ACCESS HIGHWAY SIGN."

Any sign identifying premises where food, lodging, or places of business are located that engage in supplying goods and services essential to normal operation of motor vehicles, and where such businesses are directly dependent on the adjacent freeway for business.

"FRONTAGE." The length of the property line of any one premises parallel to and along each public right-of-way it borders.

"GROUND LEVEL." Street grade at the crown or the top of the curb, if any.

"GROUND SIGN." A sign erected on a free-standing frame, mast, or pole and not attached to any building. (See also

"DETACHED SIGN" or "FREE-STANDING SIGN."

"HEIGHT OF SIGN." The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of the sign.

"IDENTIFICATION SIGN." A sign which is limited to the name, address, and number of a building, institution, or person and to the activity carried on in the building or institution, or the occupancy of the person.

"ILLUMINATED SIGN." Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

"INCIDENTAL SIGN." A sign pertaining to goods, products, services, or facilities which are available on the premises where the sign is located.

"INDEXING." Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three messages in the same area.

"INDIRECTLY ILLUMINATED SIGN." Any sign which reflects light from a source intentionally directed on it; for example, by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

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"INDIVIDUAL LETTER SIGN." Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building, or on top of or below a marquee.

"INTERIOR PROPERTY LINE." Property lines other than those fronting on street, road, or highway.

"LINTEL." In this context, the line above the display windows and below transom windows (if any) on a store (usually approximately 9 feet from grade).

"LOT." A parcel of land which meets any of the following requirements:

- (1) A subdivision map recorded with the assessment department or land registry office;
- (2) A record of survey map approved by resolution of the Council or other legislative body.

"MAINTAIN." To permit a sign, structure, or any part of each to continue or to repair or refurbish a sign, structure, or any part of either.

"MARQUEE" or "CANOPY." A permanent roof-like shelter extending from part or all of the building face over a public right-of-way and constructed of some durable material such as metal, glass, or plastic.

"MARQUEE SIGN" or "CANOPY SIGN." Any sign

attached to or constructed in or on a canopy or marquee.

"MESSAGE." The wording or copy on a sign.

"MULTI-PRISM SIGN." Signs made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area.

"NAMEPLATE." A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

"NONACCESSORY SIGN." A sign which directs attention to a business, commodity, service, or entertainment not related to the premises at which the sign is located, or to a business, commodity, service, or entertainment which is conducted, sold, or offered elsewhere than on the premises of which the sign is located.

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"NONELECTRICAL SIGN." Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

"NONCONFORMING SIGN, LEGAL." Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

"ON-PREMISE SIGN" or "ON-SITE SIGN." Any sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained, also known as a pertinent or accessory sign.

"OFF-PREMISE SIGN" or "OFF-SITE SIGN." This is a third party sign. It is a sign that advertises goods, products, services, or facilities or directs persons to a different location from where the sign is installed.

"OUTDOOR ADVERTISING SIGN" or "OFF-SITE SIGN." Outdoor advertising signs which advertise goods, products or services not necessarily sold on the premises on which the sign is located, are of three main types:

(1) Poster panels or bulletins normally mounted on a building wall or free-standing structure with advertising copy in the form of pasted paper.

(2) Multi-prism signs; same as above, and alternating advertising messages on the one display area.

(3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or free-standing display area.

"OWNER." A person recorded as such on official records and

including duly authorized agent or notary, a purchaser, devisee, judiciary, any person having a vested or contingent interest in the property in question.

"PARAPET" or "PARAPET WALL." That portion of a building wall that rises above the roof level.

"PENTHOUSE." A structure on top of a building roof such as houses an elevator shaft or similar form.

"POLE SIGN." See "GROUND SIGN" or "FREE-STANDING SIGN."

"PORTABLE SIGN." Any sign not permanently attached to the ground or a building.

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"PREMISES." An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

"PROJECTING SIGNS." A sign, other than a wall sign, which is attached to and projects from a structure or building face.

The area of double faced projecting signs are calculated on one face of the sign only.

"PUBLIC RIGHT-OF-WAY WIDTH." The particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.

"PUBLIC SERVICE INFORMATION SIGN." Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, or news or traffic control.

"REAL ESTATE OR PROPERTY FOR SALE, RENT OR LEASE SIGN."

Any sign pertaining to the sale, lease, or rental of land or buildings.

"ROOF LINE." The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

"ROOF SIGN." Any sign erected on, against, or directly above a roof or on top of or above the parapet of a building.

"ROTATING SIGN." Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

"SEASONAL SIGNS" or "HOLIDAY SIGNS." Signs such as Christmas decorations, those used for an historic holiday and installed for a limited period of time.

"SIGN." Any identification, description, illustration, or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place,

activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

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"SIGN CODE BOARD OF APPEALS." The Zoning Board of Appeals as defined and referred to in the zoning code, Chapter 156.

"SIGN LEGEND." See "COPY."

"SIGN STICKER." A sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by city officials.

"SIGN STRUCTURE." Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

"SPECIAL PURPOSE SIGN." Any sign other than a business, nonaccessory, identification sign, including but not limited to traffic signs.

"STREET." A public highway, road, or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

"SWINGING SIGN." A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

"TEMPORARY SIGN." A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations) searchlights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air-or gas-filled figures.

"TEMPORARY WINDOW OR BUILDING SIGN." A sign painted on the interior of a window or constructed of paper, cloth, or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

"UNDER CANOPY OR MARQUEE SIGN." A sign suspended below the ceiling or roof of a canopy or marquee.

"UNLAWFUL SIGN." A sign which contravenes this chapter or which the Administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous code was not obtained.

"USE." The purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

"WALL SIGN" or "FACIA SIGN." A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

"WINDOW SIGN." A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

"UNDERWRITERS' LABORATORIES (48)." In the United States, a nonprofit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as UL. The electrical section is known as "Underwriters' Laboratories (48)."
(Ord. 81-0-8, passed 4-21-81)

PERMITS

§ 157.010 PERMITS REQUIRED.

(A) Except as otherwise provided in this chapter it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the Administrator as required by this chapter. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning, and other normal

maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this chapter on the date of its adoption unless and until the sign is altered or relocated.

(B) Every sign permit issued by the Administrator shall become null and void if manufacture is not commenced within 120 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 120 days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with.

(C) In emergency situations, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within 48 hours after the first working day when work has commenced on the sign.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.011 SIGN CONTRACTOR'S LICENSE.

(A) Sign contractors to be licensed. No person shall perform any work or service for any person or for any government entity for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion, or manufacture of any sign in the city, or any work or service in connection with causing any such work to be done unless such person shall have obtained a sign contractor's license from the Administrator and paid the license fees provided for by the city, or shall be represented by a duly licensed agent or subcontractor.

(B) Before any manufacturer can engage in the manufacturing of an electrical sign, they must demonstrate the ability to issue the Canadian Standards Association electrical label pertinent to electric signs or the Underwriters' Laboratory (48), electrical signs specification, or some similar electrical labeling requirement.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.012 INDEMNIFICATION.

As a condition to the issuance of a business license as required in Chapter 110, all persons engaged in the business of installing or maintaining signs which involves, in whole or part, the erection, alteration, relocation, maintenance of a sign, or other sign work in or over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached on by the sign installer, shall agree to hold harmless and indemnify the city, its officers, agents, and employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of a sign or other sign work insofar as this chapter has not specifically directed the placement of a sign.
(Ord. 81-0-8, passed 4-21-81)

§ 157.013 INSURANCE.

Every applicant for a license shall, before such license is granted, file with the province or state a satisfactory certificate of insurance to indemnify the province or state, town, or municipality against any form of liability to a minimum of \$500,000, or shall be responsible through any agent or subcontractor. The insurance shall be maintained in full force and effect during the term of the business license and the insurance policy or certificate shall provide that the city be notified of any cancellation of the insurance ten days prior to the date of cancellation.
(Ord. 81-0-8, passed 4-21-81)

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an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.

(B) The Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, he shall give

§ 157.014 FEDERAL OR STATE LICENSES.

Federal, provincial, or state licenses as applicable. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert, or manufacture any sign shall demonstrate and register with the city a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor.
(Ord. 81-0-8, passed 4-21-81)

§ 157.015 PERMISSION TO INSTALL.

No person shall erect, construct, or maintain any sign on any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.016 APPLICATION.

Application for a permit shall be made to the Administrator on a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city including:

(A) Name and address of owner of the sign.

(B) Name and address of owner or the person in possession of the premises where the sign is located or to be located.

(C) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.

(D) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment, and character of structural members to which attachment is to be made. The design, quality, materials, and loading shall conform to the requirements of the Building Officials' and Administrative Code (B.O.A.C.), as amended. If required by the Administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer.
(Ord. 81-0-8, passed 4-21-81)

§ 157.017 ISSUANCE; DENIAL.

(A) The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within the city when

written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
(Ord. 81-0-8, passed 4-21-81)

§ 157.018 EFFECT OF ISSUANCE.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

§ 157.019 PERMIT FEES.

Application for permits shall be filed with the Administrator, together with a permit fee as specified by the Administrator, for each sign. The permit fee shall be calculated at a rate of \$.050 per square foot for only one face of the sign, provided, however, that the minimum permit fee shall be \$25.00. In addition, when any sign is hereafter erected, placed, installed, or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein.

(A) On-premise signs. All on-premise signs visible from a public street shall be calculated at a basis of \$.30 a square foot.

(1) The calculation on a free-standing pole, ground, monument, or any similar or roof sign shall be based only on one face of the sign. That calculation shall be based on the largest face of the sign.

