

ORDINANCE NO. 111-D

CITY OF THE VILLAGE OF DOUGLAS SIGN ORDINANCE

SECTION 1.0 INTENT AND PURPOSE:

The Village of Douglas finds that signs and outdoor advertising are necessary to the commerce, health, safety, and general welfare of the public. Further it finds that failure to regulate the size, height, number, location and construction of signs within the Village of Douglas may lead to poor identification of individual businesses, deterioration of the appearance of the Village, a decline in property values, and may create safety hazards to the public. The purpose of this Ordinance is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting effective advertising and identification. It is further intended through the provisions contained herein to:

- 1) Give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives.
- 2) Reflect the primary purpose of signage as being the identification of a particular user or use on a property, but not necessarily every activity or service performed hereon.
- 3) Promote signs that are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- 4) Avoid excessive property and use signing in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- 5) Place and size signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
- 6) Protect the character of the Village by encouraging the design of institutional, business, and industrial signs that reflect the Village's favorable environment as a permanent and seasonal home community.
- 7) Maintain and enhance economic stability by retaining aesthetic appeal to tourists and visitors, and encouraging sign design practices that will compliment the Village's character and natural environment.

SECTION 2.0 DEFINITIONS

For the purpose of interpretation of this Ordinance, the following definitions shall apply in addition to all pertinent definitions in the Village of Douglas Zoning Ordinance which are hereby incorporated by reference:

AWNING. A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

BANNER. A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.

BILLBOARD. A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of PA 106 of 1972 as well as to the provisions of this Ordinance.

BUSINESS CENTER. A group of four or more contiguous businesses sharing common private parking and entrance facilities; a single building which three (3) or more tenants; a single building with multiple uses or aspects to its trade; a "plaza" type use with three (3) or more tenants; or an industrial subdivision developed as a planned complex.

CANOPY. The same as an awning, except that it is fixed to the building and cannot be periodically retracted.

CHANGEABLE MESSAGE SIGN. A sign which identifies an institution, business or organization, on the premises of which it is located and which contains the name of the institution, business or organization, or names of individuals connected with it, and general announcements of events, activities, products, prices or similar information occurring or available on the premises.

FLAG. A sign made of natural, synthetic, or plastic materials having a distinctive size, color and design used as a symbol or emblem.

FREESTANDING SIGN. A sign advertising the name of the establishment and/or goods and services available on the lot which is not attached to the principal or an accessory structure; it includes ground support and pylon signs.

GROUND SUPPORT SIGN. A sign supported by upright(s) in the ground surface. Also known as a Pylon Sign.

HIGHWAY ORIENTED SIGN. Any sign pertaining to a business which derives most of its business from the highway motorist.

IDENTITY SIGN. Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises, or a combination of these.

MARQUEE SIGN. Any sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

OFF-PREMISE SIGNS. Signs other than on-premise signs.

ON-PREMISE SIGNS. Signs which advertise goods, services, facilities, events, or attractions on the premises where the sign or signs are located.

PENNANTS. A small, often triangular, tapering flag used in the multitudes as a device to call attention to a land use or activity.

PORTABLE SIGN. Any sign designated to be moved easily and not permanently affixed to the ground or to a structure or building. The sign may or may not have wheels, changeable letters and/or hitches for towing.

PROJECTING SIGN. A sign other than a flat wall sign which projects from and is supported by a wall of a building or structure.

PYLON SIGN. A display sign supported by an upright in the ground surface. Also known as a Ground Support Sign.

ROOF SIGN. A sign located on, mounted to or above the roof and/or the eaves of any building.

SIGN. Any letters figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and painted, printed, or constructed and displayed in any manner whatsoever out-of-doors for recognized advertising or identification purposes. If the structure supporting the sign has characteristics of a sign, it shall be considered a part of the sign.

SIGN AREA. The entire area, in square feet, within a circle, triangle, or parallelogram or other sign shape enclosing the extreme limits of the advertising representation, emblem or any figure of similar character, together with the frame or other material or other color forming an integral part of the display used to differentiate it from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face, if the two (2) faces are of equal area or a sign consists solely of lettering painted on a wall, awning, canopy, or roof, any blank area which is more than ten per cent (10%) of the area of the sign as otherwise computed shall be disregarded.

