

Chapter 76 - SIGNS

Sec. 76-1. - Intent and purpose.

This chapter is intended to protect and further the health, safety and welfare of the residents of the City of Buchanan; to further the intent of the City of Buchanan Zoning Ordinance and its zoning districts; to prevent traffic hazards; to provide safer conditions for pedestrians; to improve community appearance; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location and number of signs.

When more restrictive with respect to location, use, size, height, or other requirements relating to structural safety, the provisions of the building code of the city shall take precedence over this chapter.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-2. - Definitions.

The following words and phrases shall be interpreted and construed in accordance with the definitions delineated herewith.

Awning or canopy: A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building.

Balloon sign: A sign composed of an inflatable, nonporous bag, and exceeding 20 cubic feet.

Billboard or off-premises advertising sign: A sign which contains a message or advertises an establishment, product, service, space or activity not available on the platted lot on which the sign is located.

Building code: The current code or codes, including any subsequent amendments thereof subsequently amended, in effect in the city which governs the erection, alternation, maintenance, and removal of structures, including all signs not specifically exempted from the provisions thereof.

Canopy: Refer to "Awning or canopy" definition.

Construction sign: A sign which identifies the owners, suppliers, financiers, contractors, architects, engineers or tenants of a project under construction.

Directional sign: A sign which gives directions or instructions for the use on the lot on which the sign is located, such as parking, exit and entrance or handicapped parking designation signs.

Essential services: Equipment and accessories reasonably necessary for the furnishing of utility service or for the public health, safety, or general welfare by public utilities or municipal departments and commissions.

Flag: Any fabric, banner or bunting containing distinctive color, letters or symbols, used as symbol of a government, political subdivision or other entity.

Freestanding sign: A temporary or permanent sign erected by the City of Buchanan, Berrien County, or the state or federal government, including temporary signs as necessary in conjunction with the improvement of public infrastructure.

Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

Marquee sign: A sign affixed flat against the surface of a marquee.

Mural: A design or representation painted or drawn on a wall, which does not contain promotional or commercial advertising.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, whether single or in a series, designed to move in the wind.

Permanent sign: A sign that has a permanent location on the ground or which is painted on or attached to a structure having a permanent location and which meets the structural requirements for signs as established in the building code.

Political sign: A temporary sign used in connection with an official City of Buchanan, school district, county, site, or federal election or referendum.

Projecting sign: A double-faced sign attached to and not parallel with a building or wall.

Reader board: A portion of a sign on which copy can be changed periodically, either manually or electronically.

Real estate sign: A sign advertising the real estate upon which the sign is located as being for sale, rent or lease.

Roof line: The eave line of a roof or building parapet, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign: A devise, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity provided on the platted lot on which the sign is located.

Temporary sign: A sign intended for a limited period of display, including all portable signs, banners, pennants and/or balloon signs.

Wall sign: A single faced sign painted or attached directly to and parallel to the exterior wall of a building.

Window sign: A sign placed on the inside of a window and intended to be viewed from the outside.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-3. - General sign provision.

- (a) Any sign and supporting structure which for a period of 60 days no longer advertises or identifies a bona fide business conducted or product sold on the premises shall be removed by the owner within 30 days of receipt of written notice by the building inspector. The sole exception to this provision shall be signs

installed as an integral component of a building, such as an engraved corner stone, or a sign cut into a building's stone work.

- (b) No light pole, utility pole, or other supporting member of a building or property shall be used for the placement of any sign unless the owner of the pole or supporting member has given approval for such use and the sign conforms with this chapter.
- (c) Except for signs for home occupations, all signs may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. If internally illuminated, the light luminating from the sign shall not shine directly onto traffic or be a nuisance, per se.
- (d) A sign accessory to a nonconforming use or structure shall conform to the provisions of the zone district in which the nonconforming use or structure is located.
- (e) Painted or paper-faced signs shall be maintained free of peeling paint or paper, sun fading, staining, rust or other conditions which impair the legibility or intelligibility of such sign.
- (f) Any signs permitted by the provisions of this chapter, including all supports, braces, guys and anchors, shall be maintained in conformance with this chapter and in such a manner so as not to cause a hazard to the public.
- (g) Signs shall not be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this chapter and unless a revocable license is approved by the city commission.
- (h) Reader boards are permitted on a wall sign or marquee sign or on one or both sides of a freestanding sign, but not on more than one sign at one business, property, address or location.
- (i) Any sign exceeding six square feet and set back less than ten feet from the right-of-way, shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- (j) Awning, canopy, marquee signs or projecting signs which extend over the city right-of-way shall maintain a clear space of eight feet from the bottom of the sign to the grade.
- (k) The city shall require proof of current, in-force liability insurance in the aggregate amount of at least \$500,000.00, as a condition of granting any party a sign permit or as a condition of allowing the continued use of an existing sign, in the following instances:
 - (1) Signs that extend over the city right-of-way.
 - (2) Freestanding signs whose height exceeds the horizontal distance of the base of the sign to the nearest city right-of-way.