(2) Facia or wall signs. Only the copy area as calculated in this chapter shall be included in the above-mentioned fee.

(B) Off-premise signs. Off-premise signs shall have a fee based at \$.05 a square foot. This fee shall relate to

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only one face of the sign but be calculated on whichever is the largest exposed face of the sign and shall be based on the total changeable copy area of the largest face on the off-premise signs that can be seen at any one given time.

(Ord. 81-0-8, passed 4-21-81; Am. Ord. 2002-0-05, passed 5-13-02)

§ 157.020 APPEALS.

(A) Appeal from denial of permit. Appeal may be taken to the Sign Board of Appeals from the Administrator's denial of a sign permit.

(B) Appeal from failure of Administrator to grant permit within 30 days. The Administrator's failure to either formally grant or deny a sign application within 30 days of the date an application meeting the requirements of this chapter is filed shall be grounds for appeal to the Sign Board of Appeals, under the terms of §§ 157.135 through 157.148.

(Ord. 81-0-8, passed 4-21-81)

§ 157.021 NOTICE OF CHANGE OF SIGN OWNER OR USER.

Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall forthwith notify the Administrator of the change. No new sign permit is required, unless the sign is altered or relocated.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.022 INSPECTION.

The person erecting, altering, or relocating a sign shall notify the Administrator on completion of the work for which permits are required.

(A) Inspections. All free-standing signs shall be subject to a footing inspection and all signs to a final electrical inspection by the Administrator.

(B) Sign permit renewal and certification.

(1) All signs erected shall be inspected every two years to determine that the sign has been maintained in such a manner as to ensure that the sign is in a safely maintained condition as to the electrical, structural, and material specifications of this chapter, and shall be tagged to so signify.

(2) Any sign for which the two-year inspection permit has not been secured and the sign duly tagged with date of the appropriate month shall be removed at the owner's expense after 30 days from written notification. The written notification shall come from the Administrator.

(3) Fees for the two-year inspection permit shall be one-half of the original application fee.

(4) All signs shall bear a two by four inch label provided by the Administrator which identifies the permit number under which the sign was constructed. These labels shall be different color for alternate years and shall indicate month and year of issue in one-inch letters.

(5) The biannual tag for the certification that the sign is in a safe condition as to its material, electrical and structural application shall be issued in two alternative methods, a licensed sign company shall duly certify and file with the city that the sign meets as nearly as possible all of the structural, electrical, and material specifications set out in this chapter or the laws or regulations of the city, or alternatively, the city shall send out an inspector and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics. The Administrator shall charge a rate of \$10 an hour for such inspection of signs. The minimum fee shall be \$10.

(C) Maintenance. Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The Administrator shall inspect and have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

(D) Signs declared unlawful. The Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation, or abandonment. Any such declaration shall state the reasons of the Administrator for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed, or maintained by any person within the city, the ownership keeping a display which is unlawful pursuant to the provisions of this chapter, is declared to be in violation of this chapter. The Administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this chapter. (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

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SIGNS IN ZONING DISTRICTS

§ 157.030 RESIDENTIAL ZONES.

Transitional, D-1, D-2, and D-3 Zoning Districts. Within any residential zone, signs or nameplates are permitted as follows:

(A) For each single-family home or duplex house, one nameplate not exceeding a combined area of two square feet for each occupancy. The nameplate shall not be subject to the permit requirements of this chapter.

(B) For multiple family uses, rooming and boarding houses, one identification sign for each developed parcel, not exceeding 12 square feet in area.

(C) Identification signs, bulletin boards, and other similar structures for governmental agencies which may be regulated by the city are subject to approval thereof by the Administrator.

(D) All signs shall be placed flat against a building or designed as part of an architectural feature thereof except that signs may be detached if they do not exceed a height of three feet nor project into any required building setback area.

(E) No height limit is specified for signs placed flat against or painted on the wall of a building or for other attached signs provided all other provisions of this section are complied with. (Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-21, passed 6-22-81)

§ 157.031 COMMERCIAL BUILDING ZONE.

B-2 Zoning District. Within the Commercial Building Zone, signs are permitted as follows:

(A) One identification sign and one bulletin board for each developed parcel not to exceed a total of 32 square feet in area for all displays. All signs shall be placed flat against a building or designed as part of an architectural feature thereof.

(B) One ground sign for each occupancy is permitted for each premises having frontage on a public right-of-way. Where a premises fronts on more than one public right-of-way, or street, excluding alleys and serviceways, the provisions of this section shall apply to each frontage.

(C) No height limit is specified for signs placed flat against the wall of a building or for other attached signs provided all other provisions of this chapter are complied with.

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(D) A ground sign pursuant to this section shall not exceed three feet in height. (Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-30, passed 10-26-81; Am. Ord. 2009-O-6, passed 4-27-09)

§ 157.032 SHOPPING CENTER AND HIGHWAY COMMERCIAL ZONES.

B-1 Zoning District. Within the Shopping Center and Highway Commercial Zones, signs are permitted as follows:

(A) One free-standing sign indicating

only the name and nature of the occupancy for each developed parcel not to exceed one square foot of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:

(1) Where a developed parcel has in excess of 300 feet of street frontage, one additional free-standing sign may be erected for each additional 300 feet of street frontage in excess of the first 300 feet of street frontage abutting the developed portion of that parcel. (see Figure 1).

(2) Where a developed parcel is permitted to have more than one free-standing sign under these regulations, the

distance between said free-standing signs on each parcel shall be not less than 300 feet.

(3) Subject to provisions of §§ 157.040 through 157.049 the total area of all free-standing signs on each parcel shall not exceed one square foot of sign area for each lineal foot of street frontage of the developed portion of said parcel.

(B) No free-standing sign shall be located nearer than five feet to an interior property line. (Figure 2).

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(C) One wall or fascia sign indicating only the name and nature of the occupancy, for each occupancy within the developed parcel. The sign shall not exceed a total area of three square feet of copy for each linear foot of building occupancy or that area of copy permitted in § 157.042, whichever is the lesser. If such occupancy is on a corner, one wall sign will be permitted for each face. If the building includes a canopy, each tenant will be permitted one under canopy sign in conformity with § 157.045.

(D) No free-standing sign shall exceed the height or area established by Table 1, § 157.040. No height limit is specified for signs placed flat against the wall of a building, painted on the wall of a building or for other attached signs provided all other provisions of this chapter are complied with.

(E) With the exception of a free-standing sign, a sign may be located within or project into a required front or street sideyard setback area, if the setback area exceeds five feet. However, no sign may project into or over an abutting public right-of-way except as otherwise provided for in this chapter. (Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-21, passed 6-22-81; Am. Ord. 81-0-30, passed 10-26-81) Penalty, see § 157.999

§ 157.033 INDUSTRIAL PARK ZONES.

I-1 and I-2 Zoning District. Within the Medium Density Industrial Park Zones, signs are permitted as follows:

(A) One free-standing sign indicating only the name and nature of the occupancy for each developed parcel not to exceed one square foot of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:

(1) Where a developed parcel has in excess of 300 feet of street frontage, one additional free-standing sign may be erected for each additional 300 feet of street frontage in excess of the first 300 feet of street frontage abutting the developed portion of the parcel.

(2) Where a developed parcel is permitted to have more than one free-standing sign under these regulations, the distance between the free-standing sign on each parcel shall be not less than 300 feet.

(3) Subject to provisions of §§ 157.040 through 157.049, the total area of all free-standing signs on each parcel shall not exceed one square foot of sign area for each lineal foot of street frontage of the developed portion of the parcel.

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(B) One wall or fascia sign indicating only the name and nature of the occupancy, for each occupancy within the developed parcel. The sign shall not exceed a total area of three square feet of copy for each linear foot of building occupancy or that area of copy permitted in § 157.042, whichever is the lesser. If such occupancy is on a corner, one wall sign will be permitted

for each face. If the building includes a canopy, each tenant will be permitted one under canopy sign in conformity with § 157.045.

(C) No free-standing sign shall exceed the height or area established by Table 1, § 157.040. No height limit is specified for signs placed flat against the wall of a building, painted on the wall of a building or for other attached signs provided all other provisions of this chapter are complied with.

(D) No free-standing sign shall be located nearer than five feet to an interior property line.

(E) With the exception of a free-standing sign, a sign may be located within or project into a required front or street sideyard setback area, if the setback area exceeds five feet. However, no signs may project into or over an abutting public right-of-way except as otherwise provided for in this chapter.

(F) Free-standing signs shall be located so as to provide and maintain the same front and street sideyard setbacks as are required for a building on the same parcel.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.034 MEDIUM DENSITY COMMERCIAL.

B-3 Zoning District. Within the Medium Density Commercial and Industrial Zones, signs including the business, commodities, service, industry, or other activity sold, offered, or conducted on the premises are permitted as follows:

(A) Two signs for each occupancy, one free-standing sign in the regulations and limitations set forth in §§ 157.040 through 157.049 and one wall or fascia sign as set forth in the regulations and limitations of §§ 157.040 through 157.049.

(B) One projecting sign as set forth in the regulations and limitations §§ 157.040 through 157.049 and one wall or fascia sign as set forth within the regulations and limitations of §§ 157.040 through 157.049.

(D) Under canopy or marquee sign as set forth within the regulations and limitations of §§ 157.040 through 157.049 and one free-standing sign as set forth within the regulations and limitations of §§ 157.040 through 157.049.
(Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-21, passed 6-22-81)

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§ 157.040 FREE-STANDING SIGNS.

(A) One ground sign is permitted for each premises having frontage on a public right-of-way.

