

CITY OF STERLING HEIGHTS
MINUTES OF REGULAR MEETING OF CITY COUNCIL
TUESDAY, JULY 19, 2016
IN CITY HALL

Mayor Michael C. Taylor called the meeting to order at 7:30 p.m.

Mayor Taylor led the Pledge of Allegiance to the Flag and Mark Carufel, City Clerk, gave the Invocation.

Council Members present at roll call: Deanna Koski, Joseph V. Romano, Maria G. Schmidt, Nate Shannon, Doug Skrzyniarz, Michael C. Taylor, Barbara A. Ziarko.

Also Present: Mark Vanderpool, City Manager; Marc D. Kaszubski, City Attorney; Mark Carufel, City Clerk; Madeline L. Ranella, Recording Secretary.

APPROVAL OF AGENDA

Moved by Koski, seconded by Romano, to approve the Agenda as presented.

Yes: All. The motion carried.

REPORT FROM CITY MANAGER

Mr. Vanderpool reported on the Clinton River Trail system project and extended appreciation to Police Lieutenant Aaron Burgess and the Clinton River Area Mountain Bike Association for the recent addition to the Clinton River mountain bike trail of a ramped wall to a curved bridge at the southern end of the trail, between the Edison Court trail head and Dodge Park. He pointed out volunteers spent over 14 hours clearing the trail and building the ramped wall due to several parents expressing concerns that young riders would ride off the edge of the curved bridge. A video clip was shown at this time.

Mr. Vanderpool reported DTE Energy will begin tree trimming throughout the City in the next few weeks. He highlighted some of the areas where they would be working, so residents would be aware of the project.

Mr. Vanderpool reported on roadway projects. He stated Dobry Drive construction, service drive at M-59 and Mound, is going very well. The City is working with the County for funding for 14 Mile east of Van Dyke, where the work has been completed. Once that is done, resurfacing of 14 Mile Road between Ryan and Mound will occur. Schoenherr Road is under construction with major concrete repair work from 15 Mile to 14 Mile and that will continue for another month or so. The next area being done is Ryan Road from 15 Mile to Metropolitan Parkway. 15 Mile Road will be resurfaced from Morningdale just east of Moravian over to Schoenherr. That project will start once the north/south work on Schoenherr is completed. After that, 15 Mile Road will be resurfaced from Mound Road to Ryan Road next Spring. The Van Dyke improvements are going along nicely and there will be no more road closures. A dedication ceremony is scheduled for next August or early September. Mr. Vanderpool reported the first half of Dodge Park will be completely finished up and he is 95% confident that residents will see two way traffic for Sterlingfest. The second half of Dodge Park improvements will start after Sterlingfest and finish up by next November. He pointed out important projects for next year include the resurfacing of Schoenherr from 15 Mile to Metropolitan Parkway in both directions. A big project will be M-59, as it will be completely reconstructed from Delco to Hayes Road and the State might extend that to Romeo Plank if they get the funding. In addition to all the major roads, the local road project is going on in the

neighborhoods as well. Mr. Vanderpool pointed out there are three parts to the neighborhood roads: reconstruction, sectional repairs and temporary semi permanent repairs. A slide was shown of improvements to be done in the neighborhoods.

Mr. Vanderpool reported on a recent house fire as a result of an oven left in the self-cleaning mode and the small dog inside the home. Firefighters were able to rescue the dog and extinguish the fire. He commended the fire department and showed a picture of the two firefighters and the dog they rescued.

Mr. Vanderpool reported on the Treasure Hunters Market held every year at Dodge Park and pointed out this year it will be held on Saturday, August 6th from 8 a.m. to 3 p.m.

Mr. Vanderpool asked IT Director Steve Deon to discuss the new technology plan at this time.

Mr. Steve Deon, along with Scott Smith and Shawn Tyburski, explained the Information Technology Plan, which is critical for the scope of our organization. They highlighted the major projects, which include communication technology and stated there would be a new City wide phone system and a wireless network. An RF survey will be performed.

Mr. Vanderpool reminded residents July is Parks and Recreation month. A video showcased the importance of parks to the quality of life in Sterling Heights.

A promotional video about Sterlingfest was shown at this time.

Mr. Vanderpool announced our Library Director Tammy Turgeon was named the Librarian of the Year by the Michigan Library Association.

PRESENTATION

Community Relations Director Bridget Doyle introduced a resolution congratulating the Parkway Christian High School Eagles for winning the 2016 Michigan High School Athletic Association State Championship in Division 4 Baseball.

Mayor Taylor gave a background from his standpoint, stating there were three Macomb County baseball teams that won the state championships this year. He is happy to see that most all the players from Parkway Christian High School Eagles are in the audience. Mayor Taylor read parts of the resolution and introduced Coach Rich Koch.

Coach Koch thanked the Mayor and City Council for recognizing them and thanked everyone who had a part in this win.

Moved by Schmidt, seconded by Romano, **RESOLVED**, to adopt the resolution acknowledging and congratulating the Parkway Christian High School Eagles for winning the 2016 Michigan High School Athletic Association State Championship in Division 4 Baseball.

Councilwoman Schmidt congratulated all the players for their hard work and the parents for their dedication.

Mayor Taylor wished good luck to all the college-bound players and those continuing on in the program.

**~ Resolution ~
Sterling Heights City Council**

A resolution of the Sterling Heights City Council acknowledging and congratulating the Parkway Christian High School Eagles for winning the 2016 Michigan High School Athletic Association State Championship in Division 4 Baseball.

On June 18, 2016, the Parkway Christian High School baseball team won the 2016 Michigan High School Athletic Association State Championship in Division 4 Baseball. This was the first state championship captured in the history of the baseball program at Parkway Christian High School.

With a team motto of “All In,” the Parkway Christian Eagles took on the Portland, Michigan-based St. Patrick High School Shamrocks in the state championship game played at Michigan State University in East Lansing, Michigan. The Eagles won championship by a final score of 10-3. The team finished its championship season with a record of 23-11-1.

Head Coach Rich Koch cites a loss to De La Salle Collegiate High School as the turning point in his team’s championship season. Following the loss, the senior players on the team called a players-only meeting and asked for more focus on “team” rather than the individual. Coach Koch saw a dynamic shift from that that point on as his players became one unit — a team.

In recognition of this athletic triumph, it is fitting and proper to acknowledge Head Coach Rich Koch, Assistant Coach Scott Gross, Assistant Coach Bill Stewart, Assistant Coach Ryan Stewart and the following Parkway Christian Eagles:

Jacob Bambrick	Dylan Hunter	Connor Mead
Pierce Banks	Caleb Joye	Adam Price
Montana Essian	Alex Julio	Adela Papiez
Austin Fuller	Andrew Manier	Conner Schlaf
Dominic Gallagher	Riley McManus	Salvatore Sieracki

Special recognition should be paid to Pierce Banks, Montana Essian and Andrew Manier, who were named to the All-State team.

NOW, THEREFORE,

BE IT RESOLVED, that the Sterling Heights City Council hereby acknowledges and congratulates the Parkway Christian High School baseball team for winning the 2016 Michigan High School Athletic Association State Championship in Division 4 Baseball.

Adopted at the July 19, 2016 City Council Meeting by the Sterling Heights City Council.

IN WITNESS WHEREOF, I have set my official signature, this 19th day of July 2016.

MARK CARUFEL
City Clerk

Yes: All. The motion carried.

Mayor Taylor called a three (3) minute recess at 8:06 p.m.

Mayor Taylor reconvened the meeting at 8:09 p.m.

There was a second presentation to acknowledge a donation by the American-Polish Century Club to the Sterling Heights Area Community Foundation.

Representatives from the American-Polish Century Club were in attendance to present the check to the Sterling Heights Community Foundation Executive Director Karl Oskoian and Mayor Taylor.

Community Relations Director Bridget Doyle asked the Foundation to accept the check as a thank you for all they do to make the festival a success.

Mr. Ken Reszczyk, past president of the American-Polish Century Club, congratulated Mayor Taylor for eating 17 pierogies, which allowed the City of Sterling Heights to beat the City of Warren.

Mr. Karl Oskoian thanked the American-Polish Century Club for making this donation.

He pointed out the \$500 is going into the Mayor Richard J. Notte endowment fund.

Moved by Ziarko, seconded by Schmidt, **RESOLVED**, to acknowledge the donation by the American-Polish Century Club to the Sterling Heights Community Foundation in the amount of \$500 in recognition of Sterling Heights winning the 2016 Pierogi Eating Championship at the 36th Annual Polish Summer Festival and congratulate members of the Sterling Heights 2016 Team.

Councilwoman Ziarko pointed out just because she doesn't eat the pierogies, it doesn't mean she is not a contributor, she nagged Mayor Taylor to eat more so the City could win.

Mayor Taylor thanked Councilman Shannon for his contributions in putting the City over the top this year.

Yes: All. The motion carried.

ORDINANCE INTRODUCTION

1. Ms. Denice Gerstenberg, City Development Director, explained the ordinance amending Chapter 37 of the Sterling Heights City Code to increase the setback distances from public sidewalks and public roadways by 7 feet for enclosed utility trailers in single family residential areas. She pointed out this only affects enclosed or partially enclosed non-motorized utility trailers. The new ordinance amendment will take effect January 1, 2017. This proposed ordinance amendment would define enclosed utility trailers and propose a new setback requirement, adding 7 feet to the current setback requirement. The trailer would have to be 15 feet from the sidewalk or 14 feet from the front lot line if there is no sidewalk. The amendment would clarify that all distances and lengths would include the tongue of the unit, not just the body. It would also add a related surface requirement for storage in the rear or side yards, consisting of asphalt, concrete, pavers, or an alternative material approved by the Building Official.

Moved by Romano, seconded by Taylor, **RESOLVED**, to introduce the ordinance amending Chapter 37 of the Sterling Heights City Code to increase the setback distances from public sidewalks and public roadways by 7 feet for enclosed utility trailers in single

family residential areas and to require an approved surface for storage in side and rear yard areas.

Councilman Romano pointed out this is a long time coming, as each council member has received complaints about people parking these big trailers in their driveways and obstructing their view. Putting an additional 7 foot requirement would eliminate a lot of these enclosed trailers. He inquired of Ms. Gerstenberg, with the restrictions we have if someone is going away for the weekend and wants to bring the trailer home for 24 hours, if that would be acceptable.

Ms. Gerstenberg responded those are typically recreational trailers and this ordinance is not changing that at all.

Councilman Skrzyniarz asked Ms. Gerstenberg to again display the picture showing the large trailer in the driveway of a home. He stated under the existing ordinance, that trailer is in compliance. With the new amendment requiring the 7 foot setback, that trailer would not be able to be parked on the driveway. He stated his only concern is a lot of the people that have these trailers are small business owners. He believes this would burden those people by them having to purchase private property or have their trailer no longer in their driveway. He inquired Ms. Gerstenberg's opinion on this.

Ms. Gerstenberg responded people are not allowed to have commercial vehicles with writing on the sides in their driveways right now.