This requirement to furnish the city with proof of liability insurance shall be effective June 30, 1995, for all signs in existence prior to the effective date of this chapter. During June of each subsequent year, the owners of such signs shall be required to furnish the city with up-to-date proof of insurance as evidence of continuing compliance with this provision.

- (l) All signs shall comply with the building and electrical codes of the City of Buchanan. Except for temporary signs, underground wiring shall be required for all illuminated signs, or signs requiring electrical connections which are not attached to a building.

Sec. 76-4. - General sign prohibitions.

- (a) Signs, including reader boards, shall not employ any flashing, moving, oscillating, blinking, or variable intensity light, however, variable time-temperature signs may be permitted.
- (b) Signs shall not contain any moving or animated parts or be designed so as to give the appearance of movement.
- (c) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- (d) A wall sign shall not extend beyond the edge of the wall to which it is affixed nor extend above the roof line of the building.
- (e) Roof signs are not permitted; integral roof signs are permitted in C-2, M-1 and M-2 districts.
- (f) Billboards and off-premises advertising signs are prohibited throughout the city.
- (g) Balloon signs are prohibited except as temporary signs for promotions.
- (h) Any vehicle which has the primary function of acting as a sign shall not be permitted.
- (i) Banner signs, where permitted, shall not have an overall area exceeding 76 square feet, must be placed along a building, mounted flush to the surface of that wall and may not extend beyond the edge of the wall to which it is affixed nor extend above the roof line of the building.
- (j) Banner signs, or strings of pennants, where permitted, shall be installed in a location on the property such that, if one end of the banner sign or string of pennants blows free, it is not possible for that banner or string of pennants to blow into an adjacent city right-of-way.
- (k) Any sign which is not specifically permitted by, or does not conform to, the provisions of this chapter is prohibited.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-5. - Computation of sign area and height.

- (a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurement.
- (b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (c) The height of a sign shall be measured as the vertical distance from the highest point to grade of the top of the curb or the center of the street immediately adjacent to the sign or parking lot surface whichever is greater.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-6. - Nonconforming signs, billboards or advertising signs.

- (a) Every permanent legally existing sign, billboard or advertising sign which does not conform to the height, size, or area, or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.
- (b) Nonconforming signs, billboards or advertising signs may not be expanded, enlarged, or extended; however said signs may be maintained and repaired so as to continue the useful life of the sign.
- (c) For purposes of this section, a nonconforming sign, billboard or advertising sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- (d) Any nonconforming sign, billboard, advertising sign, sign structure, or frame substantially destroyed by fire or other causality loss shall not be restored or rebuilt.
- (e) When a nonconforming sign, billboard, advertising sign, or portion thereof, is removed, it shall be replaced only with a sign that conforms with all requirements of the zoning district within which the property is located. A sign may be removed for maintenance or repair purposes in accordance with subsection (b) following issuance of a permit from the building and zoning inspector or authorized representative, provided that the sign will be reinstalled within 90 days of removal or the right of nonconforming use shall be deemed abandoned.
- (f) Temporary signs in use as of the effective date of this chapter shall not be afforded existing/nonconforming status as described above, but shall conform fully to all provisions of this chapter within 90 days of its effective date. Banners and pennants, however, shall conform fully to all provisions of this chapter as of its effective date.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-7. - Removal of unsafe or unlawful signs.