(B) Where a parcel has in excess of 300 feet of frontage, one additional free-standing sign may be erected for each additional 300 feet of street frontage in excess of the first 300 feet of street frontage abutting the developed portion of the parcel. (Figure 3).

(C) The occupant may elect to combine the allowable area of two or more ground signs, where permitted, into one ground sign with a maximum allowable area not to exceed one square foot for every one linear foot of frontage along the same right-of-way, up to the maximum established in Table 1. If a sign has more than one face, the total permitted area may not exceed twice the area permitted for one face.

(D) Where a premises fronts on more than one public right-of-way, or street, excluding alleys and serviceways, the provisions of division (B), of this section and Table 1, shall apply to each frontage. (Figure 4).

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(C) One under canopy sign as set forth within the regulations and limitations, §§ 157.040 through 157.049 and one wall or fascia sign as set forth in the regulations and limitations of §§ 157.040 through 157.049.
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(E) No free-standing sign may exceed in height the distance measured from any portion of the sign to the center of the adjoining public right-of-way, provided, however, that the maximum height of any portion of any free-standing sign or sign structure shall be in accordance with Table 1.

(F) Area. The maximum permitted area of a ground sign, except when the area of two or more ground signs is combined into one sign, shall not exceed the figures shown in Table 1 for each face of a double-faced sign or for the sole face of a single-faced free-standing sign.

TABLE 1

Maximum Permitted Heights and Area of Ground (Detached Signs)

<u>Public Right-of-Way Width</u>	<u>Traffic Speed Allowed</u>	<u>Area Each Face**</u>	<u>Maximum Height From Grade</u>
60 feet or less	15 - 20	75 sq. ft.	25 ft.
	25 - 30	150 sq. ft.	30 ft.
	35 -	200 sq. ft.	40 ft.
More than 60 feet*	15 - 20	150 sq. ft.	30 ft.
	25 - 30	200 sq. ft.	40 ft.
	35 -	250 sq. ft.	45 ft.
Freeway-oriented ground signs		300 sq. ft.	50 ft. See § 157.041 (K)

* or officially designated as a major street or prime artery.

** In square feet; if more than one face, the total permitted area may not exceed twice the area permitted for one face.

(G) Table 1 bonus for landscaping around base of ground signs.

(1) For each square foot of landscape gardening installed at the base and properly maintained, the user of a free-standing sign will be permitted one square foot of area over that normally permitted, to a maximum increase of 50%; or

(2) For each square foot of landscaped garden installed at the base and properly maintained, the user of a free-standing sign will be permitted two inches additional height over that normally permitted, to a maximum height increase of 120 inches.

(3) Each square foot of landscaped garden may only be counted once, however, the square footage may be divided to entitle the user to both bonuses to that point where sufficient total footage may permit increases to both maximums.

(H) Residential proximity. Where premises zoned for commercial or industrial use are within 100 feet of the nearest boundary of any premises zoned for single-family or multiple-family residential use on the same public right-of-way, free-standing signs and roof signs erected and maintained on the commercial or industrial premises may not exceed 25 feet in height (Table 1 if less height is applicable) above the street grade. A free-standing sign or roof sign must be set back from the public right-of-way from which it is intended to be viewed the same distance as any residentially zoned property facing the same public right-of-way within 100 feet from the sign. This provision affects only signs on commercial and industrial premises on the same block and on the same right-of-way as residential premises.

(I) Rotating signs. Rotating free-standing signs are only permissible when a rotating sign replaces or substitutes for two other free-standing signs. Rotating signs may not rotate at a rate of more than six revolutions per minute. The maximum permitted area of a rotating free-standing sign shall be equal to the area of one of the two stationary free-standing signs which it replaces or substitutes for two other signs. (Figure 5).

(J) Minimum clearance. Where a free-standing sign projects over a vehicular traffic area, such as driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be 14 feet.

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(K) Projection over public rights-of-way. Free-standing signs shall be allowed to project over public street only to the same extent permitted for projecting signs.

(L) Height restrictions for vehicular safety. No free-standing sign may include any structure as a part thereof between the height of three feet and eight feet as measured with respect to ground level.
(Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-30, passed 10-26-81) Penalty, see § 151.999

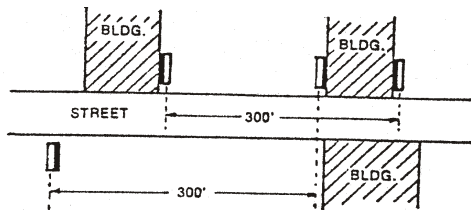
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§ 157.041 OFF-PREMISE SIGN.

Off-premise (third party or outdoor advertising) signs may be erected on ground or wall locations (and roof locations such as can be done within regulations and limitations of roof signs) in industrial zones and highway business (B-1) zones only, subject to the following conditions:

(A) Off-premise signs on the same street facing the same traffic flow shall not be placed closer together than 300 feet. (Figure 6).

(B) Off-site signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction. (Figure 7).



(C) At the intersection of two streets, double or single faced signs at right angles to and, therefore, facing traffic on street A may be situated closer than 300 feet to a similarly positioned sign across the street at right angles to and, therefore, facing traffic on street B. (Figure 8).

(D) In industrial zones bulletins and posters shall not exceed 720 square feet of total area. In B-1, off-premise signs shall not exceed 100 square feet of total area.

(E) Structures for off-premise signs shall be vertical (cantilever) construction and where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

(F) The area around off-premise sign structures shall be kept clean and all scrub brush or tall grass shall be cleared away to a distance of at least five feet to the rear

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and sides of structure as well as to the front property line, and if on a corner site to both property lines.

(G) Off-premise signs in industrial zones must be illuminated each day from dusk to dawn.

(H) Site directional signs shall conform to all the requirements of off-site third party signs.

(I) No part of any off-premise sign structure in an industrial zone shall be closer to any street line than the front line of the nearest building within 100 feet. (Figure 9).

(J) In an industrial zone, when an off-premise sign is erected between two buildings that are within 100 feet of the structure, no part of the structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two buildings. (Figure 10).

(K) No off-premise sign or free-standing sign that is freeway-oriented shall be located other than within 1,500 feet of § 157.042 TUSCOLA

(M) Multi-prism indexing signs which utilize the same space for alternating copy or for more than one advertiser, thus diminishing the number of signs, are encouraged and permitted in certain zones. Photograph (II).

the intersection of I-57 and Route 36 nor shall it be more than 25 feet above the grade of the freeway or 50 feet above the grade of the site of the sign. The measurement that is higher is to prevail as the height limit.

(L) Third party posters and bulletins (off-site signs) are recognized as a necessary and legitimate communication medium and are controlled through zoning and spacing formula to prohibit unreasonable placement. Photograph (10).

storied building. Commercialism is controlled by limiting the advertising or copy area, however, copy area is bonused for advertisers who forego any other signage on the same premises.

(1) Where an advertiser has no ground, roof, or projecting sign on the same premises, 45% of the wall sign background area may be used for copy. (Figure 11).

(N)

With in the B-1

zoning district, and only upon a vacant lot, off-premise signs may be erected within the front setback only, and with a minimum separation from other signs of 100 feet, subject to other regulations found elsewhere herein.

(Ord. 81-0-8, passed 4-21-81; Am. Ord. 2002-0-12, passed 7-8-02) Penalty, see § 157.999

§ 157.042 WALL SIGNS.

(A) Area limits of wall signs. In all cases, all sign areas refer to the area of copy rather than the area of the background. This has been done to encourage advertisers to install comprehensive wall or fascia signs which often cover unsightly transom windows or other items and substantially aid in the renovation of older buildings. Permitted background area, therefore, is the total area between the lintel bar and the parapet on a one-story building, or between the lintel bar and the floor level of the floor above on a multi-

(2) Where an advertiser has a ground sign but no roof or projecting sign on the same premises, 30% of the wall sign background area may be used for copy. (Figure 12).

(3) Where an advertiser has a projecting or roof sign but no ground sign on the same premises, 15% of the wall sign background area may be used for copy. (Figure 13).

(B)

Where

individual mounted letters are used without a sign background, the foregoing percentages will apply, but will be computed on the area of the total facade between the lintel bar and the parapet on a one-story building, or between the lintel bar and the floor level of the floor above on a multi-storied building.

(C) The frontage factor is relative to each tenant's building frontage facing on each public right-of-way, excluding alleys and serviceways.

(D) Premises fronting on more than one public right-of-way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(E) Any identification wall signs with nonilluminated letters up to but not exceeding three inches in height nor four square feet in area are not restricted and may be permitted in addition to regulated signage.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.043 ROOF SIGNS.

Roof signs are divided into the two main categories shown in Figures 14 and 15 and described in (A) and (B) below.

(A) Roof signs on buildings which do not exceed 40 feet in height and which are designed for viewing by traffic passing by the sign installation. (Figure 14).

TABLE 2A

Division (A), roof signs on buildings which do not exceed 40 feet in height with a sign designed for adjacent traffic and are limited to two faces.

<u>Traffic Speed Permitted in M.P.H.</u>	<u>Area Per Face In Zones Where Roof Signs Permitted But Are Limited To On-Premise Signs</u>	<u>Area Per Face In Zones Where Off-Premise Roof Signs Are Permitted</u>
Nonfreeway		
15 - 20	100 square feet	300 square feet
25 - 30	150 square feet	300 square feet
35 - 40	200 square feet	300 square feet
50	250 square feet	300 square feet
Freeway-oriented, where supporting building is in a zone permitting roof signs.	300 square feet	720 square feet

NOTE: As these sign regulations require that roof signs appear as an architectural blade with no visible structure, line of sight will reduce effective useable area as building height increases (See Table 2B). Area allowances, therefore, include that which would have been seen as structural support in most former sign regulations.

