

CITY OF KALAMAZOO, MICHIGAN

ORDINANCE NO. 2076

AN ORDINANCE TO REPEAL SECTIONS 9.70, 9.71, 9.72, 9.73, 9.74, 9.75, AND 9.76, REGULATING AND CONTROLLING THE DESIGN, QUALITY OF MATERIALS, CONSTRUCTION LOCATION, ELECTRIFICATION AND MAINTENANCE OF ALL SIGNS AND SIGN STRUCTURES NOT LOCATED IN A BUILDING OF THE KALAMAZOO CITY CODE OF ORDINANCES AND ADOPTING A NEW 9.70, 9.71, 9.72, 9.73, 9.74,

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Sections 9.70, 9.71, 9.72, 9.73, 9.74, 9.75, and 9.76 regulating and controlling the design, quality of materials, construction location, electrification and maintenance of all signs and sign structures not located in a building of the Kalamazoo City Code of Ordinances are repealed in their entirety.

Section 2. Adoption of New Sections 9.70, 9.71, 9.72, 9.73, 9.74, 9.75, and 9.76 of the Kalamazoo City Code of Ordinances. New Sections 9.70, 9.71, 9.72, 9.73, 9.74, 9.75, and 9.76 regulating and controlling the design, quality of materials, construction location, electrification and maintenance of all signs and sign structures not located in a building is adopted to read in its entirety as attached in Exhibit A Article 2-9 Building Code – Signs.

Section 3. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 4. Saving Clause. The amendment or repeal by this ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this ordinance or prosecutions based upon actions taken by any person prior to the effective date of this ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this ordinance.

Section 5. Conflict. Except as otherwise expressly provided, the provisions of this ordinance shall control in the event of any inconsistency or conflict between this ordinance and any other provision of any other ordinance of the City of Kalamazoo.

Section 6. Effective Date. This ordinance shall take effect from and after 10 days from the date of its passage pursuant to Section 13(a) of the City Charter.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on October 16, 2023. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk

§ 9-70 Purpose; scope; general restrictions.

[Amended 6-19-2006 by Ord. No. 1804]

A.

The purpose of this division is an exercise the City's police powers to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling ~~the design~~ the design, quality of materials, construction location, electrification and maintenance of all signs and sign structures not located in a building.

B.

No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign or device.

C.

This division shall not permit a violation of any of the provisions of another lawful ordinance. In the event of a conflict between the terms and language used in this division and those used in Chapter 50, "Zoning Code Ordinance" the latter shall control.

§ 9-71 Permits; fees; inspections.

A.

Compliance and permit required. It shall be unlawful for any person to erect, re-erect, alter or relocate any sign except as provided by this division unless a permit for the same has been issued by the Building Official. In addition, electrical permits shall be obtained for electric signs. The alteration, repair or remodeling of a sign which requires removal of the sign from its supporting structure or framework ~~shall requires~~ a permit ~~from issued by the building section~~ City. If ~~such an~~ alteration, repair or remodeling can be ~~made done~~ without taking the sign down, no permit ~~shall be is~~ required; but the ~~division~~ Building Official shall be notified ~~of such~~ before the commencement of the work.

(1)

Every permit issued by the Building Official under the provisions of this division shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 60 days from the date it is issued, or if the work authorized by such permit is suspended or abandoned for a period of 60 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained to do so; and the fee therefor shall be equal to the fee required for a new permit for such work; provided that

no changes have been made or will be made in the original scope of work and type of sign.

(2)

In the instances when delays in starting or continuing work within the described time frames are for circumstances beyond the control of the permittee holding the permit, the Building Official may extend the time for action by the permittee for a period not exceeding 30 days if such extension is requested in writing by the permittee. No permit shall be extended more than once.

B.

Permit application. Applications for sign permits shall be made in writing upon forms furnished by the City either online or from the Building Official.

[Amended 6-19-2006 by Ord. No. 1804]

C.

Signs in historic districts. All existing and proposed signs located in local designated historic districts shall be reviewed and approved by the Historic District Commission prior to any installation, alteration, sign-face change or removal.