Mayor Taylor pointed out the location of that large trailer shown in the picture would be permitted if the driveway was 8 feet longer and Ms. Gerstenberg agreed. There are

residential areas where houses are set further back on the property. He thanked the Administration for working through this issue.

Yes: All. The motion carried.

ORDINANCE ADOPTION

Mr. Don DeNault, Assistant City Attorney, explained the ordinance amending Section 28.13 of Chapter 28 of the Sterling Heights Zoning Ordinance to update the City's sign regulations. He responded to each of the concerns expressed at the previous City Council meeting. As it relates to retrieval fees charged, he stated those fees are included in the City's Appropriations Ordinance, so he is proposing an amendment to the language of the proposed ordinance as introduced to strike the \$10.00 fee and replace it with reference to the City's Appropriations Ordinance.

Mr. DeNault stated the second issue raised was in regard to flags on residential property. They came up with new definitions and people will now be permitted to have up to 4 full flags, one US flag, one state flag and two additional flags on a permitted flag pole or on a staff affixed to the house without being counted against sign limitations or the total square footage allowed under the proposed ordinance.

There were also concerns about the current registration process for placement of temporary signs on vacant and occupied commercial properties. Because the City is no longer able to regulate signage based on content, the sign registration process allows code enforcement to determine whether a temporary sign on vacant and commercial properties is permitted to remain in place when a property exceeds the City's square footage limits for temporary noncommercial signage. The registration process also provides

information to assist code enforcement with contacting responsible individuals regarding any removal or maintenance issues that may arise. They are proposing a new streamlined approach that will still enable the City to enforce its signage requirements while providing a registrant with a simple and minimally intrusive means to register non-commercial temporary signs for placement on commercial and vacant properties. The proposed process would allow a registrant to use an online form on the City's website or a paper form provided by the City Clerk. He asked Ms. Gerstenberg to discuss the new online form.

Ms. Gerstenberg displayed the application and explained how the registrant would fill it out and submit it through an online portal on the City's website or by using a form provided by the City Clerk.

Mr. Jeffrey Norgrove thanked Administration for all their hard work, but was still concerned with the flag requirements, as it relates to US military flags and display by VFW or American Legion halls. He also discussed temporary signs at those establishments advertising rummage sales or steak outs. Mr. Norgrove discussed the signs at his house, a US flag and an Army flag and stated during campaign season if he wanted a sign for the parks millage and two other campaign signs, that would put him in compliance. He hoped the City Council could at least discuss the military flags. Mr. Norgrove discussed signage inside of a store window and lighting. He stated some residents are concerned with the LED lights around the windows. He understands this would be a separate ordinance and

asked if the City could take up this issue and stipulate that the lights would only be allowed to remain on during the operation of the business.

Mr. Charles Jefferson recommended residents contact code enforcement before they go out and purchase any flags to make sure they would be in compliance with the political sign ordinance. He believes this is making double work for the candidates, since they have to go out and obtain permission already and now they have to fill out an application on the City's website.

Mr. John Spica asked for clarification on the size of the signs, stating that right now they are allowed 24 square feet and we are going from 24 square feet to 40 square feet. He inquired when the ordinance takes effect and stated people have already purchased their signs for this year.

Ms. Jazmine Early asked for clarification on the number of signs that would be allowed.

Dr. Steve Naumovski asked for clarification on the number and size of flags that would be allowed.

Moved by Romano, seconded by Taylor, to place the main motion on the floor:

RESOLVED, to adopt the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to update the City's sign regulations.

Motion to amend No. 1, Amendment to remove the \$10.00 sign retrieval fee:

Moved by Romano, seconded by Ziarko, **RESOLVED**, to amend the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to amend

Section 28.13 (XI)(L)(16) to remove the proposed \$10 sign retrieval fee and include a cross-reference to any fees established by the City's Annual Appropriations Ordinance.

Yes: All. The motion carried.

Motion to amend No. 2, Amendment to regulations governing residential flags:

Moved by Romano, seconded by Taylor, **RESOLVED**, to amend the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to amend Section 28.13 (IV) and (VI)(6) to define and regulate the use of flags on residential property.

Councilman Romano stated the ordinance says that any flag that has been adopted by the Federal government, State of Michigan or the City may be displayed and shall not count against sign limitations or the total square footage allowed under the proposed ordinance. Councilwoman Schmidt questioned whether a military flag is considered a government issued flag.

Mr. DeNault responded no, not as it stands right now.

Councilwoman Schmidt disagreed and stated she would consider a military flag to be a government issued flag.

Councilman Romano inquired whether he could add an amendment to the amendment to state that all US military flags are exempt.

Mr. DeNault cautioned the City Council the courts may not see it that way; they might see it as discrimination, but it's hard to predict.

Moved by Romano, seconded by Schmidt, **RESOLVED**, to amend the motion to amend the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to amend Section 28.13 (IV) and (VI)(6) to exempt US military flags.

Mayor Taylor inquired whether this was only for residential property and Mr. DeNault responded it is only for single family residential property. He questioned the requirement for commercial property and Mr. DeNault responded we do not currently have any for commercial property. That would probably be a part of the overall site development process.

Mayor Taylor inquired about the question raised by Mr. Norgrove as it relates to multiple flags on commercial property and if that would be permitted with approval from planning.

Mr. DeNault responded from a legal side, they don't have any prohibitions on that.

Councilwoman Ziarko stated numerous military signs are not usually found on residential property and people doing this would be grand-fathered in. She stated the City Council has to look at the potential of what this could create in the future. She would like to see this amendment for commercial property only.

Councilwoman Koski questioned the existing ordinance as it relates to flags.

Mr. DeNault responded there is no stand right now for flags on residential property.

Councilwoman Koski inquired whether there have been any issues and stated she is not convinced that we need this new sign ordinance. She would rather wait and see if it becomes an issue.

Mr. DeNault responded they have to look at every type of message people want to display. They cannot discriminate anymore. They are trying to address the issue the best they can.

Councilman Skrzyniarz stated he understands the concerns of Councilwoman Ziarko and stated nine flags on an average piece of property in Sterling Heights might be intrusive to the neighborhood.

Ms. Gerstenberg responded the City doesn't have a problem with flags right now, but if someone was flying nine flags, we might get complaints from neighbors.

Councilman Shannon spoke against the sub amendment to the amendment. He stated if you say someone can do it, someone will do it.

Mayor Taylor agreed the sub amendment is not necessary.

Roll call vote on sub amendment to exempt US military flags:

Yes: Romano, Schmidt, Koski.

No: Shannon, Skrzyniarz, Taylor, Ziarko.

The motion FAILED.

Roll call vote on motion to amend No. 2 (Amendment to regulations governing residential flags):

Yes: Romano, Taylor, Shannon, Skrzyniarz, Ziarko, Koski.

No: Schmidt.

The motion carried.

Third suggested motion to amend No. 3, Amendment to implement streamlined registration for vacant properties and commercial properties:

Moved by Shannon, seconded by Taylor, **RESOLVED**, to amend the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to amend Section 28.13(XI)(L)(13) to modify the process for registering temporary signs on vacant and occupied commercial properties.

Councilman Shannon stated he was impressed with the registration process and the online form. He stated the only change he would like to see on the registration form is the requirement for either the email address or the telephone number of the property owner, not both.

Councilman Shannon inquired of Ms. Gerstenberg, once a person has registered that sign through the website, if that is asking the City Clerk to approve it.

Mr. Carufel responded the person is just registering the sign and the City Clerk's office is only accepting the registration. If the number and square footage of the signs are more than allowed, the City Clerk's office will reject the registration.

Councilwoman Schmidt inquired whether there was some way the property owner could respond if they didn't know about this sign going on their property.

Mr. Carufel responded they would be notified and then could contact the City. He pointed out there is no limit on the number of signs, only the square footage.

Councilwoman Schmidt questioned the timing of the request for placement of a sign on an owner's property and if a sign could be put up for the time in between.

Councilman Skrzyaniarz agreed with Councilman Shannon in terms of an email address or a phone number and not a requirement for both.

Councilwoman Ziarko thanked the Administration for giving the City Council as close to a compromise as it could have. She is not against signs, but her concerns are with the elections. She also agrees with either an email address or a telephone number.

Mayor Taylor pointed out the email address is not required or approval. It is only for ease of governing the sign.

Moved by Shannon, seconded by Taylor, **RESOLVED**, to amend the motion to amend the ordinance amending Chapter 28, Section 28.13 of the Sterling Heights Zoning Ordinance to amend section 28.13(XI)(L)(13) to modify the process for registering temporary signs on vacant and occupied commercial properties by requiring the registration to include either the email address or the phone number of the property owner or person with authority to allow the temporary sign, and not require both the email address or phone number of the property owner or person with authority to allow the temporary sign.

Roll call vote:

Yes: Shannon, Taylor, Romano, Schmidt, Skrzyniarz, Ziarko, Koski.

The motion carried.

Vote on motion to amend No. 3, as amended:

Yes: All. The motion carried.

The main motion is back on the floor, with the amendments just approved.

Mayor Taylor stated Mr. Spica asked how many signs are allowed with the 40 square foot requirement.

Mr. DeNault responded there is no limit.

Mayor Taylor inquired about ratification and whether a property owner could revoke their previous permission form.

Mr. Carufel responded the property owner could call the City and they would look into that registration and discuss the property owner's desires.

CITY OF STERLING HEIGHTS
COUNTY OF MACOMB, MICHIGAN
ORDINANCE NO. 278-XX

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 278 OF THE CITY OF STERLING HEIGHTS, SPECIFICALLY ARTICLE 28, SECTION 28.13, TO IMPLEMENT NEW AND REVISED SIGNAGE REGULATIONS

Section 1. Article 28, Section 28.13 of Zoning Ordinance No. 278 shall be replaced to read as follows:

SECTION 28.13. SIGNS.

I. *Findings.* The City Council finds:

1. Signs are a separate and distinct use of the property upon which they are located and affect the uses and users of adjacent streets, sidewalks, and other areas open to the public.
2. Signs are also an important means of communication for businesses, organizations, individuals, and government.
3. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the visual quality enjoyed daily by residents, affect the safety of vehicular travel and pedestrians, and define the character of the community.
4. Aesthetic considerations impact economic values as well as public health, safety, and welfare.
5. Signs also take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.
6. The unregulated installation and display of signs constitutes a public nuisance detrimental to the public health, safety, convenience, and general welfare.