SIGN HEIGHT. Maximum heights shall be measured from the existing grade or sidewalk to the highest edge of the sign surface or its projecting structure.

SIGN STRUCTURE. The independent supporting framework, including the face of the sign, if said face has none of the features as described under "Sign", above.

TEMPORARY SIGN. A sign not constructed or intended for long term use and which is not permanently affixed to a building, a vehicle, the ground or other structure, including but not limited to, devices such as strings of lights, balloons, flags, search lights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers, motorized vehicles, or wheels of any type.

WALL SIGN. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than fifteen (15) inches at all points.

SECTION 3.0 SIGNS TO HAVE PERMITS:

- 1) **Permit Required.** A Sign Permit shall be required pursuant to Section 3 (2) for the erection, construction, alteration or replacement of any sign; except as hereinafter provided, and all such signs shall be approved by the Zoning Administrator if, following review of an application, the proposed sign or signs are found to conform to the requirements of this Ordinance and all related Ordinances, including but not limited to the Village of Douglas Zoning Ordinance, as well as the applicable Building and Electrical Codes.
- 2) **Sign Permits.** The Zoning Administrator shall maintain a supply of application forms for sign permits containing space for the information needed to ascertain conformance with this Ordinance and a supply of sign permits that specify that signs meeting the requirements of this Ordinance may be erected in the approved locations.

SECTION 4.0 EXEMPT SIGNS

- 1) The following signs, upon review and determination of the Zoning Administrator as to number, size, materials and placement, may be exempted from the sign permit requirements of Section 6.0 and 7.0, provided such signs are otherwise in conformance with this Ordinance:
 - a) Political advertising related to a candidate running for office or a proposition up for public vote on a sign up to four (4) square feet in size for not more than thirty (30) days before an election. There is no limit on the number of political advertising signs, provided their placement conforms with all requirements of this Ordinance and the Douglas Zoning Ordinance, and further provided, all

political advertising signs must be removed within ten (10) days of an election. Not more than one (1) sign up to four (4) square feet in size may be placed on a lot or parcel for an indefinite period if the sign carries a political or other message unrelated to an upcoming election, and has a message which is protected by the First Amendment to the U.S. Constitution.

- b) Changeable message signs that do not exceed eighteen (18) square feet, for churches, public or semi-public institutions and/or schools in any zoning district.
- c) Signs required by Federal or State agencies in connection with federal or state grant projects and programs in any zoning district.
- d) Street name signs, municipal signs in the public interest, route markers and other public traffic control signs, signs, established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district. Such signs shall conform to standard shapes, sizes, color, lettering, and other specifications (including location) as set forth in the Michigan Manual of Uniform Traffic Control, where applicable, and said signs, upon review of the Zoning Administrator, may be erected in the right-of-way in any zoning district.
- e) Non-advertising signs erected by any organization, person, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards such as but not limited to; caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district, provided the sign size limitations of this Ordinance are observed.
- f) Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.) provided the sign size limitations of this Ordinance are observed.
- g) Non-advertising signs demarking a historically significant place, building or area when sanctioned by national, state or local historic agencies, provided the sign size limitations of this Ordinance are observed.
- h) Temporary real estate signs, not exceeding six (6) square feet advertising a premises as being for lease, rent, or sale. It shall be removed within seven (7) days of the consummation or sale or lease transaction, or within six (6) months of the initial placement, whichever event occurs first. Such signs shall not obstruct traffic, or vision, or be hazardous to the public. In any non-residential zone, the maximum permitted size may be thirty two (32) square feet.
- i) Integral - Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar

material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

- j) Private Traffic Direction - Signs directing traffic movement! onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the other provisions of this Ordinance regulating illumination of signs. Horizontal directional signs painted on paved areas are exempted from these standards.
- k) A maximum of three (3) signs of two (2) square feet each advertising a garage or yard sale may be erected on the day of the sale and must be removed promptly at the conclusion of the sale. Such signs shall not obstruct traffic, vision, or be hazardous to the public.
- l) Celebration or holiday banners in any district when limited to not more than two (2) per lot and displayed not more than four (4) weeks prior to the celebration or holiday and removed within seven (7) days following the celebration or holiday.
- m) Multi-business directional signs as provided in Section 13.0.