- (a) If the building and zoning inspector or his authorized representative determines that any sign regulated by this chapter is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this chapter, the inspector may remove the sign or require its immediate removal. If such removal requires the use of city personnel, or equipment, the city's cost for such removal shall be billed to the property owner.
- (b) Any sign placed or erected in a public street, alley or right-of-way, or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department of the city having jurisdiction over the maintenance of such public place shall remove such sign. Such removal may be without written or other notice to the owner, lessee, or person who placed such sign.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-8. - Sign permits.

No person shall erect, alter, place or permit to be placed, or replace any sign, except as provided herein, without first obtaining a permit as required.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-9. - Exempted signs.

The following signs are exempt from the regulations of this chapter regarding sign permits:

- (a) Government signs.
- (b) Highway and street signs erected by state, county or municipal road agency identifying streets or highways, giving direction to streets or places of interest or establishing restrictions or conditions of use for street or highways. This exemption shall further include all such signs authorized by a road agency in conjunction with street or utility construction projects denoting detours, or identifying access to business or industrial areas or sites when normal access is disrupted by such construction.
- (c) Historic markers placed under the authority of the local, state or federal government.
- (d) Window signs.
- (e) Murals in zone districts other than C-3, where approval of the downtown development authority is required.
- (f) Essential services signs.
- (g) Placards not exceeding two square feet.
- (h) Flags of any nation, state, city, corporation, educational institution, college, university, or nonprofit organization. Flags of corporations shall be exempt if displayed on a premises owned or leased by that corporation, or where a business operates under the name of that corporation.
- (i) Notwithstanding [any] other provision of this chapter, the city commission by resolution may authorize placement of signs otherwise prohibited for a maximum of 14 days in conjunction with special community events, or may assign to the city manager the authority to allow for such placement.
- (j) Signage with the international symbol of accessibility or van accessible recognized logo for such designation.
- (k) Off-premises temporary signs used for holidays, public demonstrations, or promotions of civic welfare or charitable purpose, when authorized by city manager, subject to review by the city commission.
- (l) Temporary garage, yard, and basement sale signs placed in conformity with the city's garage sale ordinance.
- (m) One temporary sign for the promotion of special events or activities by churches, nonprofit or educational institutions, provided, that the sign is displayed no more than two weeks prior to the event or activity and that it must be removed within 48 hours of the conclusion of the event or activity; provided, further, that no sign be within 12 feet of the right-of-way unless it is flat against a building and further provided that the sign does not exceed 76 square feet.
- (n) Political signs.

- (o) Temporary auction or estate sale signs, to the extent that they are regulated under other ordinances specific to such activities.
- (p) Real estate signs, subject to the following provisions:
 - (1) Real estate signs shall be no larger than six square feet in residential zone districts and no larger than 32 square feet in nonresidential zone districts.
 - (2) Real estate signs shall be placed only on the private property for sale or lease, with the permission of the property owner.
 - (3) Real estate signs shall be removed within 30 days after closing of the sale or lease of the property.
 - (4) Real estate signs shall be no higher than six feet from the grade.
 - (5) One real estate sign per street frontage except during the one week period prior to an open house, and during the actual hours of the open house, wherein signs directing traffic to the open house are permitted to be placed on other private properties with the permission of the proper owner(s).
 - (6) Real estate signs announcing the sale of properties within a subdivision, provided that such signs do not exceed 32 square feet in area and that the signs be removed at such time 76 percent or more of the lots in such subdivisions are sold.
- (q) Construction signs as permitted within any zone district, subject to the following provisions:
 - (1) Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign, and construction activity has begun.
 - (2) Construction signs shall be removed immediately upon the issuance of any occupancy permit or completion of the structure(s) or facility which is the subject of the sign.
 - (3) Construction signs shall not exceed the maximum size of the type of sign in the zone district in which they are located.
- (r) Directional signs permitted, subject to the following provisions:
 - (1) Directional signs shall not exceed six square feet in area and three feet in height.
 - (2) Directional signs shall be limited to the identification of functions such as traffic control, loading areas, employment office.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-10. - Residential zone districts.

The following provisions shall apply to signs located in the R-1, R-2, R-3 and R-4 zone districts:

- (a) Freestanding signs for residential subdivision, multiple-family complex, school, church or other use.
 - (1) *Number:* Two signs per subdivision, multiple-family complex, school, church or other use.
 - (2) *Size:* Each sign shall be no greater than 32 square feet.
 - (3) *Location:* Signs shall be set back at the minimum building setback for the zone district in which the sign is located.
 - (4) *Height:* No higher than six feet from the grade.