7. Therefore, the purpose of this section is to establish reasonable regulations pertaining to the time, place, and manner in which outdoor signs and window signs may be installed and maintained in order to achieve the following purposes:
 - i. Promotion of the general health, safety, and welfare, including the creation of an attractive and harmonious environment;
 - ii. Maintenance and enhancement of the visual quality (aesthetics) of the community;
 - iii. Improvement of pedestrian and motorist safety by avoiding saturation and confusion in the field of vision, by directing and controlling pedestrian and vehicular traffic, and by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;
 - iv. Protection and enhancement of economic viability by assuring that the City of Sterling Heights will be a visually pleasant place to visit or live;
 - v. Protection of property values and private/public investments in property;
 - vi. Protection of views of the natural landscape and sky;
 - vii. Protection of the public investment in the creation, maintenance, safety, and appearance of the City's streets, highways, and other areas open to the public;
 - viii. Protection and enhancement of the City's attractiveness as a place for economic development and growth;
 - ix. Avoidance of personal injury and property damage from structurally unsafe signs;
 - x. Provision of effective and efficient opportunities for business identification by reducing competing demands for visual attention;
 - xi. Allow for expression by signage subject to reasonable regulation.

II. *Intent.* The intent of this section is to regulate signage within the City of Sterling Heights in order to preserve the City's tradition and reputation as a community with a rich mix of land uses that blend into a landscape of high aesthetic quality. The regulation of signage is further intended to enhance the physical appearance of the City so that it remains an appealing and desirable place to live, work, and visit. The provisions of this section are the minimum amount of regulation necessary to achieve the purposes set forth herein and to preserve the scenic and natural beauty of designated areas, make the City a more enjoyable and pleasing community, and create a more attractive economic and business climate, while at the same time reducing signage distractions, eliminating hazards caused by signs, and minimizing confusion caused by conflicting adjacent and/or clustered signs.

III. *Scope.* The City Council further finds that many of the signs allowed in this section are situational, and the likelihood of multiple simultaneous situations arising on a lot at any particular time is remote. Therefore, the number of signs allowed on a lot is reasonable and allows alternative channels of communication as situations arise without adversely impacting the purposes of this section.

IV. *Definitions.* In addition to the general definitions set forth in this Zoning Ordinance, the following definitions shall apply to the regulations set forth in this section.

ADMINISTRATIVE REVIEW BOARD. A board comprised of the Building Official, City Engineer, and City Development Director to hear requests for administrative modification or administrative appeals permitted by this section.

AGRICULTURAL SALES SIGN. An accessory sign relating to the land use function of selling agricultural, dairy, livestock, or poultry products raised or produced at the location where the sign is installed.

DIRECTIONAL SIGN. A sign directing vehicular or pedestrian traffic to parking areas, loading areas, or to portions of a building or site.

ELECTRONIC MESSAGE BOARD. A freestanding sign that uses light emitting diodes (LED) to electronically change the image or message displayed on the message board.

FESTOON SIGN. Light bulbs, ribbons, streamers, or pinwheels, or light strips, banners, pennants, balloons, search lights, or similar objects and features, which are not an integral physical part of the building or structure they are intended to serve and which are hung or strung for the purpose of drawing attention.

FLASHING, ANIMATED, OR MOVING SIGN. A sign that intermittently reflects lights from either an artificial source or from the sun; a sign which has movement of any illumination such as intermittent, flashing, or varying intensity or a sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources. An electronic message board that otherwise meets the requirements of this section is not a flashing, animated, or moving sign.

FREESTANDING SIGN. A sign located in or upon the ground or attached to something requiring location on the ground, such as a freestanding frame, mast, or pole, which is not attached to any principal or accessory structure.

IDENTIFICATION SIGN OR NAMEPLATE. A wall sign stating the name of a person or firm, or stating the name or description of the permitted use of the premises.

MAXIMUM SIZE (OF A SIGN). The total area of a sign included within the rectangle, triangle, or circle caused by encompassing the outermost portions of the sign or around the outermost edges of a sign formed of letters or symbols only. On signs with more than one side, this measurement shall be determined with reference to the area contained on one side of the sign, including all openings.

MONUMENT SIGN. A freestanding sign attached to a permanent foundation with decorative base located on the ground with no exposed poles or other supporting devices.

OFF-PREMISES SIGN. A sign that communicates messages relating to any activity or use not related to the permitted use of the premises upon which the sign is installed.

PORTABLE SIGN. A sign without a permanent foundation and not permanently attached to a fixed location which can be carried, towed, hauled, or driven and is primarily designed or installed to be mobile rather than be limited to a fixed location regardless of modifications that limit its mobility, such as, but not limited to, vehicles, trailers, "A" frame, "T"-shaped, or inverted "T"-shaped sign structures.

PROJECTING SIGN. A sign which is affixed to or supported by any building or structure, or part thereof, which extends beyond the plane of the building wall, or part thereof, or structure, by more than 12 inches.

PUBLIC SIGN. A sign installed or required by any governmental entity to provide information to the public.

REAL ESTATE DEVELOPMENT SIGN. A temporary sign permitted for real estate development projects that have received site plan approval and are placed on the premises of a real estate development to indicate a proposed start date or to provide information regarding available properties or tenant spaces within the development.

RESIDENTIAL SUBDIVISION IDENTIFICATION SIGN. A permanent sign installed to exhibit the name of the residential development within which it is installed.

ROOF SIGN. A sign located on or above the roof of any building and which projects above or beyond the eave, roof, or parapet, or which is attached to a mansard type roof.

SIGN. The use of any words, numerals, figures, devices, inflatable moving advertising products, designs, logos, or trademarks which direct attention to a product, place, activity, person, institution, message, or business, or by which anything is made known to the general public, and which is visible and discernible off the lot or from any public right-of-way.

SIGN AREA. Unless otherwise noted, the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, or any similar figure or element of the sign. The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one face is visible at any location. The sign area shall not include any supporting framework, bracing, or decorative fence or wall when such feature otherwise complies with the requirements of this section and is clearly

incidental to the sign itself. References in this section to the square footage of signs are references to the measurement of the sign area unless otherwise specified.



SIGN HEIGHT. Measured as the vertical distance from the normal grade directly below the sign to the highest point of the sign or sign structure, whichever is higher, and shall include the sign base. References to maximum height and height limitations in this section are references to this definition unless otherwise specified.

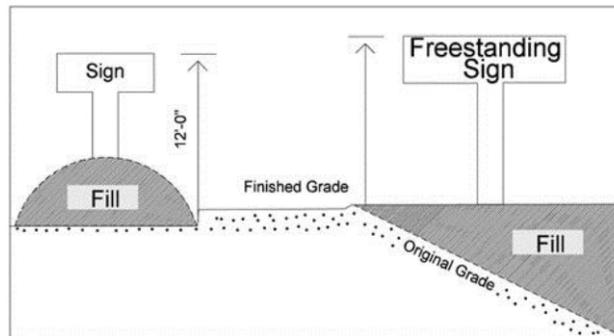
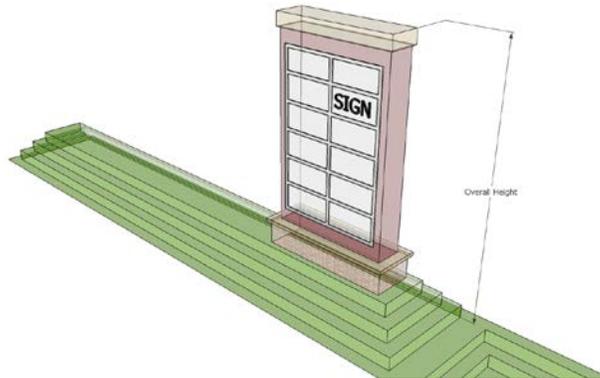


Figure III: Measuring Sign Height



SUPER REGIONAL MALL. A shopping mall with over 800,000 square feet of gross leasable area which serves as the dominant shopping venue for the region in which it is located.

SUPER REGIONAL MALL BOULEVARD ENTRANCE SIGN. A sign identifying a Super Regional Mall that is located upon the median of each boulevard leading directly into a Super Regional Mall development.

SUPER REGIONAL MALL DIRECTIONAL SIGN. A sign directing vehicular and pedestrian traffic to particular businesses within a Super Regional Mall that is located upon a private easement of a lot or parcel adjacent to the ring road of the Super Regional Mall or the boulevard leading directly into the Super Regional Mall development from a major thoroughfare as identified on the Master Road Plan.

SUPER REGIONAL MALL FESTOON SIGN. A banner style sign attached to a parking lot light pole located upon a lot or parcel abutting a ring road of a Super Regional Mall development. Such signs must be double-sided pole pocket style.

SUPER REGIONAL MALL PRIMARY ENTRANCE SIGN. A sign identifying a Super Regional Mall and its major tenants, and promoting events and activities taking place at the Super Regional Mall that is located upon a private easement of a lot or parcel adjoining a major thoroughfare as set forth on the Master Road Plan.

TEMPORARY SIGN. A sign not permanently attached to the ground, a structure, or a building and not supported by a permanent frame.

- a. A long-term temporary sign is a temporary sign constructed of durable, weather-resistant, wind-resistant materials equivalent or substantially as durable as vinyl, fabric, wind mesh, acrylic, polycarbonate, treated wood, aluminum, and aluminum composite, and affixed to a durable, weather-resistant, wind-resistant frame.
- b. A short-term temporary sign is a temporary sign constructed of less durable non-rigid or semi-rigid materials, such as paper, cardboard, polystyrene, foam PVC, foam board, and untreated wood, and affixed to a frame not designed for long-term outdoor sustainability, such as thin wire frames, hollow or lightweight plastic frames, and frames consisting of non-rigid or semi-rigid materials.
- c. A flag is a short-term temporary sign made of cloth, fabric, bunting, nylon, or similar flexible material.

WALL SIGN. A sign attached to, placed flat against, or otherwise inscribed on an exterior wall or surface of any building, confined within the limits thereof, and no portion of which projects more than 12 inches beyond the wall, but which may or may not project above the roof or parapet.

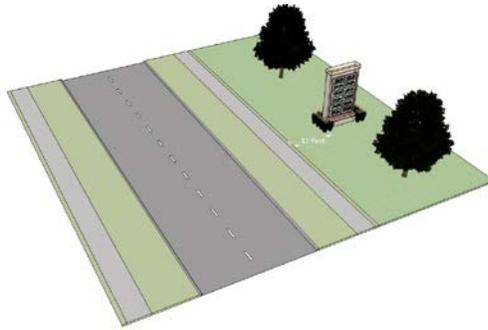
WARNING SIGN. A sign that provides a warning or a notice to persons on, or entering upon, the premises on which the sign is located including, but not limited to, signs that guide vehicular or pedestrian traffic within, but not at the entrance of, a development, identify hazards and possibly dangerous conditions, ensure public safety, or are required by law to be installed.

WINDOW SIGN. A sign consisting of words, numerals, or trademarks displayed in, attached to, or painted on a window.