TABLE 2B

Division (A), roof signs on buildings which do not exceed 40 feet in height with a sign designed for adjacent traffic and are limited to two faces.

	<u>Building Height</u>	<u>Maximum Height From Top of Parapet</u>	
		<u>In Zones Where Roof Signs Permitted But Are Limited To On-Premise Signs</u>	<u>In Zones Where Off-Premise Signs Are Permitted</u>
Nonfreeway	0 - 15 feet	10 feet	15 feet
	16 - 20 feet	12 feet	15 feet
	21 - 30 feet	15 feet	20 feet
	31 - 40 feet	18 feet	25 feet
Freeway-oriented where supporting building is in zone permitting roof signs.	25 feet above grade of freeway or 50 feet above grade at ground level of supporting building. The measurement that is higher to prevail.		

NOTE: As these sign regulations require that roof signs appear as an architectural blade with no visible structure, line of sight will reduce effective useable sign height as building height increases. Height allowances, therefore, include that which would have been seen as structural support in most former sign regulations.

(B) Roof signs on multi-storied buildings designed to be viewed from distant points.

(1) This chapter commits these signs to the same configuration as an architectural blade or penthouse which could have occurred as part of the building itself. Such signs, therefore, are treated as would be facia signs in division (A) as wall signs applied to an existing penthouse. (Figure 15).

(2) In zones where roof signs are permitted, such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself. (Figures 15 and 17).

(3) All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure. (Figure 16).

(4) All roof signs must be set back a distance of at least four feet from all the outside walls of the building on or over which they are located. It is the intention of this provision to provide a clear passageway around the sign.

(5) Roof signs may not rotate.

(6) For residential proximity regulations set forth in § 157.040 (E) shall apply.

(7) No visible guy wires, braces, or secondary supports are to be used. See Figure 17 for permissible method.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.044 PROJECTING SIGNS.

(A) Any one tenant with frontage on a public right-of-way is permitted to have one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a free-standing sign or roof sign. Where a premise is allowed two free-standing signs, the occupant may elect to substitute a projecting sign for one of the free-standing signs. If a premise

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has at least 300 feet of frontage along any one right-of-way the occupant may have two projecting signs.

(B) Subject to absolute limits of 10 feet from the property line and two feet back from the curb line, projection over public domain is limited to 5 inches for each linear foot of building front measured from the sign location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at 45 degrees to the corner are permitted a 20% increase on the formula. (Figure 18, Figure 19, Figure 20).

Example:
50 foot store front with sign installed at center point 25 x 3 inches = 75 inches projection. (Figure 18).

Example:
50 foot store front, sign installed at 10 feet from neighbor 3 x 10 inches = 30 inches projection. (Figure 19).

Example:
Corner store with 25 foot shortest frontage. 25 x 3 inches = 75 inches + 20% = 90 inches. (Figure 20).

(C) No projecting sign may rise more than 6 feet above the top of a parapet.

(D) Minimum clearance. Projecting signs shall have a minimum clearance of ten feet between the bottom of the sign and the ground.

(E) Installation. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron sign support structures above a roof, building face, or wall. (Figure 21).

(F) A cantilever support may rise 12 inches above the parapet, however, where there is a space between the edge of the sign and the building face, such cantilever must be enclosed. (Figure 22).

(G) Illumination. Any sign projecting over a public street shall be directly illuminated (electric), except for awnings. (Ord. 81-0-8, passed 4-21-81; Am. Ord. 81-0-21, passed 6-22-81) Penalty, see § 157.999

§ 157.045 CANOPY OR MARQUEE SIGNS.

Where canopy signs are allowed such signs shall be subject to the following conditions:

(A) Area of copy may be three square feet per linear foot of canopy front and sides. Copy area or any part of copy area allowed for one facing cannot be added to that allowed for other facings. Subject to minimum height limit of nine feet from the sidewalk, copy may be installed above, on the face of, or below the canopy proper, provided that where such sign is installed above or below, copy area will be computed on the total of the sign face and the canopy apron proper.

(B) No portion of a canopy sign can be closer than one foot to a vertical line from the curb face.

(C) On places of public entertainment such as theaters, arenas, or meeting halls, where one or more changeable copy signs are allowed, the copy area allowance will be five square feet per linear foot of canopy with a maximum total height limit of no more than five feet at any point.

(D) In local commercial zones, the maximum copy area of canopy signs shall be two square feet subject to the same conditions as in division (A).

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roof but the top of the sign must be a minimum of one foot below the top roof line. (Figures 25A and 25B).

(E) A free-standing sign supported by a sign structure which is imbedded in the ground and independent of a canopy for structural support, may project above and over a canopy. This section shall not be deemed to allow a free-standing sign to be located over, in whole or in part, the roof of a building. A free-standing sign which projects over a canopy shall comply with all other applicable regulations of this chapter. (Figure 23).

(F) Under canopy signs. Signs attached to the underside of a canopy shall have a copy area no greater than six square feet, with a maximum letter height of nine inches, subject to a minimum clearance of eight feet from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face. (Figure 24). (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.046 SIGNS ON AWNINGS.

Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed, or installed on the hanging border only of any awning erected and maintained in accordance with this chapter. An identification emblem, insignia, initial, or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any sign, emblem, insignia, or other such similar item shall comply with all other provisions of this chapter. (Ord. 81-0-8, passed 4-21-81)

§ 157.047 SLOPING ROOF SIGNS.

A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than four feet above the upper edge of the fascia of the sloping

insignia, illustration, or other form of advertising message. (Figure 26).

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

PROHIBITED SIGNS

§ 157.055 ANIMATED AND INTENSELY LIGHTED SIGNS.

No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination unless specifically permitted in special sign districts. Public service information signs and other electronic message centers classified as changing signs are permitted.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.056 MISCELLANEOUS SIGNS AND POSTERS.

The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structure is prohibited unless otherwise permitted by this chapter.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.057 MOVING SIGNS.

Except as otherwise provided in this chapter, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a nonstationary or fixed condition except for the rotation of barber poles, permissible changing signs, or permissible multi-prism units. Indexing multi-prism units must not exceed a speed of two complete revolutions every twenty seconds. This section is not meant to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.059 PARKING OF ADVERTISING VEHICLES.

(A) No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. (Figure 27).

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.048 OTHER SIGNS.

(A) Incidental signs. Up to two incidental signs may be attached to a free-standing sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Area of each sign may not exceed five square feet, the total area of all such signs may not exceed ten square feet.

(B) Directional signs. One such sign is permitted near each driveway. Area of each sign may not exceed 12 square feet. Maximum permitted height shall be 12 feet.

(C) Manual or automatic changeable copy signs. Any of the types of sign permitted in this chapter may be permitted as manual or automatic changeable copy signs.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.049 FREE-STANDING SIGN; DECORATIVE EMBELLISHMENTS.

On free-standing signs the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however, may such extension exceed 20% of the maximum

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allowable height for the sign. Further, such embellishment shall not include thereon any symbol, representation, logogram,
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§ 157.058 ABANDONED BUSINESSES AND ACTIVITIES.

Such business signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located, shall be prohibited. (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

(B) This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.060 PUBLIC AREAS.

No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree, or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this chapter.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.061 BANNERS.

(A) pennants, twirling or other figures used on a basis.

Banners, search lights, signs, balloons, gas-filled shall not be permanent (Figure 28).

(B) Signs described in division (A) above will be permitted at the opening of

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a new business in a commercial or industrial district for a total period not to exceed 60 days and will be allowed in residential districts in conjunction with an open house or model home demonstration conducted by a realtor for two days before the opening of such a demonstration to two days after and not to exceed a total period of 30 days.
(Ord. 81-0-8, passed 4-21-81; Am. Ord. 2002-0-6, passed 5-13-02) Penalty, see § 157.999

§ 157.062 FLAGS.

Flags other than those of any nation, state, or political subdivision or corporate flag are prohibited except as set forth in § 157.061 (B). (Figure 29).

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.063 SWINGING SIGNS.

Swinging signs are prohibited.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.064 "A" SIGNS.

FRAME

"A" frame sandwich are allowed, the following

or board signs subject to provisions:

(A) The "A" Frame sign may only be placed on the public sidewalk directly in front of the business for which it advertises.

(B) The sign may be present on the sidewalk only during hours when the business is open to the public.

(C) The sidewalk may not be reduced in width to less than four feet.

(D) The sign, measured from the sidewalk surface vertically to the top of the sign, may be no taller than three feet.

(E) The sign may be no wider than two feet at its base.
(Ord. 81-0-8, passed 4-21-81; Am. Ord. 2002-0-6, passed 5-13-02) Penalty, see § 157.999

§ 157.065 PORTABLE SIGNS.

Portable or wheeled signs are prohibited. (Figure 31). This shall not be interpreted to prohibit lettering on motor vehicles or permissible advertising on buses.

(Ord. 81-0-8, passed 4-21-81)
Penalty, see § 157.999

§ 157.066 VISIBLE FRAMES.

Visible angle structures to are prohibited. (Figure 32). (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.067 UNCLASSIFIED SIGNS.

The following signs are also prohibited, which:

- (A) Bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
- (B) Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
- (C) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves, or give the illusion of motion except as permitted in this chapter;
- (D) Emit audible sound, odor, or visible matter;
- (E) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words

"Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words;

(F) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal, or device, or the light of an emergency or road equipment vehicle, or

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which hide from view any traffic or street sign or signal or device. (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

CONSTRUCTION SPECIFICATIONS

§ 157.075 COMPLIANCE WITH BUILDING CODE.