- (b) Wall signs for home occupations:
 - (1) *Number:* One per lot or parcel.
 - (2) *Size:* No greater than four square feet.
 - (3) *Location:* On the wall of the house facing the street.
 - (4) *Illumination:* Prohibited.
- (c) Wall signs for multiple-family complexes having six or more units, and for other permitted nonresidential uses:
 - (1) *Number:* Two per multiple-family complex or permitted nonresidential use.
 - (2) *Size:* No greater than 12 square feet (32 square feet if no freestanding signs are located on the property).
 - (3) *Location:* On the wall of the building facing the street.
- (d) Signs for bed and breakfast establishment: One sign of a size not exceeding four square feet shall be permitted for every bed and breakfast facility. The sign shall identify the facility and name of owners only, and shall not contain scheduled rates, services or other information.
- (e) Temporary signs for special activities located on the property of churches, schools or other property not used for residential purposes, provided that such signs meet the conditions required for placement of such signs in commercial district.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-11. - Commercial zone districts.

The following conditions shall be required in all commercial zone districts:

- (a) Temporary signs for business promotions are permitted subject to a sign permit, provided:
 - (1) Such signs be displayed no longer than 14 consecutive days.
 - (2) Such signs be displayed up to a total of 60 days in any calendar year.
 - (3) Such signs comply with yard and dimensional requirements for other signs in the zoning district.
 - (4) There shall be no fee charged for temporary sign permits.
- (b) Wall signs shall not exceed more than 12 inches from the wall of the building.
- (c) Menu signs at drive-through restaurant facilities are permitted provided that the total area for such signs does not exceed 32 square feet and that the signs are not designed or located as to be read from the public right-of-way. Speakers on such signs shall be directed away from residential uses.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-12. - C-1 neighborhood commercial districts.

- (a) Illuminated signs shall be lit only during the actual hours of business operation.
- (b) Wall signs:
 - (1) *Number:* The maximum number of signs shall not exceed one per tenant per street frontage or parking area frontage.

(2) *Size:* The maximum area for all wall signs per building may not exceed one square foot of sign area for each foot of building length of the wall upon which the sign is to be displayed.

(c) *Awning, canopy, and marquee signs:*

(1) *Number:* The maximum number of signs shall not exceed one per tenant per street frontage or parking area frontage.

(2) *Size:* The total sign area shall not exceed one square foot of sign area for each one foot of building length of the wall upon the awning, canopy or marquee is located. Signs shall be affixed flat to the surface of the awning, canopy or marquee.

(d) *Projecting signs:*

(1) *Number:* One per building wall which faces a street or parking lot. A building having multiple commercial tenants is permitted more than one projecting sign on a street or parking lot frontage provided that the number of projecting signs does not exceed one for each 25 feet of frontage and one per tenant.

(2) *Size:* Signs shall not exceed six square feet in area per sign.

(3) *Location:*

a. Signs shall not project more than 36 inches from the face of the building or wall, nor extend beyond the roof or eave line for a one-story building.

b. Signs shall maintain a clearance of eight feet from sidewalk.

c. Signs shall be located below the window sill of the second floor window.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-13. - C-2 shopping center districts.

(a) *Restriction on total area.* In no case shall the total area of signs located on one lot or parcel in the C-2 district exceed two square feet for each linear foot of street frontage.

(b) *Wall signs.* The maximum area for wall signs may not exceed ten percent of the wall area upon which the sign is placed.

(c) *Integral roof signs.* Permitted, subject to those restrictions that apply to wall signs.

(d) *Freestanding signs:*

(1) *Number:* One per lot or parcel; except that one per street frontage shall be permitted in the case of lots or parcels with frontage on more than one street, provided the frontage on each such additional street(s) is at least 100 feet in length.

(2) *Size:* Each permitted sign may not exceed 76 square feet in area.

(3) *Location:* Signs shall be located at least six feet from any property line.

(4) *Height:* Signs shall be no higher than 25 feet.

(e) *Awning, canopy, and marquee signs:*

(1) *Number:* One per building, or one per tenant in buildings housing one or more commercial tenants.