V. *General conditions.* Except as otherwise provided herein, the following regulations shall apply to all signs installed or located in any use district:

1. All signs shall conform to all ordinances and regulations of the City of Sterling Heights, including, but not limited to, other sections of this Zoning Ordinance, the City's Code of Ordinances, and any other codes or regulations governing signage.
2. Signs shall not be placed in, project into, or overhang any public right-of-way or dedicated public easement, existing or proposed, unless placed or approved for placement by the City or applicable governmental entity or agency.
3. Signs shall not be placed on City property unless placed or approved for placement by the City.
4. Signs shall not be placed on utility poles, utility boxes, traffic control devices, telecommunications towers, sidewalks, lamp posts, hydrants, bridges, public property, public ways, easements, or trees unless placed or approved for placement by a governmental entity as public signs or warning signs.
5. Permanent signs shall not be placed in a required side yard setback or within 12 feet of a public right-of-way.
6. Signs shall not be placed in a manner that obstructs or diminishes sight lines for vehicular travel, obstructs driver vision, or creates potential hazards to pedestrian safety. All signs shall comply with the corner clearance requirements set forth in section 28.03.
7. Signs must have a minimum clearance of 8 feet 6 inches above a non-public sidewalk and provide appropriate emergency vehicle clearance above driveways and maneuvering lanes.
8. Applications for approval of a sign permit will not be processed or placed on an agenda for any public hearing, nor will a sign permit be issued, on properties with outstanding and unresolved code violations, including but not limited to violations of the International Property Maintenance Code as adopted and locally amended by the City, unless the property owners and occupants have executed a code compliance agreement with the City setting forth a written commitment by, and contractual obligation of, the applicant and property owner to bring the site and/or building into full compliance with all provisions of the applicable code within a specific time period acceptable to the City Development Director.

9. Signs shall not have more than 2 sides.
10. No sign shall be painted directly onto the wall of a building.
11. Signs shall not be equipped with audio capabilities and sound shall not be projected from any sign, except that menu boards approved as part of a drive through facility or signage designed for purposes of complying with laws enacted for the protection of persons with disabilities shall not be restricted by this provision.
12. Signs may not project images beyond the face of the sign and may not emit any odors or visible matter such as smoke or steam.
13. No person, entity, owner, business, or tenant shall allow an obsolete sign to be maintained on property for more than 30 days after same has become obsolete because of discontinuance of the business, service, or activity which the sign advertises, relocation to another site, or for any other reason. The fact that the obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this section.
14. Every sign, including the sign structure, shall be maintained in a safe structural condition and in a neat, clean, secure, and attractive condition, with upright, secure supports. All sign materials shall be kept free of defective or missing parts, peeling, corrosion, or other surface or support deterioration, and in compliance with the current provisions of the International Property Maintenance Code, with local amendments as adopted by the City. All sign copy shall be maintained intact, free of defacement, and free of missing characters. If the sign is illuminated, all lighting fixtures and sources of illumination shall be maintained in a manner that renders them safe and in proper working order.
 - a. Violation of these provisions shall subject the responsible party to the remedial and enforcement provisions set forth elsewhere in this section and in Section [11-141](#) of the City Code.
15. For all signs other than a sign within a public right-of-way, the sign setback shall be measured from the property line or, in the case of an access easement, from the edge of the easement, to the closest point of the sign.



VI. Signs authorized in every zoning district:

1. Public signs.
2. Traffic control devices on private or public property, installed and maintained to comply with the Michigan Manual on Uniform Traffic Control Devices and, if not covered, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.
3. Numerals that identify the address of the property in accordance with applicable laws, codes, and regulations, so that public safety responders can easily identify the address from the public street.
 1. Unless an alternative requirement is adopted in the City Code or as part of a technical code adopted by the City, address numbers for all commercial buildings shall be displayed on the facade of the building adjacent to a public entrance to the building and each tenant space with its own address, and on a freestanding sign at the front of the site. For multiple tenant buildings, the freestanding sign shall include the address range of all addresses contained within the building. Further, numerals shall also be displayed at the rear entrance of the building/tenant space if there is access to a hard-surfaced area upon which vehicular traffic may maneuver. All address numbers shall be at least 4 inches in height. The color of the required numbers shall starkly contrast the background to which they are affixed. Because the required numbers are for emergency responders, they shall be excluded from any calculations of the property's total permitted signage.
4. Required government signs that warn of a danger or prohibit access to the property either generally or specifically.
5. Signs installed by MISS DIG, utility companies, lawn treatment companies, and similar signs intended to warn of a danger or alert the reader to a potentially dangerous condition or the existence of utility pipes or lines on the property.

6. In addition to 1 United States flag and 1 official flag of the state of Michigan displayed on a permitted flag pole or on a flag staff affixed to the house on a single-family residential property, up to 2 additional flags may be displayed on a permitted flag pole or on a staff affixed to the house without being counted against the individual sign limitations or the total square footage allowed under this section for temporary signage.

VII. Prohibited signs:

1. Signs that violate any federal, state, or local law, code, or regulation.
2. Signs that violate zoning regulations governing home occupations as an accessory use.
3. Festoon signs.
4. Projecting signs.
5. Signs whose construction, design, location, or other physical characteristics are determined by any code official or law enforcement official to create a safety hazard or to be anathema to the general welfare, including but not limited to:
 - a. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as, or which may conflict with, a traffic control device, or which hide from view any traffic or street sign or signal.
 - b. Signs consisting of moored balloons or other type of tethered floating signs unless approved by the City Planner in conjunction with an approved temporary use and if tethered to the ground.
 - c. Banners, posters, pennants, ribbons, streamers, LED lights, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure or other power source, unless approved by the City Planner in conjunction with approval of a temporary use for a special event of limited duration, permitted as holiday decorations, or otherwise permitted elsewhere in this section.
 - d. Signs which have blinking, flashing, or fluttering lights or other illuminating devices which exhibit movement.
 - e. Roof signs.
 - f. Signs that consist of or include a searchlight, beacon, strobe light, or similar form of illumination.

- g. Signs that contain or consist of strings of light bulbs.
- h. Portable signs kept in a stationary location and visible from a public way.
 - (i) Exception: Operable vehicles that are properly licensed and plated and which are adorned or embedded with permanent graphics, information, and/or messages that are visible to passersby shall only be parked on a property owned or operated by the vehicle owner or pertaining to an activity underway on the property where it is parked and shall be kept in a lawful vehicular parking or storage location a minimum of 30 feet from any public right-of-way.

VIII. Illumination.

1. No sign shall include or use flashing or intermittent illumination.
2. Flashing, animated, and/or moving signs are prohibited.
3. Illumination of signs shall be directed or shaded so as not to interfere with the vision of persons on the adjacent roadway or with adjacent property owners.
4. No illuminated sign shall be installed if it creates a distracting or hazardous condition to a motorist, pedestrian, or the general public, or which adversely impacts neighboring or nearby properties or uses.
5. No exposed reflective type bulb, par spot, or incandescent lamp which exceeds twenty-five (25) Watts shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
6. Electronic message boards:
 - a. Studies show that there is a correlation between electronic changeable copy signage and the distraction of drivers, who may be distracted not only by a changing message, but also by knowing that the sign has a changing message and waiting for the next change to occur. Despite these public safety concerns, however, there is also merit in allowing new technologies to easily update signage messages, to minimize the proliferation of signage by allowing multiple messages on a single sign, and to facilitate expression with messages that are easily discernible, so long as restrictions are in place to minimize the potential for driver distraction and to minimize negative impact to residential districts where signs can adversely impact the residential character of the area. Therefore, the following regulations shall apply to electronic message board signage:

- (i) Display only static messages and/or images that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
 - (ii) The image or message of the sign does not flash or scroll (vertically or horizontally);
 - (iii) Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
 - (iv) Be equipped with a fully operational light sensor that automatically adjusts the intensity of the electronic message board according to the amount of ambient light;
 - (v) Change from one message to another message no more frequently than once every 10 seconds and the actual change process is accomplished instantly with no effects;
 - (vi) Electronic message boards may operate only when the nonresidential use to which they belong is open or between the hours of 6:00 a.m. and 10:00 p.m., whichever time period is shorter, if installed on a property located adjacent to a residential property use, except that noncommercial uses may also operate an approved electronic message board until and during an event that is open to the public and held after 10:00 p.m.;
 - (vii) Be designed to either display a full black screen or turn off in the event of a malfunction;
 - (viii) Not be authorized until the Building Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the electronic message board; and
 - (ix) The area of an electronic message board may not exceed $\frac{1}{3}$ of the entire area of the freestanding sign.
- b. The owner of an electronic message board shall allow the City to use the electronic message board to communicate emergency public service information approved by the City Community Relations Director. The operational restrictions on electronic message boards set forth in this subsection shall not apply during

any time that the electronic message board is used to communicate authorized emergency public service information for the city.

- c. The owner agrees to (i) update with an approved emergency public service information communication, or (ii) discontinue the emergency public service message as soon as possible after receiving a request from the City Community Relations Director. The owner shall file and keep current at all times with the Office of Community Relations the name, email address, phone number, cell phone number, pager and other available emergency contact information of the employee(s) or representative(s) of the owner who has been authorized and designated by the owner to communicate the approved emergency public service message using the electronic message board.
7. Internally illuminated signs are not permitted on properties utilized for residential purposes, with the exception of internal illumination for the address of the property if the address is affixed to a home, garage, or mailbox on the property.

IX. Enforcement:

1. The City may remove any nontemporary sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this ordinance within 48 hours of issuance of written notice of the violation.
2. With respect to temporary or portable signs, in the absence of prior permission having been granted by the property owner for the immediate removal of signs in violation, the City may remove any such sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this ordinance within four hours of personal notice as defined below, or within 48 hours of issuance of notice as defined below. City officials may mark offending signs in a manner reasonably required for future identification. In the event that a marked sign is moved to another location, and such move does not cure the violation, the City shall not be required to give any additional notice before impounding the sign as a nuisance pursuant to the terms of this article.
3. In the case of any sign which is located in, projects into, or overhangs a public right-of-way or public easement in violation of this ordinance, the City may remove said sign without notice.
4. Signs impounded under this subsection will be logged and stored by the City for retrieval by its owner. Before any removed sign is returned to its owner, a fee as determined by the City shall be paid for the removal, storage, and reclamation. Any sign which is removed in accordance with this section shall be deemed abandoned if its owner or the

person responsible for the sign does not reclaim it within 10 days of the date of its removal, after which the City may dispose of the sign without any further notice.

