

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #04-2013

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCE; AMENDING CHAPTER 52, ZONING, ARTICLE VI, SUPPLEMENTAL REGULATIONS, BY ADDING SECTIONS 908-910; TO PROVIDE FOR AND REGULATE ELECTRONIC SIGNS AND ELECTRONIC BILLBOARDS, DIGITAL STANDARD, AND TO PROVIDE FOR PENALTIES.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 52, Zoning, Article VI, Supplemental Regulations, Sections 908-910 are hereby added as follows:

Sec. 52-908. Digital Standard

(a) Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this article is to establish operating standards and regulations for signs which utilize these newer technologies, other than billboards which are regulated separately by the City, in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(b) Definitions. For purposes of this section, the words “wall sign”, “digital sign”, and “freestanding sign” and “sign” shall have the same definitions as contained in the City’s adopted Zoning Ordinance, as amended from time to time.

(c) Display.

(1) A digital sign, other than a digital billboard, may not allow the display or message to change more frequently than once every thirty seconds, with a transition period of one second or less.

(2) A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.

(3) The maximum brightness levels for digital signs, other than a digital billboard, shall not exceed .02 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to the City

demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital signs shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.02 (two-tenths) foot candles or less, the brightness is properly adjusted.

(d) Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations and ordinances of the City.

Sec. 52-909. Billboards

(a) Purpose and Intent. The City recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the City. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold, or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the City and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more businesses desire to utilize advancements in technology which permit signs (including billboards) to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish size, location and operating standards and regulations for billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the City, and reduce traffic and similar hazards caused by undue distractions.

(b) General requirements.

(1) For purposes of this section, the words "billboard", "digital sign" and "sign" shall have the same meaning as provided in the City's Zoning Ordinance, as amended from time to time. "Digital billboard" shall mean a billboard which incorporates, in whole or in part, a digital sign.

(2) Any double-faced billboard having back to back surface display areas, no part of which is more than two feet apart, is considered to be a single billboard.

(3) Billboard structures having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.

(4) The installation or use of a billboard is permitted only to the extent authorized by, and subject to, the provisions of the City Zoning Ordinance as amended from time to time.

(c) Spacing.

(1) No more than three (3) billboards may be located within any linear mile along a street, notwithstanding the fact that such billboards may be located on different sides of the street. This distance requirement shall include in its calculation any billboards located outside of the boundaries of the City.

(2) No billboard may be located within a radius of 1,000 feet of another billboard regardless of geographic jurisdiction or within 200 feet of existing or future residential uses.

(3) If a billboard is illuminated, the minimum distance from an existing or future residential use shall be 300 feet.

(4) No billboard may be located within 75 feet of a property line adjoining a street or 30 feet of any other boundary lines of the property on which the billboard is located.

(5) All distances as provided for in this section shall be measured radially from where the surface display area is visible.

(6) No billboard may be located on top of, cantilevered over or otherwise suspended above any building or structure.

(d) Billboard surface display area; Measurement.

(1) The maximum allowable surface display area for a digital billboard shall comport with the standard for size outlined in Chapter 52, Article VI, Section 52-889.

(2) The surface display area of a billboard shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the billboard, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface display area. In the case of a sphere, spheroid, or similarly shaped billboard (e.g. a ball), the total surface display area shall be divided by two for determining the maximum surface display area permitted.

(e) Height of Billboards. The height of a billboard may not exceed 35 feet above the natural grade of the ground on which the billboard is located.

(f) Illumination. A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on

the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(g) Appearance. Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

(h) Construction and Maintenance. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(i) Display.

(1) The display or message on a digital billboard, of any type, may change no more frequently than once every 10 seconds, with a transition period of one second or less.

(2) The display or message must otherwise comply with subsection (g) and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Ordinance.

(3) Maximum brightness levels for digital billboards shall not exceed .02 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the City, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital billboards shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(j). Other Applicable Laws. A billboard must comply with all applicable provisions of federal and state law.

(k) Permitting. Every billboard requires a City-signed permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the City including, without limitation, the City Zoning Ordinance as amended from time to time, specifically Chapter 52, Article VI, Section 52-899(d). Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the City so long as the billboard or billboards are in existence. The certificate shall provide that the City shall receive ten (10) days written notice in case of cancellation of the policy. Any billboard in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the billboard.

(l) Other Requirements. Billboards must otherwise comply with all other relevant regulations and ordinances of the City.

Sec. 52-910. Violations; Penalties

(a) Unless a section of this article specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates a provision of this article shall be responsible for a municipal civil infraction and shall be fined not less than \$2,500.00 for each violation and further subject to costs and orders as provided by law.

(b) Each day a violation occurs or continues shall constitute a separate offense; and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.

(c) The owner, co-owner and occupant(s) of any lot which is in violation of a provision of this article shall each be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided herein.

(d) Any structure which is erected, altered or converted in violation of any provision of this article is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(e) Any person or entity who, after having been determined to be responsible for a violation of a provision of this article, commits or is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

(f) The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.

(g) Nothing herein shall be interpreted to limit the authority of the City to revoke an approval previously granted due to any violations of this article, which right is expressly reserved.

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **11th day of February, 2014.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park