All signs shall comply with the appropriate detailed provisions of the city building code as providing in Chapter 150 relating to design, structural members, and connections. Signs shall also comply with the provisions of the applicable electrical code as provided in Chapter 151 and the additional construction standards hereinafter set forth in this section. (Ord. 81-0-8, passed 4-21-81)

§ 157.076 CONSTRUCTION: AUXILIARY SPECIFICATIONS.

(A) Identification and marking. Each sign hereafter erected or remodeled shall bear, in a permanent position thereon a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm, or corporation responsible for its construction, erection, and the date of erection. Electrical signs shall be marked with input amperages at the full load input similar to the CSA label or the UL (48).

(B) Sign identification tag. Each sign shall have a two by four inch sticker placed on one of the faces of the sign that identifies the permit number that was originally issued by the Administrator. This sticker shall be renewed on a biannual basis as provided for in this chapter.

(C) Obstruction to exits. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

(D) Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.

(E) Clearance from high voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 24 inches horizontally or vertically from any conductor or public utility guy wire.

(F) Drainage. The roofs of all marquees exceeding 40 square feet shall be properly guttered and connected with downspouts to storm sewers so that water will not drip or flow into public sidewalks or streets. (Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.077 FREE-STANDING SIGNS: MATERIALS.

All free-standing sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the building code of the city, as provided in Chapter 150.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.078 ELECTRIC SIGNS.

All electric signs shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc., the Canadian Standards Association (CSA), or other similar institutions of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the safety code.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.079 GLASS.

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

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.080 STRENGTH OF PARAPET WALL.

A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

(Ord. 81-0-8, passed 4-21-81)

§ 157.081 SUPPORTS AND BRACES.

Metal supports or braces shall be adequate for wind loadings, see § 157.82. Wire or cable supports shall have a safety factor of four. All metal, wire cable supports and braces, and all bolts used to attach sign to bracket or brackets and signs to the supporting building or structure shall be of galvanized or of an equivalent material. There shall be no visible angle irons, or unsightly supports.

All such sign supports shall be an integral part of the sign design. There shall be a pole cover

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on all free-standing signs unless the pole is an integral part of the sign.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.082 WIND LOADS.

(A) All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as follows:

(1) For solid signs, 30 pounds per square foot on one face of the sign.

(2) For skeleton signs, 36 pounds per square foot of the total face area of the letters and other sign surfaces, or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

(B) The wind loadings quoted above are normal averages and must be adjusted for areas subject to unusually high velocity winds, for signs of extraordinary height or for certain wind tunneling effects created by large buildings.

(Ord. 81-0-8, passed 4-21-81)

§ 157.083 SIGN ANCHORING.

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

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

EXEMPT SIGNS

§ 157.090 PERMIT EXCEPTIONS.

The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other building, structural, and electrical laws and regulations of the city:

(A) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign, or a similar approved sign whether electrical, illuminated, electronic changing message center, or nonilluminated painted message which are all specifically designed for the use of replaceable copy.

(B) Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage or deterioration of the face, but not for the substitution of a new or different advertiser.

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(C) Changes in the content of show window displays and permitted temporary signs.

(Ord. 81-0-8, passed 4-21-81)

§ 157.091 EXEMPT SIGNS.

(A) Construction signs. One construction sign per construction project not exceeding 32 square feet in sign area in residential districts or 64 square feet in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid

building permit has been issued, shall be confined to the site of construction, and shall be removed five days after completion of construction and prior to occupancy.

(B) Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

(C) Flags. The flags, emblems, or insignia of any nation, political subdivision, or corporate flag.

(D) Governmental signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(E) Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any one year. Such signs may be of any type, number, area, height, illumination, or animation, and shall be set back ten feet from all boundary lines of the lot, provided that a clear area be maintained to a height of 72 inches, within 55 feet of the intersection of two streets, a railroad and a street, and a street and driveway.

(F) House numbers and name plates. House numbers and name plates not exceeding two square feet in area for each residential building.

(G) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or

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court of any building, and signs for and located within the inner or outer lobby, court, or entrance of any theater, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this chapter.

(H) Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(I) Notice bulletin boards. Notice bulletin boards not over 24 square feet in area for medical, public, charitable, or religious institutions where the same are located on the premises of the institution.

(J) No trespassing or no dumping signs. No trespassing or no dumping signs not to exceed 1-1/2 square feet in area per sign and not exceeding four in number per lot, except that special permission may be obtained from the Administrator for additional signs under proven special circumstances.

(K) Occupant signs. One sign for each dwelling unit not to exceed two square feet in area indicating the name of the occupant, location, or identification of a home professional office.

(L) Plaques. Plaques or name plate signs not more than 2-1/2 square feet in area which are fastened directly to the building.

(M) Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that the signs are subject to the following regulations:

(1) The signs may be erected not earlier than 45 days prior to the election and shall be removed within 15 days following the election.

(2) In any zone, only one stationary sign is permitted on any one parcel of land. The sign shall not exceed 32 square feet in aggregate area and, if detached, shall not exceed six feet in height. The sign shall not be erected in such a manner as to constitute a roof sign.

If there should be more than one tenant, each tenant shall be permitted the above allowed dimensions. Notwithstanding the provisions of this division, a sign may be placed on any legally existing sign structure, but not so as to cover an already existing current sign.

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(3) No sign shall be located within or over the public right-of-way.

(N) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(O) Public signs. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute, or ordinance under which the signs are erected.

(P) Real estate signs. One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area, and is removed within seven days after the sale, rental, or lease has been accomplished.

(Q) Permanent window signs. Except in residential zones, for each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase, or other similar facility. The signs shall be in addition to those signs permitted under the other provisions of this chapter. The total copy area of such signs, however, shall not exceed a maximum of 25% of the total window area, or one square foot per lineal front foot of the premises occupied, whichever is the lesser.

(R) Signs in the display window. Signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services offered which comply with division (Q) herein.

(S) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four square feet in area, and provided further that all such symbols, plaques, and identification emblems shall be placed flat against a building.

(T) Temporary signs. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that the signs are posted only during the drive or no more than ten days before the event and are removed no more than three days after an event.

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(U) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed on subsidence of danger.

(V) Neighborhood identification signs.

In any zone, a sign, masonry wall, landscaping, and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

REMOVAL AND DISPOSITION OF SIGNS

§ 157.100 MAINTENANCE AND REPAIR.

Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable, and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign. The Administrator shall require compliance with all standards of this chapter. If the sign is not made to comply with adequate safety standards the Administrator shall require its removal in accordance with this section.

(Ord. 81-0-8, passed 4-21-81)

§ 157.101 ABANDONED SIGNS.

Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

Cross-reference:

Abandoned businesses and activities,
see § 157.058

§ 157.102 DANGEROUS OR DEFECTIVE SIGNS.

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by

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the owner of the sign or the owner of the premises.
(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.103 UNLAWFUL SIGNS.

No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this chapter.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.104 STREET IMPROVEMENT PROJECTS.

Any sign projecting over a public right-of-way at the time of the effective date of this chapter which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the city, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this chapter, if, as the result of, or after completion of a street improvement project, the sign does not or would not comply with the provisions of this chapter.

(Ord. 81-0-8, passed 4-21-81) Penalty, see § 157.999

§ 157.105 REMOVAL BY ADMINISTRATOR.

(A) The Administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically, or structurally defective sign or a sign for which no permit has been issued. The Administrator shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten days the sign shall be removed in accordance with the provisions of this section.

(B) All notices mailed by the Administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

(C) For all other signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

(D) Any person having an interest in the sign or the property may appeal the determination of the Administrator ordering removal or compliance by filing a written notice of appeal with the Sign Board of Appeals within 30 days after the

date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.

(E) Notwithstanding the above, in cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. (Ord. 81-0-8, passed 4-21-81)

§ 157.106 DISPOSAL OF SIGNS; FEES.

(A) Any sign removed by the Administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(B) When it is determined by the Administrator that the sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Administrator may correct the danger, all costs being assessed as contained in the following:

(1) The notice given by the Administrator shall state not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limits set forth in this chapter, the cost of correcting the unlawful feature of the sign may be assessed against the property on which the sign is located, together with the additional 5% for inspection and incidental costs and an additional 10% penalty for the cost of collection, and collected in the same manner as real estate taxes against the property.

(2) In the event that the owner of the premises, or person entitled to the possession, or the owner of the sign, shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or demolish the sign to be declared to be unlawful, the owner of the sign, the owner of the premises on which the sign is located, and the person entitled to possession thereof (if other than the owner of the premises), or all or any of them, may be prosecuted for violation of this chapter. The Administrator may remove the sign declared to be unlawful.

(3) If it shall be necessary for the Administrator to remove a sign

pursuant to the provisions hereof, bids shall be taken when the estimated costs of demolition exceed \$500. When completed, the Administrator shall certify to the Clerk the legal description of the property on which the work was done, together with the name of the owner thereof, as shown by the tax rolls of the related municipal area, together with a statement of work performed, the date of performance, and the cost thereof.

(4) On receipt of such statement, the Clerk shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown on the tax rolls, by certified mail, postage

prepaid, notifying such owner that the work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work, and the demanding payments of the costs thereof (as certified by the Administrator), together with 5% for the inspection and the other incidental costs in connection therewith. Such notice shall state that if the amount is not paid within 30 days of mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against the property, together with a 10% penalty, for collection in the same manner as the real estate taxes on the property.