5. For purposes of this subsection, “issuance of notice” is defined to include any of the following:
 - a. Facsimile, electronic mail, or first class mail transmission of notice of a violation to either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner;
 - b. Posting of notice of a violation on or reasonably near the sign which is in violation, so long as the posting is conspicuous from the distance at which the sign is generally readable;
 - c. Posting of notice of a violation on or reasonably near one or more entrances of a habitable building on the same property as the sign, so long as the posting is conspicuous;
 - d. Transmission of a telephonic message which indicates that a violation exists, and which offers a brief explanation of the nature of the violation, recorded on an answering system of either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner.
6. For purposes of this subsection, “personal notice” means personal contact by a Code Enforcement Officer, or other duly authorized agent of the City, with either a person mentioned on the sign, the person responsible for placing the sign, the property owner, or the property owner’s authorized representative or resident agent. “Personal contact” means that the officer or agent initiated a person-to-person conversation, or some other real-time communication via electronic means, whereby the officer or agent communicated the existence of the violation and a brief explanation of its nature.
7. For purposes of this subsection, the phrase “person responsible” for a temporary sign is the person who places the sign, unless the person first notifies the City Clerk’s office in writing of another person who is responsible. Persons responsible for political campaign signs also include the candidate for the political office advertised on the sign, unless the candidate first notifies the City Clerk’s office in writing of another person who is responsible and the property owner. In a campaign regarding a ballot measure, the president or chair of the committee supporting or opposing the ballot measure, as well as the property owner, shall be deemed the responsible person, unless the City Clerk’s office is notified in writing of another person who is responsible. The person who places the sign, the candidate or the president as applicable must provide the name, address, telephone number and signed consent of the other responsible person. Persons residing or located outside of Michigan may not be designated as responsible persons. The person

placing the sign, or in the case of political campaign signs, the candidate, or in the case of a ballot measure, the committee president or chair, or in each of these cases the other responsible person if so designated, shall be liable to pay any fees or costs incurred for the removal and storage of illegal signs upon retrieval. This subsection shall not be construed to place responsibility upon responsible persons for civil infraction or misdemeanor violations of the City Code.

8. Any company or individual which files a false affidavit or application for any reason relating to signage under this section shall be guilty of a misdemeanor punishable in accordance with the penalties applicable to misdemeanors set forth in Section [1-9](#) of the City Code.
9. Owners, lessors, and lessees may all be held equally responsible for violations of this section.

X. Nonconformity and modification:

1. Notwithstanding the provisions of Article 27, signs lawfully in existence on the date the provisions of the ordinance enacting this section were first advertised, which do not conform to the provisions of this section, but which were in compliance with the applicable regulations at the time they were constructed, erected, installed, affixed, or maintained, shall be regarded as nonconforming. However, a sign installed during the period of time following the day on which the United States Supreme Court released its opinion in *Reed v Town of Gilbert* (June 18, 2015) and the date the provisions of this section were first advertised for adoption shall not be considered a nonconforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the decision in *Reed v Town of Gilbert*.
2. A nonconforming sign shall not be enlarged or extended.
3. A nonconforming sign shall not be moved to another location on the same lot or to any other lot.
4. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage exceeds 50 percent of its appraised value, shall not be replaced or restored unless it complies with this section.
5. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage is 50 percent or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within 6 months after the date of the destruction or damage, and the sign is not

enlarged or extended. The time for replacement or restoration may be extended for one additional 6 month period if the Building Department verifies that the replacement and/or restoration process is underway, is being pursued in good faith, and delays in the process are reasonably related to insurance or other financing delays beyond the control of the owner of the sign.

6. A nonconforming sign declared to be unsafe by a code official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.
7. The owner of any premises on which there is installed a nonconforming sign shall, upon notice from the City Planner, submit verification within 60 days that the sign was lawfully in existence at the time of adoption of these sign regulations. The City Planner shall maintain a registry of such nonconforming signs.

XI. Additional requirements. In addition to the provisions set forth above, the following requirements shall apply to various types of signs, based on construction, design, or function, located in various use districts as set forth in the following Sign Regulation Table. However, the Table is only intended as an easy reference chart, and the regulations set forth following the Table are controlling if applicable to any particular sign or situation, regardless of whether the Table omits a reference to the regulation in any cell, row, or column.

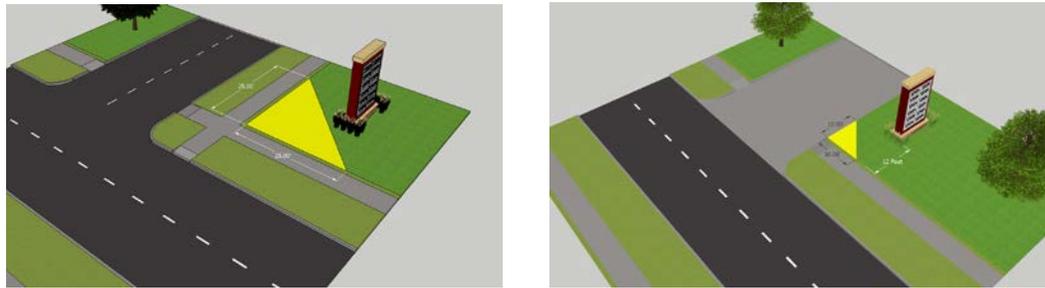
<i>SIGN REGULATION TABLE</i>						
<i>Type of Sign</i>	Use Districts					
	One and Two Family Residential	Multiple Family & Mobile Home	Commercial	Office Including Office Research	Industrial	Parking District
<i>Agricultural Sales Sign</i>	A, D, L	A, D, L	A, D	A, D	A, D	None
<i>Billboard</i>	B	B	B	B	B	None
<i>Directional Sign</i>	C	C	C	C	C	C

<i>Freestanding Signs</i>	D, L	D, L	D	D	D	D
<i>Identification and Name Plate Signage</i>	None	None	E	E	E	None
<i>Real Estate Development Identification</i>	F	F	F	F	F	None
<i>Residential Subdivision Identification</i>	G	None	None	None	None	None
<i>Super Regional Mall Signs</i>	None	None	H, I, J, K	None	None	None
<i>Temporary Signs</i>	L	L	L	L	L	L
<i>Wall Signs</i>	M, N	M, N	N	N	N	None
<i>Window Signs</i>	None	None	O	O	O	None

Sign Table References:

- A. Temporary agricultural sales signs shall be permitted only on parcels at which the City Planner has verified the existence of lawful agricultural sales activity. Permanent agricultural signs are only permitted in nonresidential zones, except that permanent agricultural signs will be permitted in nonresidential zones for properties that do not have a residential use as their principal use if the City Planner has verified the principal use of the property as agricultural.
- B. Billboards:
1. Billboards are freestanding off-premises signs.
 2. The City Council has determined that signs and billboards located on premises to which they do not specifically relate, and which are designed to capture the attention of motorists and others utilizing public ways, create a danger to public safety by distracting the attention of drivers from the roadway, who in some instances may focus on the message being conveyed, the anticipated message to follow, and/or other function of a billboard visible while operating a motor vehicle. A number of national and international studies during the period 2013 to 2016 have observed that “driving irrelevant” material may make it difficult to extract information that is necessary for safe driving; advertising signs affect driver attention to the extent that road safety is compromised; clear evidence of impaired driving performance became evident as drivers passed billboards at higher speeds; and drivers glance more at the time of a switch to a new message display than when a billboard is simply visible and stable.
 3. Further, the United States Supreme Court has recognized that it is not speculative to recognize that billboards, by their very nature, wherever located and however constructed, can be perceived as an aesthetic harm. An unmarred landscape promotes tourism and levels the playing field between local businesses and national chains.
 4. Several states have completely banned billboards, and at least 2 other states have banned the construction of any new billboards.
 5. Therefore, because billboards are only one form of expression for messages that can be communicated in many other reasonable and alternative ways, billboards are not permitted in the City of Sterling Heights, except as may be permitted by any governmental entity not subject to City regulation or control, in which instances all City regulations not otherwise preempted shall still apply, and if not preempted such billboards shall not exceed 25 feet in height or 150 square feet in area and shall be subject to the City’s sign permitting process.

6. Nonconforming billboards in existence on the date this subsection was adopted may be maintained and repaired so as to continue the useful life of the sign. However, no features or characteristics of nonconforming billboards may be expanded, enlarged, or extended, and all of the regulations in this section and in other sections of the City Code and applicable technical codes shall apply to nonconforming and exempt billboards in order to minimize their negative secondary effects, preserve the character and repose of adjacent areas, protect property values, and reduce traffic and similar hazards caused by undue distractions.
- C. Directional sign regulations and distinctions were recognized by *Reed v Gilbert* (2015) as protecting vehicular and pedestrian safety, and therefore they serve a compelling governmental interest.
1. Directional signs shall be considered incidental, shall be limited to 1 sign at each entrance, and shall not exceed 4 square feet and 4 feet in height. Directional signs set at an entrance point may be located within a required yard subject to the sight line and clearance distance restrictions set forth in this section.
 2. Directional, informational, and traffic control signs placed by government entities are permitted in all zoning districts and shall be installed, to the extent applicable, in accordance with the Manual on Uniform Traffic Control Devices.
- D. Freestanding signs:
1. In all developments that require site plan approval pursuant to Article 26, 1 permanent freestanding sign shall be permitted, except as otherwise provided herein.
 2. Permanent freestanding signs shall not exceed 15 feet in height as measured from the approved grade.
 3. No sign shall be installed within the required corner clearance area established in Section 28.03 nor within the corner clearance area created by the 2 lines of the existing or proposed (whichever is greater) right-of-way lines of exterior streets and the curb line of a nonresidential entranceway, and the straight line connecting them at points 10 feet distant from where the right-of-way lines intersect.



- i. Exception: The sight distance triangle may be extended by the City to conform to minimum Michigan Department of Transportation sight distance standards or in situations when the City Planner determines that an extension is required for public safety due to topography, road alignment, or other physical conditions of the area.
4. Freestanding signs shall be designed to be compatible with the architecture and approved masonry materials used on the principal building. All permanent freestanding signs shall be monument style with a brick and/or decorative stone base with no exposed poles which is a minimum of 2 feet or 20% of the total height of the sign and base, whichever is greater. The height of the base for permanent freestanding signs shall not exceed $1\frac{1}{2}$ times the width of the sign.
5. Up to $\frac{1}{3}$ of a permitted freestanding sign may consist of an electronic message board or changeable copy area.
6. For developments having more than 1 frontage on a major or secondary thoroughfare having a right-of-way of at least 86 feet or greater, 1 freestanding sign shall be permitted to be located on each frontage, provided the distance between the 2 signs is not less than 500 feet measured along the abutting right-of-way line.
7. Permanent freestanding signs are not permitted on single-family residential properties, with the exception of residential subdivision identification signs as permitted in this section.
8. Off-premises signs are prohibited. Freestanding signs on nonresidential properties must relate to the business, activity, or service conducted on the premises upon which the sign is placed.

Exception:

- i. Freestanding off-premises signs for business tenants, if part of a unified development where separate parcels exist, so long as no other freestanding

sign already exists on the parcel where the freestanding off-premises sign is proposed.