SECTION 5.0 PROHIBITED SIGNS

- 1) Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs.
- 2) Signs affixed to or painted on trees, rocks, shrubs or similar natural features.
- 3) Signs that are insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.
- 4) Signs utilizing vehicles, trucks, vans, or other wheeled devices, or tripod or sandwich board signs, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period or unless such signs have been approved by the Zoning Administrator as meeting a special purpose need and/or as being appropriate for the particular use.
- 5) Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner. Exceptions include: National flags or symbolic flags of any institutions to a maximum of three (3) per lot with the height of flagpoles limited to thirty five (35) feet; temporary banners announcing charitable or civic events; uniform community seasonal banners.

- 6) Signs which overhang, encroach, are placed, or extend into a dedicated public right-of-way, other than projecting signs in the Village Center Commercial District as approved by the Village Council. Any signs which trespass upon the public right-of-way do not qualify as nonconforming signs. Such signs shall be considered an illegal nonconforming use and shall be removed on or before January 1, 2008 unless approved by revocable license agreement by the Village Council.
- 7) Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and are located so as to constitute a safety hazard to vehicle traffic. The Zoning Administrator may rule on the hazard potential of any proposed sign structure and shall prohibit such sign or modification upon finding the presence of a safety hazard.
- 8) Signs which advertise a use that no longer occupies the premises, and has not so occupied its premises for sixty (60) days. The message portion of said sign shall be removed by the owner or person responsible for the placement of the sign. The structure of the said sign, if it is conforming, shall not be required to be removed. This sixty (60) day provision shall not apply to a seasonal business that regularly occupies and returns to the premises.
- 9) Signs which are roof-mounted. A facade shall be considered part of the roof. Any portion of the structure of a building above the eaves shall be considered roof for the purpose of this section.
- 10) Any portable, "A-frame", "T-frame" or inverted "T" signs with spider legs, with or without wheels where lettering can be changed, rearranged or altered without changing the face of the sign, except as provided in Section 9.0.
- 11) Plastic faced, interior lighted signs in any district except the C-2 and C-2A zone districts.

SECTION 6.0 PERMITTED ON-PREMISES SIGNS IN RESIDENTIAL DISTRICTS:

- 1) A single on-premise sign shall be permitted on lots in Residential Districts as defined in the Douglas Zoning Ordinance, subject to the following restrictions:
 - a) Signs no larger than six (6) square feet in area shall be permitted for any of the following purposes:
 1. Sale or lease of personal property. However such a sign shall be removed within seven (7) days of the consummation of said sale or lease within six

(6) months of the initial placement, whichever event occurs first. Such signs shall not obstruct traffic, or vision, or be hazardous to the public.

2. Identification of a use permitted by right (except for dwellings, see Section 6.0 (d) below), special use permit or a nonconforming nonresidential use.
3. Identification of a temporary use (of thirty (30) days or less) except as provided for temporary real estate offices in subsection b. following.

b) Signs advertising new subdivisions or major developments may be permitted by the Zoning Administrator for no more than one (1) year, provided they do not exceed sixty-four (64) square feet in area.

c) Public institutions and churches permitted in residential districts shall comply with these same provisions. See also Section 4.0 (1)(c).

d) Identification signs for residences and for home occupations, except for Bed and Breakfasts as provided herein:

1. May be attached to the structure or in the front yard.
2. Shall be set back at least 15 feet from the right-of-way and all property lines.
3. Shall not exceed two (2) square feet.
4. May not exceed four (4) feet in height.
5. May not be illuminated after 8 PM and all illumination shall have the lighting directed towards the ground with a shield to prevent light from being directed upwards.
6. The sign may announce only the name and occupation of a building occupant, or the buildings name.

e) One sign per street frontage, each not exceeding twelve (12) square feet in area designating an apartment complex or building, or multiple family or group housing complex, with a maximum height of four (4) feet above the ground, in the case of a freestanding sign, which may be either non-illuminated or illuminated non-flashing, provided the direct source of light is shielded in such a manner that is not visible from the street or any adjoining residential property, and that said source of light shall be of a warm, non-glare type.

f) All of the signs permitted in the residential districts shall be set back fifteen (15) feet from all property lines. Exemptions from this requirement, only, may be granted by the Zoning Administrator upon a written finding that compliance is impossible due to property and building configuration.

g) Illumination, if used, shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises, and shall not spill over the property line in any direction, except by indirect reflection.