(5) If the Clerk shall not receive payment within a period of 30 days following the mailing of such notice, the Clerk shall inform the Council of such fact and the Council shall thereupon enact a resolution assessing the whole cost of such work, including 5% for inspection and other incidental costs in connection therewith on the lots and tracts of land from which the sign has been removed, together with a 10% penalty for the cost of collection.

(6) Following passage of such resolution on third reading, the Clerk shall certify the same to the Treasurer, who shall collect the assessment, including the 10% penalty of cost for collection, in the same manner as other taxes are collected.

(7) Each such assessment shall be a lien against each lot or tract of land assessed, until paid, and shall have priority over all other liens except general taxes and prior special assessments.

(8) For all purposes hereinafter the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Administrator.

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(C) If the costs are to be assessed against the property, a hearing to confirm the cost shall be held before the Council. At such hearing the owner of the property or other interested person may appear and object to the proposed assessment. Notice of the hearing shall be given at least ten days prior to the date of the hearing to the property owner by mailing a notice of the hearing to the address of the property owner as shown on the last equalized assessment roll.

(Ord. 81-0-8, passed 4-21-81)

LEGAL NONCONFORMING SIGNS

§ 157.115 LEGAL NONCONFORMING SIGNS.

(A) Notification of nonconformity. After the enactment of this chapter, the Administrator shall, as soon as practicable, survey the city or signs which do not conform to the requirements of this chapter. On determination that a sign is nonconforming, the Administrator shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

(1) The sign's nonconformity; and

(2) Whether the sign is eligible for characterization either as legal nonconforming or unlawful. Failing determination of the sign owner, user, or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(B) Signs eligible for characterization as legal nonconforming. Any sign located within the city limits on the date of adoption of this chapter, or located in an area annexed to the city thereafter, which does not conform with the provisions of this chapter, is eligible for characterization as a legal nonconforming sign and is permitted, provided it also meets the following requirements:

(1) The sign was covered by a sign permit or variance on the date of adoption of this chapter if one was required under applicable law; or

(2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this chapter.

(3) If a sign is other than one referred to in (B) (1) or (2) above, such sign shall be removed or altered to conform with this chapter not later than 90 days from the effective date of this chapter.

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(C) Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration; or

(2) The sign is relocated to a position making it less in compliance with the requirements of this chapter; or

(3) The sign is replaced; or

(4) On the happening of any one of (C) (1), (2), or (3) the sign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed. (Ord. 81-0-8, passed 4-21-81)

§ 157.116 MAINTENANCE AND REPAIR.

Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs, contained in this chapter, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status. (Ord. 81-0-8, passed 4-21-81)

§ 157.117 AMORTIZATION.

Any other provision of this chapter notwithstanding, any sign which is a sign referred to in § 157.115 (B) shall be removed or altered to conform with this chapter not later than five years from the effective date of this chapter. (Ord. 81-0-8, passed 4-21-81)

SPECIAL SIGNS AND SIGN DISTRICTS

§ 157.125 SUBDIVISION DEVELOPMENT SIGNS.

The Administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(A) Time limit. Such permits may be issued for a period not to exceed one year.

The Administrator may renew such permits for additional periods of up to one year for each permit on written application at least 30 days prior to its expiration.

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(B) Type of sign. Signs as used in this section refer to all types of signs except signs exempted under §§ 157.090 and 157.091, and those prohibited under §§ 157.055 through 157.067.

(C) Legend. The offsite sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may refer to materials, appliances, supplies, and building trades used in construction of the dwelling units, or services provided by the developer.

(D) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one subdivision or in one unit of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another unit within the same subdivision, without the express permission of the Administrator. (Ord. 81-0-8, passed 4-21-81) Penalty, § 157.999

§ 157.126 SIGNS FOR SPECIAL EVENTS.

Temporary signs, not in excess of four square feet in area, may be erected as participation in a public parade, public event, or public celebration for a period not to exceed ten days, provided, however, the erection of such sign shall be approved by the Administrator. (Ord. 81-0-8, passed 4-21-81)

§ 157.127 NONEXEMPT SIGNS FOR DIRECTION OR INSTRUCTION.

Signs in excess of eight square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message. In addition, the Administrator, with the approval of the City Traffic Engineer, may authorize the placing of directional

signs at appropriate street intersections or other locations for the convenience of the motoring public, such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds, and other similar public service facilities.

(Ord. 81-0-8, passed 4-21-81)

§ 157.128 SPECIAL SIGN DISTRICTS.

Merchants occupying 60% or more of the street frontage in feet of properties on both sides of the street in any defined area may petition for the formation of a special Sign District. This might be done for such reasons as to

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create an area with a particular ethnic atmosphere, to simulate an historic period, theater or entertainment area, or other similar purpose. A group of property owners or persons in the right of possession will be chosen by the merchants to represent them. The group shall not exceed ten members and shall comprise the governing body of the Sign District. This body will draw up the criteria for signs in the district and submit such criteria to Council for approval. Council will instruct the City Clerk to notify all owners or persons in the right of possession within the boundaries of such district ten days prior to the hearing, after which the Council may approve the special Sign District or may veto it. The veto can only be effected by a three-quarters vote of the Council. If the criteria for the special Sign District is approved and becomes effective, the city shall publish them as regulations of a Sign District in the same manner as a code of the city.

Special Sign Districts to be established at the request of 60% of the merchants measured by property frontage. (Figure 33).

(Ord. 81-0-8, passed 4-21-81)

SIGN BOARD OF APPEALS

§ 157.135 CREATED.

There is created a Sign Board of Appeals hereinafter referred to as the Board to review decisions of the Administrator, to grant variances from the requirements of this chapter, to make suggestions for the amendment of this chapter, and to advise the Administrator.

(Ord. 81-0-8, passed 4-21-81)

§ 157.136 MEMBERSHIP.

The Board shall consist of seven voting members and two nonvoting members, all of whom shall be appointed and removable by the Council. Each member shall serve without compensation and for a term of three years, or until his successor

is appointed after the expiration of his term. First appointees to the Board shall, however, serve staggered terms of; three for one year, three for two years, and three for three years, respectively. Vacancies on the Board shall be filled by appointment of the Council for the unexpired term of the vacating member.

(Ord. 81-0-8, passed 4-21-81)

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§ 157.137 IDENTITY OF VOTING MEMBERS.

The seven voting members of the Board shall represent the interests of the city as a whole. No voting member shall be a city employee or have any financial interest in the sign industry. (Ord. 81-0-8, passed 4-21-81)

§ 157.138 IDENTITY OF NONVOTING MEMBERS.

Of the two nonvoting members of the Board, one shall be or have been actively employed in or by the sign industry, and the other shall be or have been active in groups or organizations principally interested in environmental beautification or betterment. (Ord. 81-0-8, passed 4-21-81)

§ 157.139 JURISDICTION AND POWER.

The Board shall have the power and duty to:

(A) Hear and decide appeals by the sign permit applicant from a decision of the Administrator denying, or failing to grant a sign permit within 30 days of application;

(B) Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the Administrator denying or failing to grant a sign permit;

(C) Hear and decide appeals of a determination by the Administrator that a sign must be removed for noncompliance with this chapter; or

(D) Make recommendations to the Council for changes to this chapter; and

(E) Give advice to the Sign Administrator when asked. (Ord. 81-0-8, passed 4-21-81)

§ 157.140 CRITERIA FOR BOARD DECISION.

(A) Appeals without petition for variance. In appeals to the Board from decision of the Administrator denying a sign permit in connection with which no petition for variance has been filed, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of this chapter and accordingly, affirm or reverse his decision. No variance from the requirements of this chapter shall be granted or allowed. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit in accordance with its decision. If the Administrator fails to do so for five days from receipt of the direction from the Board, the Board may issue the permit. In

appeals from failure of the Administrator to grant a

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permit within 30 days of application, the Board shall determine whether the sign and the application meet the requirements of this chapter. If so, the Board shall grant the permit; if not, the Board shall deny the permit. No variance from the requirements of this chapter shall be granted or allowed.

(B) Appeals with petition or variance.

In appeals from decision of the Administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the Board shall have the power and duty to hear, decide, and grant or deny the requested variance from the provisions or requirements of this chapter. The Board may grant a variance from the provisions or requirements of this chapter only where:

(1) The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel of property in question; and

(2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity; and

(3) The unusual conditions applying to the specific property do not apply generally to other properties in the city; and

(4) The granting of the variance will not be contrary to the general objective of this chapter of moderating the size, number, and obtrusive placement of signs and the reduction of clutter.

(C) Where there is insufficient evidence, in the opinion of the Board, to support a finding of undue and unnecessary hardship under division (A) above, but some hardship does exist, the Board may consider the requirement fulfilled if the proposed signing is of particularly good design and in particularly good taste, and the entire site has been or will be particularly well landscaped. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest. (Ord. 81-0-8, passed 4-21-81)

§ 157.141 PERFECTION OF APPEAL; STAY OF PROCEEDINGS.

(A) An appeal with or without petition for variance may be considered by the Board only if:

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(1) Written notice of appeal, with or without petition for variance, is filed with the Board:

(a) Within ten days of the decision of the Administrator denying a sign permit;

(b) Within 40 days of the submission of a sign permit application which the Administrator has neither granted or denied within 30 days.

(2) The notice of appeal is accompanied by a fee of \$25.

(3) The appellant serves on the Board a written statement of the reasons in support of his position five days before the hearing on the appeal.

(B) The Board shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this division or for failure of the appellant to otherwise diligently prosecute the appeal, or if the Board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal.

(Ord. 81-0-8, passed 4-21-81)

§ 157.142 PROCEDURE.