- ii. Public signs, warning signs, and permitted directional signs.
9. The maximum size of a freestanding monument sign may be increased by 20% up to a maximum of 16 square feet provided the owner of the property agrees in a recorded document to irrevocably dedicate that additional dedicated square footage of the monument sign to solely advertise that space is available for rent, lease, occupancy, or sale.
 10. Permanent freestanding signs may be located in the required front yard if they are at least 12 feet from the existing or planned public right-of-way (whichever is greater) as shown in the Master Road Plan or at least 5 feet back from the curb or pavement of any private street. Permanent freestanding signs shall not be located in a required side yard or required rear yard. Temporary freestanding signs may be located in the required front yard if they are at least 5 feet from the public right-of-way as shown on the Master Road Plan or at least 5 feet back from the curb or pavement of any private street.
 11. A permanent freestanding sign shall not be closer than 100 feet from any adjacent single or two family zoning district or 50 feet from any off-site sign.
 12. The maximum size of a freestanding sign in C-1, C-2, C-3, C-4, O-1, O-2, O-3, OR, TRO, PCD, M-1, and M-2 Districts (and on properties used for purposes that are only permitted in those districts) shall not exceed one square foot for each two linear feet of street frontage to which that sign is oriented. In no instance shall the frontage of two or more streets be combined in computing the maximum size permitted. The maximum size of any freestanding sign shall be 150 square feet. A freestanding sign may include an electronic message board provided the requirements set forth in this section for electronic message boards are met.
- E. An identification (nameplate) sign shall be considered incidental, and 1 sign, not exceeding 6 square feet, may be installed by each tenant. In addition to the identification signs for occupants, the rental and/or management office of the development may have 1 identification sign not to exceed 4 square feet in size.
- F. Real estate development signage is permitted as follows:
1. One 2-sided sign or two 1-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one 2-sided

sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.

2. Signs permitted under this subsection may not exceed a maximum size of 25 square feet.
3. All other provisions of Section 28.13 not in conflict with this subsection shall apply.

G. Residential subdivision identification signs:

1. Shall not exceed a maximum size of 25 square feet per sign.
2. Shall be permitted to be located either upon masonry walls along the perimeter of the development meeting the requirements of section [24.01](#) or upon a masonry entranceway structure meeting the requirements of section [28.12](#).
3. One 2-sided sign or two 1-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one 2-sided sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.
4. The residential subdivision identification sign structure shall be in scale with any adjoining landscape treatment.
5. No entranceway sign structure permitted under this subsection shall be constructed of exposed concrete block, cinder block, precast concrete panels, or poured concrete.
6. Any permitted residential subdivision identification sign shall be located in either a common area of the development or upon property for which a private easement has been granted to a subdivision association (or similar entity) which shall have the responsibility for maintaining the sign and any appurtenant structures. An agreement providing for the maintenance of the sign(s) or structure(s) in recordable form satisfactory to the City shall be furnished to the City prior to installation of the sign(s) or structure(s).
7. To the extent that any of the provisions of this section are in conflict, mobile home park identification signage shall instead meet the applicable requirements of Section 5.01.

- H. One Super Regional Mall Boulevard Entrance sign shall be permitted to be located upon each boulevard leading from a major thoroughfare to a Super Regional Mall. A Super Regional Mall Boulevard Entrance sign shall not exceed 48 square feet in area and 6 feet in height.
- I. One Super Regional Mall Directional sign shall be permitted to be located adjacent to the intersection of each entrance road and the ring road of a Super Regional Mall development upon either the property of the Super Regional Mall provided a satisfactory easement has been granted, or within the City right of way of the boulevard leading from a major thoroughfare to the Super Regional Mall. A Super Regional Mall Directional sign shall not exceed 32 square feet in area and 8 feet in height.
- J. One banner style Super Regional Mall Festoon sign shall be permitted to be attached to each parking lot pole located on a lot or parcel abutting the interior roadway (or similar access system) of the Super Regional Mall shopping center development. Such signs shall not exceed 54" in height and 30" in width and shall be hung vertically. Such signs shall be made of durable double sewn reinforced fabric of 16 ounce weight or more. Such signs shall contain the approved design logo of the Super Regional Mall district which shall comprise not less than 25% of the area of the signs.
- K. One Super Regional Mall Primary Entrance sign shall be permitted to be located adjacent to a major thoroughfare under the Master Road Plan which abuts a Super Regional Mall. The Super Regional Mall Primary Entrance sign shall not exceed 300 square feet in area and 25 feet in height.
- L. Temporary signs:
 - 1. Shall be maintained free of rust, corrosion, peeling, breakage, graffiti, obfuscation, and all other damage or defacement.
 - 2. All temporary signs shall be aesthetically pleasing and designed and constructed of durable materials installed in conformance with the current provisions of the Michigan Building Code, as amended, and maintained in accordance with the provisions of the International Property Maintenance Code, with local amendments, as adopted by the City.
 - 3. Shall not be installed in such a manner that it interferes with, or might reasonably be expected to interfere with, vehicular or pedestrian traffic.
 - 4. Shall not be installed within any dedicated right-of-way.
 - 5. Shall only be located on property with the approval of the person or entity with authority to approve it.

6. Must be placed a minimum of 5 feet from any side property line.
7. All temporary signs shall be removed within 7 days after they are no longer necessary for, or capable of, fulfilling their intended purpose.
8. For long-term temporary signs, all ground-mounted support posts shall be constructed of 4" x 4" pressure-treated posts with decorative post caps. All support posts and decorative post caps, and other supporting framework, shall be painted a uniform color.
9. A temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that is mobile and can be moved to another location, shall be stabilized so as not to pose a danger to public safety. Prior to the sign being installed, the Building Department shall approve the method of stabilization.
10. On properties utilized as single-family residential:
 - a. Short-term temporary signs shall not exceed 3 square feet.
 - b. Long-term temporary signs shall not exceed 6 square feet.
 - c. Total square footage for all temporary signage shall not exceed 9 square feet.
 - d. The length shall not exceed the width of the sign by more than a 3-to-1 ratio.
 - e. The height shall not exceed 5 feet from top to ground.
11. On properties that are not utilized as single-family residential:
 - a. Because non-residential uses are afforded a variety of unique options for expression of commercial and site-usage messages based on the inherent distinctions between residential and non-residential property uses, including but not limited to freestanding signage, wall signage, window signage, and identification signage, the City deems the societal interests in limiting the proliferation of blight and reducing driver distraction and vision obstructions to be paramount over the ability to communicate additional commercial messages through signage. Therefore, temporary signs relating to the commercial use of the property are not permitted unless approved as an integral but incidental part of a temporary use permit, the process for which is set forth elsewhere in the City's Zoning

Ordinance. The term “commercial use of the property” means any activity on the site that is related to, or which promotes, the use(s) for which a certificate of occupancy has been granted by the City, or for which any use variance or special approval land use has been approved.

- b. For all temporary signage not relating to the commercial use of the property:
 - i. Short-term temporary signs shall not exceed 12 square feet.
 - ii. Long-term temporary signs shall not exceed 16 square feet.
 - iii. Total square footage for all temporary signage shall not exceed 40 square feet.
 - iv. The length shall not exceed the width of the sign by more than a 6-to-1 ratio.
 - v. The height shall not exceed 5 feet from top to ground.
 - vi. No temporary signs are permitted until unused space on any building or monument sign is filled, unless an administrative modification is granted by the Administrative Review Board, or a variance is approved by the Zoning Board of Appeals. If a temporary sign is placed and thereafter 16 or more square feet of unused space on the existing monument sign becomes available, the temporary sign shall be removed within 60 days.
 - vii. Standards for an administrative modification from the Administrative Review Board:
 - (a) The property owner has less than 16 square feet of unused space on the existing monument sign available; or
 - (b) The property owner has less than 16 square feet of usable contiguous space on the existing monument sign available, even if there is more than 16 square feet of unused space on the existing monument sign.
 - viii. Standards for a variance requested from the Zoning Board of Appeals:

- (a) The property owner demonstrates an unfair or undue hardship or practical difficulty in complying with one or more of the provisions of this subsection relating to temporary signs.
 - (b) The Zoning Board of Appeals may consider the additional factors set forth elsewhere in the Zoning Ordinance for granting a variance, but may relax or waive those considerations due to the temporary nature of the variance, which shall expire as proscribed by the Zoning Board of Appeals.
 - (c) The Zoning Board of Appeals may impose conditions deemed reasonable under the circumstances underlying the variance request in order to protect the character of the surrounding area, honor the spirit and intent of the Zoning Ordinance and the regulations governing signage, and do substantial justice to the applicant and nearby property owners.
- ix. A property owner aggrieved by a decision of the Administrative Review Board may appeal that decision to the Zoning Board of Appeals, which shall determine whether there is competent, substantial, and material evidence to support the decision of the Administrative Review Board. The Zoning Board of Appeals may affirm, modify, or reverse the decision of the Administrative Review Board. The Zoning Board of Appeals may impose new conditions if it modifies the decision of the Administrative Review Board or grants approval of the property owner's request for relief.
12. A cold air balloon may be permitted in conjunction with a temporary use permit for a period not exceeding 5 days in any calendar year, provided that it is safely secured to the ground as determined by the Building Department.
13. Registration Requirements: Every temporary sign in a non-residential zoning district or installed on any vacant parcel within the City shall be registered prior to installation. A permit is not required.
- a. Any sign still installed after the expiration of its registration shall be subject to removal by the City.
 - b. Registration may be submitted through an online portal on the City's website or by using a form provided by the City Clerk.
 - c. The registration shall include the following information in order for the registration to be deemed effective:

- i. The address of the location for the temporary sign.
 - ii. A description of the sign (or image) with the sign's dimensions;
 - iii. The first and last name of the registrant;
 - iv. Whether the sign is a short-term or long-term temporary sign;
 - v. If the registrant is not the owner or a person with authority over the use of the location, the name, telephone number or e-mail address for the individual who provided permission for installation of the sign;
 - vi. A mailing address, telephone number, and e-mail address for the registrant to which the City Clerk will provide confirmation of the registration or any deficiencies in the registration information; and
 - vii. A certification that the registrant has permission or authority from the property owner or person with authority over the property for installation of the sign.
- d. If the registrant does not specify a start date for the sign to be displayed, registration of the sign shall be effective upon written confirmation by the City that all information required by this subsection has been accurately provided.
- e. No fee shall be charged for registering any temporary signs.
- f. Registration of a short-term temporary sign is valid for 90 days. Registration of any long-term temporary sign is valid for 1 year. One renewal for an additional 90 days for short-term temporary signs and for an additional 1 year for long-term temporary signs shall be granted administratively upon written request so long as the sign remains in compliance with all other requirements of this section. No additional registrations for the same location shall be accepted by the City during any 12-month period, and if the sign pertains to an event, occurrence, or activity, no registration shall be accepted by the City more than 90 calendar days prior to said event, occurrence, or activity.
- g. Any sign still installed after the expiration of its registration shall be subject to removal by the City.
- h. When such signs exceed the quantity or size limitations on any parcel, those with a registration that became effective first in time shall have priority to remain in place.
- i. A property owner may revoke, in writing, any sign registration for the owner's property at any time. Revocation shall be effective immediately

upon verification by the City of the veracity of the written revocation. The City may immediately remove any signs for which revocation of a registration has become effective under this subsection.