(2) *Size:* Total sign area may not exceed one square foot per lineal foot in length of the wall to which such sign is affixed. Signs shall be affixed flat to the surface of the awning, canopy, or marquee.

(f) *Projecting signs:*

- (1) *Number:* One per building wall which faces a street or parking lot. A building having multiple commercial tenants is permitted more than one projecting sign on a street or parking lot frontage provided that the number of projecting signs does not exceed one for each 25 feet of frontage and one per tenant.
- (2) *Size:* Signs shall not exceed six square feet in area per sign.
- (3) *Location:*
 - a. Signs shall not project more than 36 inches from the face of the building or wall, nor extend beyond the roof or eave line for a one-story building.
 - b. Signs shall maintain a clearance of eight feet from the sidewalk.
 - c. Signs shall be located below the window sill of the second floor window.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-14. - C-3 central business district.

- (a) *Restriction on total area.* In no case shall the total area of signs located on one lot or parcel in the C-3 district exceed two square feet for each linear foot of street frontage or parking lot frontage of that building.
- (b) *Wall signs.* The maximum area for wall signs may not exceed ten percent of the wall area upon which the sign is placed.
- (c) *Projecting signs:*
 - (1) *Number:* One per building wall which faces a street or parking lot. A building having multiple commercial tenants is permitted more than one projecting sign on a street or parking lot frontage provided that the number of projecting signs does not exceed one for each 25 feet of frontage and one per tenant.
 - (2) *Size:* Signs shall not exceed 32 square feet in area per sign.
 - (3) *Location:*
 - a. Signs shall not project more than 36 inches from the face of the building or wall.
 - b. Signs shall maintain a clearance of eight feet from the sidewalk.
 - c. Signs shall be located below the window sill of the second floor window.
- (d) *Awnings, canopies, and marquees:*
 - (1) *Projection:* An awning or canopy shall not project more than four feet beyond the face of a building.
 - (2) *Location:* The awning or canopy shall not extend over the vertical columns on either side of the first floor level.
 - (3) *Signage:* One sign is permitted on a face of an awning, canopy, or marquee. The total sign area shall not exceed two square feet for each linear foot of street or parking lot frontage of the wall upon which the awning, canopy, or marquee is located. Signs shall be affixed flat to the awning, canopy, or marquee.
- (e) *Freestanding signs:*

- (1) *Number:* One sign per parcel.
- (2) *Size:* Each sign shall be no greater than 32 square feet.
- (3) *Location:* Signs shall be set back at the minimum building setback for the zone district but in no case shall the sign obstruct pedestrian movement.
- (4) *Height:* No higher than six feet from the grade.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-15. - M-1 light manufacturing district; M-2 heavy manufacturing district.

- (a) The maximum area for all signs shall not exceed two square feet per linear foot of street frontage.
- (b) Temporary signs or banners for business promotions are permitted subject to a sign permit provided:
 - (1) Signs be displayed no longer than 14 consecutive days.
 - (2) Signs occur not more than 60 days in any calendar year.
 - (3) Signs comply with yard and height requirements for other signs in the zoning district.
 - (4) The total sign area for such signs shall not exceed an amount equal to the maximum sign area permitted in the applicable zoning district.
- (c) Wall signs, size. The maximum area for wall signs may not exceed ten percent of wall area upon which the sign is placed.
- (d) Freestanding signs:
 - (1) *Number:* One sign per lot or parcel, except for a street frontage exceeding 300 continuous linear feet in which case two signs shall be permitted along that frontage.
 - (2) *Size:* The sign shall not exceed one square foot for each one foot of street frontage along which the sign(s) is to be located and in no case exceed 76 square feet.
 - (3) *Location:* A minimum of 25 feet from any property line.
 - (4) *Height:* The sign shall not exceed 25 feet in height.
- (e) Awning, canopy, and marquee signs, signage. The total sign area shall not exceed two square feet for each linear foot of street or parking lot frontage of the wall upon which the awning, canopy, or marquee is located. Signs shall be affixed flat to the awning, canopy, or marquee.

(Ord. No. 361.07/04, 7-26-04)

Sec. 76-16. - Penalty.

Any person who shall violate any provision of this article shall, upon conviction thereof, be punished as provided in section 1-15 of the City of Buchanan Code of Ordinances.

(Ord. No. 361.07/04, 7-26-04)