(A) General. The voting members of the Board shall choose a chairman from among their number who shall serve a term of one year, and shall adopt rules and regulations for its own government. The presence of at least four of the seven voting members of the Board and an affirmative vote of a majority of those present at any meeting shall be required for any Board decision or action.

(B) Procedure on appeals; delivery of sign application to Board. On the filing of a notice of appeal with the Board as provided in § 157.141, the Administrator shall promptly transmit to the Sign Board of Appeals, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications, and other papers pertaining to the application. When the appeal is from failure of the Administrator to grant a permit within 30 days, the Administrator shall, in addition to the foregoing, furnish the Board with a brief written statement of the reasons for the failure.

(C) Statement in support of Administrator's position. On any appeal, the Administrator may, in his discretion, furnish the Board with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the Board of Appeals at least

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ten days in advance of the hearing on the appeal.

(D) Administrator's appearance at the hearing. The Administrator may attend and state his position at any appeal or variance hearing.

(Ord. 81-0-8, passed 4-21-81)

§ 157.143 ADVICE FROM BOARD OF APPEALS.

The Administrator may seek the advice of the Board of Appeals on novel or difficult situations, signs, or questions that arise under this chapter. However, such advice given shall not bind the Administrator.
(Ord. 81-0-8, passed 4-21-81)

§ 157.144 NOTICE OF HEARING.

(A) The Board shall hear and decide appeals within 30 days of the filing of the notice of appeal. Notice of the hearing on an appeal shall be given by the Board not less than ten days prior to the hearing to:

- (1) The appellant, in writing, at the address given on the notice of appeal;
- (2) The Administrator, in writing;
- (3) To any person filing a written statement in opposition to the appellant's position taken in the appeal;
- (4) Any person filing a written request with the city for special notice of Board hearings in the six months following giving of the request;
- (5) To the public by posting a copy of the notice of hearing in a conspicuous place within the city hall;
- (6) To the property owners in the vicinity of the property which is concerned in the appeal by posting three placards in conspicuous places on or within 50 feet of the property concerned.

(B) Such notices and placards shall be in a form prescribed by the Board and shall set forth the time, place, and purpose of the hearing.
(Ord. 81-0-8, passed 4-21-81)

§ 157.145 HEARING.

All hearings of the Board shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the Board, to address the Board on issues to be determined. The appellant and the Administrator shall be afforded an opportunity to address the Board on any matter at issue. Any party or interested

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person may be represented by another at the hearing.
(Ord. 81-0-8, passed 4-21-81)

§ 157.146 HEARING MINUTES AND DECISION.

The Board shall keep minutes of its proceedings, shall cause to be kept a verbatim record of the hearing on any appeal together with its findings of fact in support of that decision, all of which shall be open to public inspection. Copies of the Board's decisions on appeals and petitions for variances shall be mailed or delivered to the applicant, to the Administrator, and to persons filing requests for special notice of hearings pursuant to § 157.144 (A) (4). The verbatim record may be discarded by the

Board one year after the hearing.
(Ord. 81-0-8, passed 4-21-81)

§ 157.147 COUNCIL REVIEW.

Review or appeal of any Board decision may be taken by any interested person to the Council.

(A) The petition for review must be served on the Council within 30 days of the Board's mailing or delivery of its decision to the appellant;

(B) The record transmitted by the Board shall include the verbatim record of the hearing in its untranscribed form.
(Ord. 81-0-8, passed 4-21-81)

§ 157.148 CLERICAL ASSISTANCE.

The office of the City Clerk shall furnish the Board with the clerical and administrative assistance that it requires.
(Ord. 81-0-8, passed 4-21-81)

ADMINISTRATION AND ENFORCEMENT

§ 157.155 ADMINISTRATOR.

The Administrator shall be chosen and shall serve at the pleasure of the Council.

The Administrator is authorized and directed to enforce and carry out all provisions of this chapter, both in letter and spirit, with vigilance and with all due speed. The Administrator is authorized to promulgate regulations and procedures consistent with the purpose of this chapter, toward that end. The Administrator is further empowered to delegate the duties and powers granted to and imposed on him under this chapter. As used in this chapter, Administrator shall include his authorized representative.
(Ord. 81-0-8, passed 4-21-81)

§ 157.156 INSPECTION.

The Administrator is empowered to enter or inspect any building, structure,

not also the owner or user of the unlawful sign, shall be subject to the misdemeanor penalties only if demand for removal or alteration of the unlawful sign shall have been mailed by registered mail, return receipt requested, to the owner and the demand has remained uncomplied with for more than 30 days. (Ord. 81-0-8, passed 4-21-81)

Section

- 158.01 Obstruction of streets, alleys, or sidewalks
- 158.02 Moving of buildings
- 158.03 Encroaching enclosures
- 158.04 Water upon sidewalks
- 158.05 Removal of stake, post, or corner stone
- 158.06 Removal of dirt from street or alley
- 158.07 Erection of signs on South Line Street

Cross-reference:

- Curbs and gutters, see §§ 52.35 through 52.39
- Sidewalks, see §§ 52.15 through 52.29
- Street paving, see §§ 52.45 through 52.51

§ 158.01 OBSTRUCTION OF STREETS, ALLEYS, OR SIDEWALKS.

(A) No person shall obstruct or encumber any street, alley, or sidewalk or any portion thereof with merchandise or other property for a longer time than may be reasonably necessary for the purpose of loading or unloading such merchandise or property, or removing it therefrom. ('69 Code, § 23-1)

(B) No person shall encumber or obstruct any street, alley, or sidewalk, so as to hinder, delay, or render passage along the same difficult or unsafe, either by piling up boxes, building materials, or in any other manner whatsoever, except by permission of the Mayor or Superintendent of Streets. ('69 Code, § 23-1)

(C) No contractor or other person shall encumber or obstruct any street or alley with materials of any kind or character for the construction of any building without the written consent or permit of the Mayor. No such obstruction shall continue in any case for a longer time than is necessary in the diligent and prompt construction of the building. ('69 Code, § 23-2)

(D) No person shall, except in case of urgent necessity for a short time, obstruct more than 1/3 of any alley or street, or 1/2 of any sidewalk; nor shall such obstruction continue in any case for a longer time than is necessary in the diligent and prompt execution of work. ('69 Code, § 23-2)
Penalty, see § 10.99

Statutory reference:

- Obstructions upon streets, see ILCS Ch. 65, Act 5 § 11-80-3

§ 158.02 MOVING OF BUILDINGS.

(A) No person shall move, or cause

to be moved, or aid in moving, any building through or across any street or alley of the city, without the written permit of the Mayor. ('69 Code, § 23-3)

(B) No person shall in moving, or causing to be moved, or aiding in the moving of any building, unnecessarily obstruct any street, alley, or sidewalk, nor shall any person encumber or obstruct such street, alley, or sidewalk for a longer period of time than shall be necessary in the prompt and diligent removal of such building. ('69 Code, § 23-4) Penalty, see § 10.99

§ 158.03 ENCROACHING ENCLOSURES.

(A) No person shall build or cause to be built any building obstruction or enclosure encroaching in whole or in part upon any street, alley, or sidewalk.

(B) The owner of any building, erection, or enclosure already erected or placed or encroaching upon any street, alley, or sidewalk, who does not remove such structure after 30 days' notice by the Mayor to do so, shall be subject to penalty as provided by § 10.99. ('69 Code, § 23-5)

§ 158.04 WATER UPON SIDEWALKS.

(A) It shall be unlawful to permit the water falling or draining from any building to fall upon or spread over the adjoining sidewalk. ('69 Code, § 23-6)

(B) It shall be unlawful to dam up, obstruct or change the natural current of any watercourse within the city, or dam up or obstruct any ditch, sewer, drain, or culvert established by authority of the City Council, to the detriment or damage of or potential detriment or damage of any street, sidewalk, alley or other premises. ('69 Code, § 18-49) Penalty, see § 10.99

§ 158.05 REMOVAL OF STAKE, POST, OR CORNER STONE.

Whoever willfully changes or removes any stake, post, or stone placed or set to designate the corner or line of any lot or tract of land, street, alley, or sidewalk, or to show the grade of any street, alley, or sidewalk, shall be subject to penalty as provided in § 10.99. ('69 Code, § 23-8)

§ 158.06 REMOVAL OF DIRT FROM STREET OR ALLEY.

It shall be unlawful to plow, dig up, or remove any dirt from, or excavate, strip, sap, or undermine any street, alley, avenue, or public ground in the city, without the written consent or license to do so from the City Council over the signature of the Mayor. ('69 Code, § 23-9) Penalty, see § 10.99

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§ 158.07 ERECTION OF SIGNS ON SOUTH LINE STREET.

No sign shall be erected or placed nearer than 20 feet from the north edge of the paved portion of South Line Street in the city, unless such sign is suspended at a height of not less than ten feet over and above the 20-foot interval.

('69 Code, § 23-10) Penalty, see § 10.99

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Statutory reference:

Signs, see ILCS Ch. 65, Act 5 § 11-80-14

Section

- 159.01 Comprehensive plan adopted
- 159.02 Land use element

§ 159.01 COMPREHENSIVE PLAN ADOPTED.

(A) The written report and recommendation of the Planning Commission concerning the updated city comprehensive plan of 2001 is received, approved, and placed on file.

(B) The proposed comprehensive plan as recommended by the Planning Commission is approved and adopted in whole as the official comprehensive plan for the city. A copy of the comprehensive plan is on file in the office of the City Clerk and is incorporated herein by reference.

(C) The maps contained in the comprehensive plan and descriptive or explanatory narrative material provided in connection therewith shall collectively be considered and construed as the city's "official map" and each individual map and related descriptive material shall be considered and construed as a functional or geographic part or component of the official map.