SECTION 7.0 ON-PREMISES SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS:

- 1) Signs shall be permitted in Commercial and Industrial Districts as defined in the Douglas Zoning Ordinance subject to the following restrictions:
 - a) Signs shall pertain exclusively to the business carried on within the building or on the premises.
 - b) Signs shall be placed flat against the main building or parallel to the building on a canopy and may face only the public street or parking areas as part of the development. Signs shall not project above the roof line or cornice.
 - c) Signs painted or affixed to a building shall not exceed ten (10) percent of the surface area of the building face to which attached.
 - d) Signs may be illuminated, but no flashing or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties
 - e) Ground Support of Pylon Signs shall:
 1. Not obstruct a clear view of traffic.
 2. Not exceed one per property frontage, regardless of the number of businesses, except as provided in Section 7.0 (3) (c)
 - f) Changeable Message Boards: Are permitted in place of an identification sign or freestanding sign, but the total area allotted to signs shall remain the same whether a wall sign or a freestanding sign.
- 2) On-premises signs within all Commercial and Industrial zoned districts shall comply with the following requirements and restrictions:
 - a) Identity sign(s) may be allowed on any exposed side of a building.
 - b) A business may use one (1) exposed side as the primary front. The sign area for the primary front shall be based on one and one-half (1 ½) square feet per lineal foot of building or one-half (1/2) square foot per lineal foot of lot frontage whichever is smaller. Ribbon type signs including individual letters, may be utilized across the primary face of the building provided the maximum height does not exceed thirty-six (36) inches. All other signs on the building shall be on the basis of one (1) square foot per lineal foot of lot frontage whichever is smaller. Except, as provided in Section 7.0 (1)(c), total sign area on any exposed building face shall not exceed ten (10) percent of the area of that face.
 - c) All signs, except as otherwise specified, shall be flat signs attached and parallel to the face of any building wall and shall not extend farther than

fifteen (15) inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be less than ten (10) feet above a public sidewalk and fifteen (15) feet above a public street or alley, except one (1) sign per public entrance, nor more than two (2) square feet in area may be affixed to the underside of a canopy or marquee provided it shall be at least eight (8) feet above the sidewalk.

- d) Projecting Signs are allowed in the Village Center Commercial District provided that they do not exceed ten (10) square feet in total area; do not exceed the height of the building to which it is attached; is properly supported and, and if the projecting sign overhangs over or into the public right-of-way, a revocable sign license agreement must be approved by the Village Council.
- e) Where a building is not closer than a distance of twenty-five (25) feet from the primary street right-of-way, one (1) identity sign (either pylon or ground supported) may be permitted. When located in such a manner that no part extends beyond the property lines. When the use is located on, and has clearly defined entrances on two separate street frontages, each frontage is eligible for an identity sign as provided for in this section. As provided in this section, the total sign and supporting structure may have a maximum height of thirty (30) feet in any district adjacent to or fronting on Blue Star Highway, and sixteen (16) in any district adjacent to or fronting any other street or road.
- f) Gasoline service stations, motels, public or service garages, new and used car lots, garden shops, eating establishments and other similar uses which may be defined as highway-oriented or outdoor merchandising enterprises, and are located adjacent to Blue Star Highway, are permitted one (1) identity sign (either pylon or ground supported) in addition to the allowed wall sign or building mounted sign. The sign cannot exceed thirty (30) feet in height. The pylon or ground signs provided for in this Section, however, shall not be allowed when the businesses mentioned in the Section are located in a defined "Business Center".
- g) No sign shall obstruct or interfere with traffic or be hazardous to the public.
- h) Temporary signs, indicating service, products, trade information or other information (not including signs that are a part of dispensing equipment) shall not exceed six (6) square feet in the aggregate and shall not be located closer than ten (10) feet from any street or alley property line. Said sign may be in place for no more than thirty (30) days.