- j. These registration requirements do not apply to temporary signs authorized by the City in conjunction with a temporary use permit.
 - k. Registration of a temporary sign that is not otherwise permitted does not validate the installation of the sign and will not be deemed a defense to any removal or enforcement by the City.
14. Temporary signage not exceeding 100 square feet to be used in conjunction with a municipality-sponsored event shall not require review, registration, or permit.
15. All temporary signs shall be subject to removal by the City if the signs are placed within any right-of-way or have become dilapidated, damaged, dangerous, faded, or an attractive nuisance.
16. Signs removed by the City shall be held for 10 days before disposal, and may be retrieved during that time by the owner or individual responsible for the sign upon payment of any administrative processing fee established by the City's annual appropriations ordinance.
- a. Alternatively, the owner or individual responsible for the sign may appeal the City's determination regarding the improper condition of the sign to the Administrative Review Board. In such instance, the City shall retain the sign until the appeal is concluded, but need not retain the sign for any future appeal efforts if the appeal is denied by the Administrative Review Board. If the Administrative Review Board grants the appeal and deems the sign to be satisfactory, the administrative processing fee shall be waived and the sign shall be returned to the applicant within 1 business day, and may not be removed by the City again for a minimum of 14 days or for such other period of time deemed appropriate by the Administrative Review Board.
- M. For uses other than residential in residential zoning districts (i.e. farming, agricultural, schools, churches, cemeteries, nursing homes, private clubs, fraternal organizations), there shall be allowed one wall sign with a maximum area of 32 square feet or one freestanding sign with a maximum area of 32 square feet and not exceeding seven feet in height.
- N. The maximum size of wall signage in C-1, C-2, C-3, C-4, O-1, O-2, O-3, OR, TRO, PCD, M-1, and M-2 Districts (and on properties used for purposes that are only permitted in those districts) for buildings and for individual tenant spaces shall not exceed 10% of the

total area of the structure frontage, including the area of all fenestration, and in no instance shall the sign area of all wall signage exceed 200 square feet. A wall sign may be located on the front, rear, or side facade of the building. Wall signs shall not extend above the top of a parapet wall or an eave line at the wall, whichever is higher.

1. A wall sign shall be installed only on the wall of the tenant space to which the sign pertains and shall be aesthetically and thematically compatible with the building, other wall signs, the overall development of the parcel, and nearby properties.
 2. The structure frontage for calculating the permitted wall signage is the overall horizontal length of the outside structure wall of the establishment that fronts a public or private roadway and is then multiplied by the overall height of the walls of such structure. If the structure has more than 1 wall plane which runs parallel to the frontage road, the sum of all such wall planes may be calculated in determining overall structure frontage.
 3. An identification sign shall be considered incidental, and 1 sign, not exceeding 6 square feet, may be installed by each tenant.
 4. One additional wall sign relating to the commercial use of the property is permitted on those facades of a building that are not visible from a public way, subject to a maximum size limitation of 10% of the tenant space facade for each tenant, or 10% of the building facade, on which the wall sign is located.
- O. Window signage is permitted but the maximum size of a window sign shall not exceed 25% of the total glass area of the facade it is located on, and in no instance shall a window sign exceed 150 square feet in area.

Section 2. Article 31, Section 31.01 of Zoning Ordinance No. 278 shall be revised to delete the following definitions:

SUPER REGIONAL MALL. A shopping mall with over 800,000 square feet of gross leasable area which serves as the dominant shopping venue for the region in which it is located.

SUPER REGIONAL MALL BOULEVARD ENTRANCE SIGN. A business sign identifying a Super Regional Mall that is located upon the median of each boulevard leading directly into a Super Regional Mall development.

SUPER REGIONAL MALL DIRECTIONAL SIGN. A sign directing vehicular and pedestrian traffic to particular businesses within a Super Regional Mall that is located upon a private easement of a lot or parcel adjacent to the ring road of the Super Regional Mall or the

boulevard leading directly into the Super Regional Mall development from a major thoroughfare as identified on the Master Road Plan.

SUPER REGIONAL MALL FESTOON SIGN. A banner style sign attached to a parking lot light pole located upon a lot or parcel abutting a ring road of a Super Regional Mall development. Such signs must be double-sided pole pocket style.

SUPER REGIONAL MALL PRIMARY ENTRANCE SIGN. A business sign identifying a Super Regional Mall and its major tenants, and promoting events and activities taking place at the Super Regional Mall that is located upon a private easement of a lot or parcel adjoining a major thoroughfare as set forth on the Master Road Plan.

Section 3. All other provisions of Zoning Ordinance No. 278 not amended in this amendment shall remain in full force and effect.

Section 4. This amendment shall become effective seven days after publication of this amendment or a notice of adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sterling Heights on the 5th day of July, 2016, and was duly adopted at a regular meeting of the City Council of the City of Sterling Heights on the 19th day of July, 2016.

MARK CARUFEL
CITY CLERK

INTRODUCED: 07-05-16
ADOPTED: 07-19-16
PUBLISHED: 07-27-16
EFFECTIVE: 08-03-16

Roll call vote on main motion, as amended in Amendments No. 1, 2, 3 and sub motions:

Yes: Romano, Taylor, Koski, Schmidt, Shannon, Skrzyniarz, Ziarko.

The motion carried.

CONSENT AGENDA

3. Mr. Carl Schumak of Sterling Heights addressed Consent Agenda Item I, as it relates to the lawsuit regarding fireworks, stating it is a waste of money to proceed.

Moved by Koski, seconded by Romano, **RESOLVED**, to approve the Consent Agenda:

- A. To approve the minutes of the Regular Meeting of July 5, 2016, as presented.
- B. To approve payment of the bills as presented: General Fund - \$692,104.25, Water & Sewer Fund - \$2,711,350.63, Other Funds - \$5,149,546.59, Total Checks - \$8,553,001.47.
- C. **RESOLVED**, to award the bid for asphalt materials to Cadillac Asphalt, LLC, 2575 Haggerty Road, Canton, MI 48188, at the unit prices specified below for six months from date of bid award:

Section A1 - Cold Patch - DPW to pick up	\$ 95.00 per ton
Section A2 - Cold Patch UPM - DPW to pick up	\$110.00 per ton
Section A1 - Cold Patch - Delivered	\$101.00 per ton
Section A2 - Cold Patch UPM - Delivered	\$115.00 per ton
Section B1 - 1100 Leveling (20AA) - DPW to pick up	\$ 50.00 per ton
Section B2 -1100 Topping/Wearing (20AA)- DPW to pick up	\$ 50.00 per ton
Section B3 - Wearing 36A - DPW to pick up	\$ 56.00 per ton

with an option for the City Manager to extend the term of the bid three additional six-month periods on the same terms and conditions, upon mutual consent of the City and Cadillac Asphalt, LLC.

- D. **RESOLVED**, to split the award of the bid for sign materials for the Department of Public Works to the following vendors and at the respective unit prices bid for a one-year period:
1. To Garden State Highway Products, Inc., 1740 E. Oak Road, Vineland, NJ 08361, for bid items A (sign faces), C (3M™ high intensity prismatic reflective sheeting), D (pressure sensitive high intensity reflective sheeting), E (3M™ diamond grade conspicuity tape), F (3M™ electrocure transparent acrylic film), L (sheeting, electronic cutting machine #8), N (aluminum sign blanks), O (u-channel sign brackets), Y (3M™ graphic film), Z (3M™ prismatic reflective sheeting), and AA (diamond grade reflective sheeting);
 2. To Lightle Enterprises of Ohio, LLC, P.O. Box 329, Frankfort, OH 45628, for bid items B (posts) and P (highway marker delineators);
 3. To American Traffic Safety Materials, Inc., P.O. Box 1449, Orange Park, FL 32067, for bid item L (sheeting, electronic cutting machine #1-7), and M (Application tape, standard tack);
- and authorize the City Manager to extend the bid term for a one-year period at unit prices bid.
- E. **RESOLVED**, to approve the purchase of a 2017 Elgin Waterless street sweeper from Bell Equipment Company, 78 Northpointe Drive, Lake Orion, MI 48359, through the State of Michigan cooperative bid, MiDeal contract #071B1300075, in the net amount of \$275,000.

- F. **RESOLVED**, to:
- a. Approve the purchase of a 2017 Freightliner 114SD tandem axle chassis from Wolverine Freightliner - Eastside, Inc., 107 S. Groesbeck, Mt. Clemens, MI 48043 at pricing available through a Michigan Intergovernmental Trade Network (MITN) master agreement, #RFP-RH-13-30, in the amount of \$120,852; and,
 - b. Approve the purchase of a Henderson dump body, plow, underbody blade, and accessories from Knapheide Truck Equipment, 1200 S. Averill Avenue, Flint, MI 48503, at pricing available through a National Joint Powers Alliance cooperative contract, #080114-HPI, in the amount of \$137,175.
- G. **RESOLVED**, to approve the purchase of eight tax foreclosed parcels of real property situated in the City of Sterling Height from Macomb County at a cumulative cost of \$22,323.36, and authorize the City Manager to sign all documents required in conjunction with this approval on behalf of the City.
- H. **RESOLVED**, to approve final payment to Ken Jackson Cleanup, Inc., 2873 Leach Road, Rochester Hills, MI 48309, in the amount of \$21,250.00, plus interest on retainage, for Clinton River Corridor Tree Removal, City Project #15-278.
- I. **RESOLVED**, to receive the lawsuit, *Black Diamond Fireworks, LLC d/b/a Pro Fireworks vs. City of Sterling Heights*; Macomb County Circuit Court Case No. 16-2309-CZ.

Yes: All. The motion carried.

CONSIDERATION

4. Police Chief John Berg made a presentation on the consideration of a resolution authorizing the initiation of Circuit Court proceedings to abate public nuisances resulting from the cultivation of medical marihuana in residences. He explained the law allows persons to grow up to 72 marihuana plants for their qualifying patients in their residences under certain circumstances. They never took into account growing it would have on the neighborhood homes and communities. We are now receiving increased complaints about the strong and noxious odors. The City has identified at least 12 caregiver grow locations that have failed to register with the City Clerk and there may be more locations. The Chief believes court action will be necessary to force compliance. He is recommending the City Council adopt the resolution to abate the public nuisances resulting from the cultivation of medical marijuana in residences.

Mr. Jeffrey Norgrove thanked the Sterling Heights Police Department. He stated he spoke on this issue after it was passed and questioned how broad of a law this actually was. He is surprised that only one caregiver actually registered with the City. Mr. Norgrove is in support of this resolution and hopes the City Council approves it.

Moved by Ziarko, seconded by Skrzyaniarz, **RESOLVED**, to adopt the resolution authorizing the initiation of Circuit Court proceedings to abate public nuisances resulting from the cultivation of medical marihuana in residences.

Councilwoman Ziarko stated as we get complaints we are learning more and more of what cannot be done because of the state law.

Councilman Skrzyniarz questioned whether the Chief would characterize this as an effort to provide them with tools to crackdown on growers that are extreme and beyond the rules in this case.

The Chief responded they are working on multiple cases at this time. There are extreme cases that have already occurred.

Councilman Skrzyniarz stated it is his opinion that something like this would give the Chief the tools to go after those people that are breaking the law. This is an important resource for people who are seriously ill and using it legally.

RESOLUTION

This Resolution was made and adopted at a meeting of the City Council of the City of Sterling Heights, Macomb County, Michigan held at the City Center on the 19th day of July, 2016.