(D) The City Clerk is hereby authorized and directed to place one or more copies of the comprehensive plan on file in the Clerk's office and make it available for public inspection during business hours.

(E) The City Clerk is hereby authorized and directed to make copies of the comprehensive plan and maps available for purchase at a price not exceeding the cost of printing the plan. (Ord. 2001-0-17, passed 10-8-01)

§ 159.02 LAND USE ELEMENT.

(A) The land use element of the city's Comprehensive Plan entitled Land Use Plan for the city, is approved and adopted as an element of the city's Comprehensive Plan in accordance with and pursuant to the provisions of Division 12 of Article 11 of the Illinois Municipal Code, ILCS Ch. 65, Act 5 §§ 11-12-1 et seq.

(B) All elements of the city's Comprehensive Plan, if any, in conflict with or inconsistent with the Plan adopted by this chapter are repealed.

COMPREHENSIVE PLAN

(C) The Plan shall become effective on the expiration of ten days after the filing of notice of the adoption thereof with the Douglas County Recorder of Deeds.

(D) The Plan shall be placed on file with the City Clerk and shall be available at all times during the city's business hours for public inspection and that copies of the Plan and all ordinances implementing the Plan, shall be made available by the City Clerk to all interested parties upon payment of a sum not less than the actual cost (including overhead costs) of printing (or otherwise duplicating) and distributing the Plan.
(Ord. 80-0-19, passed 9-8-80)

Section

160.01	Purpose
160.02	Definitions
160.03	Base flood elevation
160.04	Duties of the Building Inspector
160.05	Development permit
160.06	Preventing increased flood heights and resulting damages
160.07	Protecting buildings
160.08	Subdivision requirements
160.09	Public health and other standards
160.10	Variances
160.11	Disclaimer of liability
160.12	Abrogation and greater restrictions
160.99	Penalty

§ 160.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the city by the Illinois Municipal Code, ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2, in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
 - (B) To protect new buildings and major improvements to buildings from flood damage;
 - (C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
 - (D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
 - (E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
 - (F) To make federally subsidized flood insurance available; and
 - (G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (Ord. 2005-O-1, passed 1-24-05)

§ 160.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

□ **BASE FLOOD.** □ The flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in § 160.03.

□ **BASE FLOOD ELEVATION (BFE).** □ The elevation in relation to mean sea level of the crest of the base flood.

□ **BUILDING.** □ A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

□ **CRITICAL FACILITY.** □ Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

□ **DEVELOPMENT.** □ Any man-made change to real estate including, but not necessarily limited to:

- (1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (2) Substantial improvement of an existing building;
- (3) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- (4) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) Construction or erection of levees, dams, walls, or fences;
- (6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (7) Storage of materials including the placement of gas and liquid storage tanks; and
- (8) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

□ DEVELOPMENT □ does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

□ FEMA □ Federal Emergency Management Agency.

□ FLOOD □ A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

□ FLOOD FRINGE □ That portion of the floodplain outside of the regulatory floodway.

□ FLOOD INSURANCE RATE MAP □ A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

□ FLOOD PROTECTION ELEVATION □ or □ FPE □ The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

□ FLOODPLAIN □ and □ SPECIAL FLOOD HAZARD AREA (SFHA) □ are synonymous. Those lands within the jurisdiction of the city that are subject to inundation by the base flood. The floodplains of the Hayes Branch Creek and the Scattering Forks Creek are generally identified as such on the Flood Insurance Rate Map of the City of Tuscola prepared by the Federal Emergency Management Agency and dated April 1, 1982. The floodplains of those parts of unincorporated Douglas County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for Douglas County by the Federal Emergency Management Agency and date March 4, 1985. □ FLOODPLAIN □ also includes those areas of known flooding as identified by the community.

□ FLOODPROOFING □ Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

□ FLOODPROOFING CERTIFICATE □ A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry and floodproofed to the flood protection elevation.

□ FLOODWAY □ That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Hayes Branch Creek and Scattering Forks Creek shall be as delineated on the Flood Boundary and Floodway Map prepared by FEMA and dated April 1, 1982. The floodways for each of the remaining floodplains of the city shall be according to the best data available from federal, state, or other sources.

□ IDNR/OWR □ Illinois Department of Natural Resources/Office of Water Resources.

□ MANUFACTURED HOME □ A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

□ NFIP □ National Flood Insurance Program.

□ REPETITIVE LOSS □ Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

□ SFHA □ See □ FLOODPLAIN □.

□ SUBSTANTIAL DAMAGE □ Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

□ SUBSTANTIAL IMPROVEMENT □ Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started, □ SUBSTANTIAL IMPROVEMENT □ is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

TRAVEL TRAILER, (or RECREATIONAL VEHICLE, A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in size;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
(Ord. 2005-O-1, passed 1-24-05)

§ 160.03 BASE FLOOD ELEVATION.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Hayes Branch Creek and Scattering Forks Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the City of Tuscola prepared by the Federal Emergency Management Agency on October 1, 1981.

(B) The base flood elevation for each floodplain delineated as an AH Zone or AO Zone shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the City of Tuscola.

(C) The base flood elevation for each of the remaining floodplains delineated as an A Zone on the Flood Insurance Rate Map of the City of Tuscola shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Douglas County that are within the extraterritorial jurisdiction of the city, or that may be annexed into the city, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of Douglas County prepared by the Federal Emergency Management Agency and dated - September 4, 1984.
(Ord. 2005-O-1, passed 1-24-05)

§ 160.04 DUTIES OF THE BUILDING INSPECTOR.

The Building Inspector shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter. Specifically, the Building Inspector shall:

- (A) Process development permits in accordance with § 160.05;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 160.06;
- (C) Ensure that the building protection requirements for all buildings subject to § 160.07 are met and maintain a record of the as-built elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of § 160.08;
- (E) Ensure that water supply and waste disposal systems meet the public health standards of § 160.09;
- (F) If a variance is requested, ensure that the requirements of § 160.10 are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all actions outlined in § 160.12 as necessary to ensure compliance with this chapter;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;

(M) Perform site inspections and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(Ord. 2005-O-1, passed 1-24-05)

§ 160.05 DEVELOPMENT PERMIT.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(A) The application for development permit shall be accompanied by:

- (1) Drawings of the site, drawn to scale showing property line dimensions;
- (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) The location and dimensions of all buildings and additions to buildings;
- (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 160.07; and
- (5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is

subject to the provisions of this chapter. The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(Ord. 2005-O-1, passed 1-24-05) Penalty, see § 160.99

§ 160.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within the floodway identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in division (B) below, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;

(10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;

(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR/OWR to be located entirely a flood fringe area.

(B) Other development activities not listed in division (A) above may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation. (Ord. 2005-O-1, passed 1-24-05)

§ 160.07 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 160.06, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than \$1,000 or 70 square feet;

(2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this chapter;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this chapter;

(4) Structural alterations made to an existing building that increase the floor area by more than 20%;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(6) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(7) Repetitive loss to an existing building as defined in § 160.02.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

(d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(e) The finished interior grade shall not be less than the finished exterior grade;

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(C) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation; and

(2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of division (C) above unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times;

(2) The vehicle must not be attached to external structures such as decks and porches;

(3) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;

(4) The vehicles largest horizontal projections must be no larger than 400 square feet;

(5) The vehicle's wheels must remain on axles and inflated;

(6) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;

(7) Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and

(8) The vehicle must be licensed and titled as a recreational vehicle or park model; and

(9) The vehicle must be either:

(a) Entirely supported by jacks rather than blocks or

(b) Have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) (1) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

(a) Below the flood protection elevation the structure and attendant utility facilities watertight and capable of resisting the effects of the base flood;

(b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and

(c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(2) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable;

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;

(3) The garage or shed must be located outside of the floodway;

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot;

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;

(7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;

(8) The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet;

(9) The structure shall be anchored to resist flotation and overturning;

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;

(3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade;

(4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point;

(5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(7) Utility systems within the crawlspace must be elevated above the flood protection elevation.
(Ord. 2005-O-1, passed 1-24-05) Penalty, see § 160.99

§ 160.08 SUBDIVISION REQUIREMENTS.

(A) The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of §§ 160.06 and 160.07. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act, ILCS Ch. 765, Act 205, § 2).
(Ord. 2005-O-1, passed 1-24-05) Penalty, see § 160.99

§ 160.09 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 160.06 and 160.07, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or

toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 160.07.

(2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight;

(5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(Ord. 2005-O-1), passed 1-24-05) Penalty, see § 160.99

§ 160.10 VARIANCES.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 160.07 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of § 160.07 requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of § 160.09(A)(1-5).

(Ord. 2005-O-1, passed 1-24-05)

§ 160.11 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

(Ord. 2005-O-1, passed 1-24-05)

§ 160.12 ABROGATAION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the City of Tuscola to fulfill the requirements of the National Flood Insurance Program including: Ordinance #87-O-11, passed April 13, 1987, and Ordinance # 2001-O-09, passed May 14, 2001, contained collectively at §§ 150.21 through 150.99 this code of ordinances. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2005-O-1, passed 1-24-05)

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 2005-O-1, passed 1-24-05)

§ 160.99 PENALTY.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the City Attorney may determine that a violation of the minimum standards of this chapter exists. The City Attorney shall notify the owner in writing of such violation.

(A) If such owner fails after ten days notice to correct the violation:

(1) The city shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter;

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than \$50 nor more than \$500 or each offense; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The city shall record a notice of violation on the title to the property.

(B) The City Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