3) Sign Area. The following maximum sign area shall apply to all free standing, ground support, or pylon signs allowed as provided in this section:

- a) For those signs in zones adjacent to and/or fronting on Blue Star Highway:
 1. Single business or use: Fifty-four (54) square feet.
 2. Business Center: Seventy-two (72) square feet.
- b) For those signs in zones adjacent to and/or fronting on any other street.
 1. Single business or use: Thirty-two (32) square feet.
 2. Business center: Forty-eight (48) square feet.

- c) Additional special provisions: A Business Center only, if it has at least four hundred (400) feet of frontage on one (1) street, in single ownership, and is at least two (2) acres in size, may have a single sign of eighty (80) square feet. Or in lieu of that, two (2) signs of fifty-four (54) square feet, as long as the two signs are located at least 250 feet apart on the frontage.

SECTION 8.0 SIGNS NOT TO CONSTITUTE A TRAFFIC OR FIRE HAZARD:

- 1) Traffic Hazard: No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manners to interfere with, mislead or confuse traffic.
- 2) Fire Hazard: No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

SECTION 9.0 PORTABLE OR MOVABLE SIGNS:

Any freestanding sign not permanently anchored or secured to either a building or the ground, including but not limited to sandwich style, A frame, T frame, or inverted T shaped structures, including those signs mounted on wheeled trailers, shall be permitted only in accordance with the following provisions:

- 1) Use: Portable signs are permitted for grand openings, advertising charitable or community-related events and the like, but may not be used on residential property. Being temporary in nature, such portable signs may be permitted for a period not to exceed thirty (30) days.
- 2) Lighting: Light shall shine only upon the premises, and shall not spill over the property line in any direction, except by indirect reflection. In addition, no flashing or colored lights will be allowed.
- 3) Placement: All portable signs shall be located no closer than ten (10) feet to the street right-of-way line.
- 4) Size: Any portable signs shall not exceed thirty-two (32) square feet in area.
- 5) Number: Only one (1) portable sign may be established on a property.

- 6) Parked Vehicle as Sign: No vehicles shall be parked or displayed in such a way so as to be used as a sign.
- 7) Sign Permit Required- No charge

SECTION 10.0 OFF-PREMISE SIGNS:

Outdoor advertising structures and billboards other than those signs which exclusively advertise businesses on the premises on which they are located, are considered off-premises signs and may be permitted only by the Planning Commission following review according to the Special Use Permit process in Article XXV of the Douglas Zoning Ordinance.

- 1) Off-premises signs shall comply with the following requirements and restrictions:
 - a) Off-premises signs shall be prohibited except on those parcels of property zoned for Commercial or Industrial use which lie directly adjacent to the Blue Star Highway between the South Village limits and the North Village limits, or directly adjacent to the I-196 Expressway.
 - b) Size and spacing requirements for all off-premise signs along Blue Star Highway shall be as follows:
 1. Overall sign area= 50 sq. ft.
 2. Maximum sign height= 10 ft.
 3. Maximum sign width= 10 ft.
 4. Maximum sign structure height= 25 ft.
 5. Spacing between signs=300 ft. minimum
 - c) Off-premises signs shall not block any permitted on-premises sign.
 - d) Size and spacing requirements for off-premises signs along I-196 shall be as follows:
 1. Not more than one (1) billboard or other off-premise sign shall be located per linear mile of I-196, regardless of the fact that such billboard may be located on different sides of the subject highway. Linear separation shall be limited to the boundaries of the Village. V-type structures shall be considered as two billboards and a double-faced (back-to-back) structure shall be considered one billboard. The required minimum distance between permitted off-premises signs shall be that distance measured on a direct line from sign to sign.
 2. Billboards and other off-premise signs shall be located not closer than one hundred (100) feet from a street or road right-of-way and two hundred (200) feet from any street or road right-of-ways which intersect.
 3. Overall sign area=300 sq. ft.
 4. Maximum sign height= 20 ft.
 5. Maximum sign width= 20 ft.
 6. Maximum sign structure height= 20 ft.