Members Present: Koski, Romano, Schmidt, Shannon, Skrzyniarz, Taylor, Ziarko

Members Absent: None

The following preamble and resolution was offered by Member Ziarko and supported by Member Skrzyniarz.

WHEREAS, the Michigan Medical Marihuana Act (“MMA”) adopted in 2008 allows certain individuals to grow marihuana in enclosed, locked facilities (including residences) for medical use (i) by qualifying patients being treated for a debilitating medical condition, and (ii) by registered caregivers who have agreed to assist one or more qualifying patients; and

WHEREAS, the growth and cultivation of marihuana plants in enclosed, locked residential facilities often cause the emission of strong, persistent, noxious fumes and odors which are offensive to neighboring residents who often complain about the health impacts and nuisance effects of such marihuana cultivation activities in their residential neighborhood, and in

other instances, can create hazardous conditions on the property that violate the City's Code of Ordinances; and

WHEREAS, the City of Sterling Heights has received a dramatic increase in the number of complaints from neighboring property owners and residents about strong, noxious fumes and odors emanating from enclosed, locked residential facilities which are growing and cultivating marihuana plants onto their neighboring properties; and

WHEREAS, the Sterling Heights Code Enforcement Officers believe that such offensive fumes and odors constitute a condition which falls within the definition of "public nuisance" as defined in Section 33-2 (G) of Chapter 33 of the City Code, which includes conditions such as "dust, smoke, odors, and noxious fumes which interfere unreasonably with the use of nearby property or the enjoyment of life and property"; and

WHEREAS, Section 11-144 of the Sterling Heights Code of Ordinances authorizes the City, in accordance with procedures established by the City Manager and City Council, to proceed with the filing of an action in the Macomb County Circuit Court to compel a responsible party to bring a property into compliance with the provisions of the City Code if the Code Enforcement Official has reasonable grounds to believe that a violation of the City Code exists in lieu of proceeding to a hearing before the Board of Ordinance Appeals; and

WHEREAS, the Sterling Heights Code of Ordinance provides that Circuit Court action may be brought in accordance with applicable Michigan law and shall provide the responsible party, after notice as required by law, an opportunity to be heard prior to any corrective action taking place, unless otherwise authorized by the Court; and

WHEREAS, it is currently necessary under Section 11-144 of the City Code for the City Council to adopt a separate resolution authorizing the City Attorney to initiate a Circuit Court Action to bring a particular property into compliance with the provisions of the City Code; and

WHEREAS, City Administration believes that it is necessary to be able to move more quickly to abate any public nuisances where the Code Enforcement Official has determined, or has reasonable grounds to believe, that fumes or odors emanating from an enclosed, locked residential facility growing and cultivating of marihuana are interfering unreasonably with the use of nearby properties, or the enjoyment of life and property of neighboring residents, and/or the growth and cultivation of marijuana in the residence is being conducted in such a way so as to violate the City's Code of Ordinances; and

WHEREAS, City Administration believes that in order to be able to more expeditiously abate any public nuisances caused by the growth and cultivation of marihuana in enclosed, locked residential facilities, it is advisable for the City Council to adopt a standing resolution authorizing the City Attorney to initiate Circuit Court action to bring a property into compliance under Section 11-144 of the City Code in certain circumstances.

NOW, THEREFORE,

BE IT RESOLVED, that the City Attorney shall be authorized to promptly file an action in the Macomb County Circuit Court seeking abatement of a violation of the City Code of Ordinances and such other relief deemed just and equitable where (i) the City Code Official has determined, or has reasonable grounds to believe, that marihuana is being grown or cultivated in such a manner as to violate the City Code of Ordinances constituting a nuisance, and (ii) the City Manager, City Development Director, and City Attorney have reviewed the facts and circumstances of any alleged violation and determined that such enforcement action is warranted.

BE IT FURTHER RESOLVED, that the City Manager shall file a report with the City Council pertaining to the initiation of any Circuit Court proceedings authorized by this Resolution within a reasonable time period following the initiation of such litigation.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL ON JULY 19, 2016.

CERTIFICATION

I, Mark Carufel, certify that the above resolution is a true copy of the Resolution made and adopted by the City Council of the City of Sterling Heights at its regular meeting held on July 19, 2016.

Mark Carufel, City Clerk

Yes: All. The motion carried.

5. Ms. Denice Gerstenberg, City Development Director, made a presentation on the proposed amendment to the fiscal year 2016/2017 budget to appropriate tax increment finance revenues to support the Local Development Finance Authority District improvements.

Dr. Steve Naumovski stated he has been asking for 15 years for an Ethnic Museum.

Mr. Charles Jefferson inquired whether the City has been in contact with SMART to help them on this project.

Moved by Skrzyniarz, seconded by Ziarko, **RESOLVED**, to approve an amendment to the fiscal year 2016/2017 budget to appropriate \$600,000 of LDFA TIF revenues to account #87700718 988280.

Councilman Skrzyniarz stated it is important to build upon what we have already done and make this area more attractive. He believes this is money well spent and a very good investment for the City.

Councilman Romano questioned whether the money has to be allocated to the corridor and Ms. Gerstenberg responded yes it does.

Councilwoman Koski questioned whether road improvements would be done when additional money comes in.

Ms. Gerstenberg responded yes, they will reevaluate it in the next year or so and prioritize the road improvements to be done.

Mayor Taylor thanked Ms. Gerstenberg and Hubbell, Roth and Clark for working on this.

He stated this will be another step in trying to create an identity in Sterling Heights.

Yes: All. The motion carried.

COMMUNICATIONS FROM CITIZENS

Mr. Jeffrey Norgrove - Urges support from the residents for the Sterling Heights Police Department, Invited everyone to join in Sterlingfest.

Mr. Bob Maynard, Macomb Township - Blessings in a Backpack - Utica.

Dr. Steve Naumovski - In support of Police Department and Ethnic Community Committee keeping City safe, Invited all ethnic communities to participate in festivals at Freedom Hill, Introduction of candidates for the upcoming election, People need to exercise their right to vote and watch the City Council meetings.

Mr. Robert Lulgjuraj - Expressed thanks to the Mayor and City Council for reappointing him to the Ethnic Community Committee.

Mr. Charles Jefferson - Detroit police officer demoted for remarks on Facebook/first amendment rights, Procedure to follow when a police officer approaches your car, Need for psychological evaluations, need for questions to be answered.

Mr. Carl Schumak - Thank you to the Police Department for everything they do for this community, Need for issues to be addressed.

Mr. John Spica - Congratulated Council members for winning the pierogi eating contest, Candidates rights to pass out literature or have a booth at Sterlingfest, Supports the City allowing the candidates to be introduced on the City's website, Reminded residents to vote in the primary election in August, Thank you to the Sterling Heights Police Department for the great job they do in protecting the City and residents.

Ms. Jazmine Early - Condition of neighborhood roads, Park proposals on the ballot/urges residents to vote, Thank you to the Sterling Heights Police Department.

Mr. Dennis White - Sky lanterns.

CONSIDERATIONS (Cont'd)

6. Mr. Vanderpool explained the Memorandum of Understanding between the City of Sterling Heights and the Sterling Heights Police Officers Association/Michigan

Association of Police. He gave a background on the Deferred Retirement Option Plan (DROP) and explained the simple amendment that would allow two DROP participants to receive a pay-out of their earned, but unused vacation time at the time of separation.

Moved by Romano, seconded by Schmidt, **RESOLVED**, to approve the Memorandum of Understanding between the City of Sterling Heights and the Sterling Heights Police Officers Association/Michigan Association of Police and authorize the Mayor and City Clerk to sign it on behalf of the City.

Councilwoman Ziarko inquired whether this would affect anyone else and Mr. Vanderpool responded no, just these two employees.

Yes: All. The motion carried.

- 7 Moved by Schmidt, seconded by Taylor, **RESOLVED**, to appoint John Pitrone to the Ordinance Board of Appeals II as an alternate member for a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Skrzyniarz, seconded by Taylor, **RESOLVED**, to appoint Michael Stickney to the Ordinance Board of Appeals I as an alternate member for a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Schmidt, seconded by Taylor, **RESOLVED**, to appoint Louis Ottolini to the Ordinance Board of Appeals II as an alternate member for a term ending June 30, 2019,

subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Shannon, seconded by Taylor, **RESOLVED**, to appoint Benjamin McMartin and Paul Zdzieblowski to the Ordinance Board of Appeals I for a term ending June 30, 2019, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

8. Moved by Romano, seconded by Schmidt, **RESOLVED**, to postpone a nomination to the ZBA to the August 3, 2016 regular City Council Meeting.

Yes: All. The motion carried.

Moved by Romano, seconded by Taylor, **RESOLVED**, to postpone a nomination to the OBA II to the August 3, 2016 regular City Council Meeting.

Yes: All. The motion carried.

9. Moved by Schmidt, seconded by Romano, **RESOLVED**, to appoint Stacy Ziarko to the Arts Commission to a term ending June 30, 2020, subject to the appointee meeting the qualifications set forth in Charter §4.03 and taking the oath of office within two weeks.

Yes: All. The motion carried.

Moved by Romano, seconded by Taylor, **RESOLVED**, to postpone the appointment to the Beautification Commission to the August 3, 2016 regular City Council Meeting.

Yes: All. The motion carried.

REPORTS FROM CITY ADMINISTRATION AND CITY COUNCIL

Mr. Vanderpool stated in regard to sky lanterns, the City has issued citations for violations of that ordinance.

Mr. Vanderpool stated in regard to candidates at Sterlingfest, there is a map and handout where zones are highlighted in green on the map, specifically in the sidewalk areas and along the sidewalks on Utica Road as well.

There was no report from Mr. Kaszubski at this time.

Councilman Skrzyaniarz commended Mr. Jefferson for his remarks this evening and stated he has a lot of trust and faith in Chief Berg and the whole police department. The Police Department has a very aggressive plan and it's all about dialog. We have to talk through problems and understand where each side is coming from.

Councilman Skrzyaniarz pointed out he would not be able to attend Sterlingfest, but thanked the City Manager and all employees for their hard work on it.

UNFINISHED BUSINESS/NEW BUSINESS

Councilman Romano publicly admitted a mistake on his part when he said that Senator Tory Rocca co-sponsored Bill 4293, Michigan Fireworks Act. He stated that Senator Rocca did vote for it.

Councilman Romano reminded residents to be safe when outside cutting grass and related an incident where a break-in occurred when a resident was in the back yard cutting their grass. He stated it's important to remember to lock the doors and close the garage door when you go into the back yard to cut the grass.

Councilman Shannon discussed the effective date of the amended sign ordinance.

Mayor Taylor spoke in support of the Sterling Heights Police Department and stated that people need to do what they are supposed to do when pulled over by a police officer.

ADJOURN

Moved by Ziarko, seconded by Romano, to adjourn the meeting.

Yes: All. The motion carried.

The meeting was adjourned at 10:57 p.m.

MARK CARUFEL, City Clerk