~~D.~~

~~Exemptions. No permit is required for the following signs, but this exemption shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance or its compliance with this division or any other law or ordinance regulating the same. Also see Chapter 7 of the Zoning Ordinance (Appendix A) of the Code of Ordinances:~~

~~(1)~~

~~Memorial tablets and historical markers attached to, embossed or engraved on the facade of a building or incorporated into the architecture of the building.~~

~~(2)~~

~~Signs painted on or permanently attached to motor vehicles which are legally licensed for and primarily used for transportation, provided that no such vehicle is parked on the premises for the primary purpose of advertising any product or services offered.~~

~~(3)~~

~~Special purpose signs, including:~~

~~(a)~~

~~Parking lot identification and directional signs as follows:~~

~~[1]~~

~~Two freestanding signs, each not exceeding four square feet in area or four feet in height, which may be located in the setback area at each driveway entrance or exit and not less than three feet from the lot line.~~

~~[2]~~

~~Such a sign may be internally illuminated.~~

~~[3]~~

~~No obstructions of traffic or other hazardous condition shall be created by such sign.~~

~~[4]~~

~~The name of the business offering the parking may be identified on the sign, but in no instance shall it occupy more than 1/3 of the copy area.~~

~~(b)~~

~~Residential nameplate and house numbers, either of which may be illuminated, on buildings or poles not exceeding six feet in height.~~

~~(c)~~

~~Signs not exceeding two square feet in area containing only noncommercial messages designating such things as rest room locations, telephones and prohibition of trespassing or dumping.~~

~~(4)~~

~~Official signs used by governmental agencies, including, but not limited to, the following:~~

~~(a)~~

~~Legal notices.~~

~~(b)~~

~~Traffic signs in accordance with the requirements of the Michigan Manual of Uniform Traffic Control Devices.~~

~~(c)~~

~~Danger and other emergency signs.~~

~~(d)~~

~~Railroad crossings.~~

~~(e)~~

~~Signs identifying parks or park rules.~~

~~(f)~~

~~Historical markers.~~

~~(5)~~

~~Community special event signs as approved by the City Commission.~~

~~(6)~~

~~Signs required by law for the operation of a service station, including lettering, insignias, warnings and other information required on each pump.~~

~~(7)~~

~~Real estate signs.~~

~~(8)~~

~~"Open house" directional signs.~~

~~(9)~~

~~Election campaign signs.~~

E.

Fees. Sign permit fees shall be as prescribed by resolution of the City Commission.

F.

Inspections.

(1)

All work on signs for which a permit is required under this section shall be subject to inspection by the Building Official.

(2)

Footing inspections may be required by the Building Official for all signs having footings.

(3)

All signs containing electrical wiring shall be subject to the provisions of the electrical code of the City (§ **9-98** et seq. of this Code), and the electrical components used shall bear the label of an approved testing agency.

(4)

Signs which are unsafe shall be ~~ordered~~ removed or repaired immediately within 30 days of the issuance by the Building Official of a written order to repair or remove the sign, depending wholly upon the condition of the sign. It shall be ~~unlawful~~ a municipal civil infraction for any person to fail to comply with such an order to repair or remove any sign.

(5)

A sign may be reinspected at the discretion of the Building Official.

§ 9-72(Reserved) ^[1]

[1]

Editor's Note: Former § 9-72, Sign erector's license, was repealed 6-19-2006 by Ord. No. 1804.

§ 9-73 Projections over public rights-of-way.

[Amended 6-19-2006 by Ord. No. 1804]

A.