- e) Off-premise signs may be illuminated providing however, that the said source of illumination is not visible beyond the lot lines of the parcel upon which the structure is located and shall be directed downward.
- f) Off-premise signs shall be adequately maintained. Such maintenance shall include proper alignment of structure, continued readability of structure and preservation of structure with paint or other surface finishing material. If an off-premise sign is not maintained, written notice of any disrepair shall be issued by the Zoning Administrator to the owner of the said structure. If the disrepair is not corrected with thirty (30) days, said structure shall be removed at the owner's expense.
- g) The off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which normally can be expected to occur in the vicinity.

SECTION 11.0 EXISTING NONCONFORMING SIGNS:

It is the intent of this Section to permit the continuance of a lawful use (see Section 5.0 (6)) of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Village of Douglas shall be subject to the following requirements:

- 1) Structural Changes: The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be changed, altered, substituted, or enlarged unless the resultant structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.
- 2) If a nonconforming sign is destroyed it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Article, and the remnants of the former sign structure or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the damaged sign.
- 3) The message of a nonconforming sign may be changed so long as this does not create new nonconformities (for example, by creating an off-premise sign under circumstances where such a sign would not be allowed). However, if the name of the business or organization changes, the face of the sign may be changed only as provided in subsection 1) above.
- 4) If a nonconforming sign, other than an off-premise sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered

or conducted, that sign and its independent supporting structure shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having such control over such sign.

- 5) Any other provisions of this Ordinance notwithstanding, all signs which are erected or are in place on the effective date of the Ordinance, but which do not comply with the provisions of this Ordinance, shall be brought into compliance within ten (10) years from the effective date of this Ordinance; except that signs in nonconformance with the Village of Douglas sign regulations, Ordinance 111, adopted January 1987 shall be brought into conformance with these provisions by one year from the effective date of this Ordinance.
- 6) Alteration, Erection, or Placement of Signs: No person, firm, corporation, partnership, or other legal entity, shall alter, enlarge, or erect a sign except in accordance with the provisions of this Ordinance. Nonconforming signs, however, may be repaired, repainted, or improved within the ten (10) year grace period (see subsection 5 above), however, they may not be enlarged beyond their existing size.

SECTION 12.0 NONCONFORMING SIGNS LOCATED IN THE RIGHT-OF-WAY:

- 1) Any signs existing in the public right-of-way of the Village of Douglas, on the effective date of this Ordinance which on or before January 1, 2008 do not have a revocable license agreement with the Village Council are, under Section 5.0 (6), illegal nonconforming signs and are to be removed or relocated to come into compliance with the provisions of this Ordinance.
- 2) The owner of any signs existing in the public right-of-way of the Village of Douglas, on the effective date of this Ordinance which do not have a revocable license agreement with the Village Council shall within sixty (60) days of notice by the Village provide the Village Council with proof of liability insurance with sufficient policy limits, named the Village of Douglas as an additional named insured thereby indemnifying the Village for any liability, loss, costs, damages or expenses that may be paid by the Village to persons as a result of damage to persons or their property due to the placement of the sign in the right-of-way.
- 3) Failure to provide this insurance, or any lapse in the coverage provided therein, or failure to enter into revocable license agreement by January 1, 2008 may result in the Village taking actions, as provided in this Ordinance and by any other lawful enforcement provisions, to abate and sign, including its immediate removal.
- 4) The Village Council may, at its discretion, review any sign effected by this Section on a case by case basis to consider extenuating health, safety and public welfare

factors which may cause the requirement for immediate compliance with the Ordinance to be extended.

SECTION 13.0 MULTI-BUSINESS DIRECTIONAL SIGNS

The Village of Douglas may provide space, select the theme, provide, if available, lighting for, and maintain in good condition the base structure for the multi-business directional signs at the following locations:

- 1) Intersection of Wiley and Blue Star
- 2) Intersection of Ferry and Center
- 3) Intersection of Center and Blue Star
- 4) Intersection of Lakeshore and Center

Business owners will be responsible for purchase and up keep of their individual signs, size limited to 8" high X 48" long slats. See also Schedule of Fees.

SECTION 14.0 GENERAL REGULATIONS

- 1) The following general regulations shall apply to all signs:
 - a) The construction and materials used in all signs shall conform to State Construction (Building) Code.
 - b) All signs shall be maintained in good repair in terms of structure and appearance. Any sign which is applicable to a business which has been discontinued shall be eliminated by the property owner within sixty (60) days after said discontinuance, except as provided for seasonal! uses as noted in Section 5.0 (8). This provision shall not apply to a conforming independent sign structure.
 - c) An electric permit, to be issued by the Building Inspector, shall be required for any electrical installation in connection with any sign installation.
 - d) All permits issued under this Ordinance shall be void if the sign for which it is issued is not erected or placed within three (3) months from date of issuance.

SECTION 15.0 PERMITS AND FEES

No signs except those specifically exempted under Section 4.0 of this Ordinance shall be erected or placed without first obtaining a sign permit from the Village Zoning Administrator. Applications to install either temporary or permanent signs shall be on the Village Sign Application form and may be obtained from the Village Clerk. A sign may be erected or placed after payment of the required permit fee and issuance of the permit evidencing compliance with this Ordinance. If the Zoning Administrator finds that the proposed sign is not in compliance with the Ordinance, the deficiencies shall be

described on the application and it shall be returned to the applicant. The applicant may submit an amended application to the Zoning Administrator showing compliance with the Ordinance, and the Zoning Administrator shall then proceed to issue a permit. No additional fee shall be charged when an amended application is submitted to the Zoning Administrator.

SECTION 16.0 CLARIFICATION

Any person seeking a determination as to whether a proposed sign is exempt under Section 4.0 shall request in writing a determination of status from the Village Zoning Administrator, who shall issue a letter of determination in response thereto. The Zoning Administrator may consult with the Village attorney concerning matters of determination under this Section if, in his discretion, he or she feels it appropriate or necessary to do so. The Zoning Administrator shall maintain a permanent file of any letters of determination so issued.

SECTION 17.0 FEES

Permit fees shall be established by the Village Council and shall be set forth in the Village "Schedule of Fees".

SECTION 18.0 PENALTIES, REMEDIES, AND ENFORCEMENT

The Zoning Administrator of the Village of Douglas shall be responsible for the administration of this Ordinance. Failure of any person to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person(s) who violate this Ordinance or fail to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than 90 days, or both. Each day such violation continues shall be considered a separate offense.

- 1) All penalties, remedies, and enforcement relative to the provisions of this Ordinance shall be in accordance with the applicable provisions this Ordinance.
- 2) The person upon whom notice to abate a non-permitted sign is served, shall have five days (5) days from receipt of said notice to abate the same. Upon failure of the person to comply, or apply to the Village of Douglas, or it's designated agent in writing, the Village shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. These costs shall then be assessed against the property owner.

SECTION 19.0 APPEALS

Any person, corporation, partnership, or other legal entity, which feels aggrieved by a decision of the Zoning Administrator shall have the right of appeal to the Village of Douglas Council.

SECTION 20.0 REPEAL

All other Ordinances, parts of Ordinances, or amendments thereto, any of which are in conflict with or duplicate the provisions of this Ordinance are hereby repealed in their entirety to the extent of such conflict or duplication.

SECTION 21.0 EFFECTIVE DATE

This Ordinance shall take effect twenty-one (21) days from and after the date of its adoption by the Douglas Village Council. A copy of the adopted Ordinance shall be published at least one (1) time in a newspaper of general circulation within the Village of Douglas, within fifteen (15) days from the date of the adoption of this Ordinance.

SECTION 22.0 SEVERABILITY

In the event any phrase, clause, sentence, or section of this Ordinance is declared illegal or invalid in any final adjudication by a Court of competent jurisdiction, the remaining parts of this Ordinance shall be deemed to have been adopted and shall continue in full force and effect without such illegal or invalid provision.

This ordinance was approved by the Douglas Village Council on this 22nd day of December, 1997.