Signs may be allowed to project into, ~~or~~ be erected over, or placed in the public right-of-way when permitted by Appendix A, the Zoning Ordinance of the Code of Ordinances, and approved a license to do so is issued by the City. ~~Signs projecting over the public right-of-way shall be erected only by licensed sign erectors.~~

(1)

~~The owner of every sign projecting into the public right-of-way shall be required to obtain from the building section an annual permit for such sign. The fee for such permit shall be as prescribed by resolution of the City Commission.~~

(2)

~~The permit provided for this section shall expire on the first day of November of each year and shall be renewed within 30 days from that date.~~

(3)

~~In case a permit required by this section is not renewed within 60 days after its expiration, the Building Official shall be empowered to remove or cause to be removed the sign covered by such permit. The City may bill the permit holder for any costs associated with removal of the sign.~~

(a)

Any wall or flat sign which extends from the building or structure on which it is mounted a distance of 18 more than 12 inches or more over public property, or ~~which extends over public property and has a space between it and the building of three inches or more shall be considered to be a sign projecting over the public right-of-way~~ shall require a license to do so from the City.

(b)

No sign projection over a sidewalk used by the public shall be less than ~~11-8~~ feet in the clear above the sidewalk on streets and ~~not less than 15 feet above~~ the sidewalk in alleys.

(c)

~~Signs projecting over a public thoroughfare shall be kept at least three feet back of the curbline unless more restrictive requirements are applicable and set forth elsewhere; in which case, the more restrictive requirement shall control.~~

§ 9-74 Design.

A.

Generally. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

(1)

The overturning movement produced from lateral forces shall in no case exceed 2/3 of the dead load-resisting movement. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead load-resisting movement. Such earth shall carefully placed and thoroughly compacted.

B.

Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the adopted building code of the City.

C.

Seismic loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the adopted building code of the City.

D.

Combined loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roofline loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

E.

Allowable stresses. The design of wood, concrete, steel or aluminium members shall conform to the applicable requirements of the adopted building code of the

City. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in such code. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in such code.

§ 9-75 Construction.

A.

Generally. The supports for all signs or sign structures shall be placed in or upon private property whenever possible and shall be securely built, constructed and erected in conformity with this division.

B.

Materials. Construction materials for signs and sign structures shall be of the quality and grade as specified for buildings in the adopted building code of the City. ~~All signs that project into the public right-of-way shall be constructed of noncombustible materials, except for approved plastics, and as otherwise provided in the allowable plastics, and as otherwise provided in the allowable materials in the adopted building code of the City.~~

(1)

Anchors and supports, when of wood and embedded in the soil or within six inches of the soil, shall be of all heartwood of a durable species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency as recognized under the building code.

C.

Nonstructural trim. Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.

D.

Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, does not exceed the safe values. Braced ground signs shall be anchored to reset the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe-bearing loads on the soil and for an effective resistance to pullout amounting to a force 25% greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth belowground greater than that of the frostline.

(1)

Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

(2)

No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage except in the case of signs attached to wood framing.

(3)

No anchor or support of a sign shall be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the adopted building code of the City.

E.

Approved plastics. The Building Official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material; and, if it is determined that the evidence submitted is satisfactory for the use intended, the Building Official may approve its use.

§ 9-76 Clearance.

A.

Generally. Signs shall conform to the clearance requirements of this section.

B.

Clearance from high voltage power lines. Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. As used in this subsection, "overhead conductors" means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

C.

Clearance from fire escapes, exits or standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any escape, exit or standpipe.

D.

Openings. No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the adopted building code of the City.

§ 9-77(Reserved) [1]

[1]

Editor's Note: Former § 9-77, Abandoned signs, as was repealed 6-19-2006 by Ord. No. 1804.

§ 9-77.1(Reserved) [1]

[1]

Editor's Note: Former § 9-77.1, Violations, was repealed 6-19-2006 by Ord. No. 1804.

§ 9-77.2 Fees for actions governed by this division.

A.

The Kalamazoo City Commission ~~may~~shall by resolution, establish reasonable fees for covering the costs of actions taken with regard to a sign or sign structure governed by all or part of this division of the City Code.

B.

The costs shall be a lien against the real property and shall be reported to the assessing officer of the City who shall assess the cost against the property on which the sign or sign structure is or was located.

C.

The owner or party in interest in whose name the property appears upon the last local tax assessment record shall be notified of the amount of the costs referred to in Subsection **B.**, by first-class mail at the address shown on the record. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City; and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes.