

DRIVEWAY CULVERTS
Ord. No. 400
Adopted November 19, 1990

An ordinance to provide for the obtaining of permits for driveway culverts, the installation and cost thereof; the levy and collection of the costs incurred when undertaken by the Township and to provide penalties for the violation thereof.

THE TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1.

It shall be unlawful for any person or persons to construct or maintain a driveway approach or other obstruction leading from any street or road to a lot or parcel of land abutting there on which may in any way obstruct or interfere with the free and continuous flow or passage of water, in, through or along any public gutters, water course, drain or ditch in such street or road, without first placing in the bottom of such gutter water course, drain or ditch, a metal culvert pipe as hereinafter provided and maintaining the same safe and unobstructed.

Any culvert pipe installed in any public street or road, shall be approved by the Board of County Road Commissioners of the County of Genesee or their appointed representative and shall be installed in a manner approved by the Board of County Road Commissioners of the County of Genesee in a location at a grade and at such elevation that it will not obstruct or interfere with the free and continuous flow or passage of water in the direction designated by the established grade of such gutter water course, drain or ditch, and shall be covered with material suitable for the use intended.

SECTION 2.

Whenever any person shall desire to construct a driveway or obstruction in a gutter, water course, drain or ditch, he shall make application to the Board of County Road Commissioners of the County of Genesee for a permit for such installation. If there appears to be no objection to such installation by the applicant, the Board of County Road Commissioners of the County of Genesee will issue a permit for the installation, in accordance with its regulations and shall make a record of such permit.

SECTION 3.

Whenever any street, road, lane or alley in the Township of Genesee has been graded, ditched or paved without curbs or whenever any existing culvert has not been maintained or because its condition is interfering with the free and continuous flow or passage of water, it shall be the duty of the clerk of the Township of Genesee, to serve or cause to be served, a written notice upon the owner or agent of any lot or parcel of land abutting said street, road, lane or alley, which has a driveway approach or other obstruction leading from said lot or parcel of land to the traveled portion of the street, road, lane or alley, requiring him or them to install culvert pipes in all such driveways, approaches or obstructions in accordance with Section 1 and 2 of this ordinance within 10 days after the service of said notice. It shall further be the duty of said clerk to serve or cause to be served with notice above mentioned upon the owner or agent of any lot or parcel of land abutting any street, road, lane or alley in the Township of Genesee who has not complied with the conditions specified in Sections 1 and 2 hereof. In case the Clerk or other authorized agent or employee shall be unable to find within the Township, the owner or agent of any such lot or parcel of land abutting such street, road, lane or alley, then such notice may be served by posting in some conspicuous place of said lot or premises.

SECTION 4.

In case any owner or agent of any lot or parcel of land when ordered by the Clerk, in the manner aforesaid, shall refuse or neglect to install culvert pipes under the driveways, approaches or obstructions within ten (10) days from the date of service of the notice provided for in Section 3 of this Ordinance, the Township Board may cause such driveway, approach or obstruction to be constructed and installed and assess the cost thereof on the lot or parcel of land benefited, said assessment to be collected in the same manner as provided for the collecting of special assessments and such tax shall be and remain a lien upon such lot or parcel of land until same is paid.

SECTION 5.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.
(Amended: Ord. No. 651, 10-17-05)

SECTION 6.

The provisions of the within Ordinance are hereby declared to be severable and the invalidation of any of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or Ordinance.

SECTION 7.

This Ordinance shall become effective upon the date of its publication following its final passage.

We hereby certify that the foregoing Ordinance was adopted on Second reading by the Township Board of the Charter Township of Fenton at its meeting on November 19, 1990. This ordinance shall take effect thirty (30) days after publication.

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**BUILDING CODE
Ordinance No. 582
Adopted: October 15, 2001**

An ordinance to designate an enforcing agency to discharge the responsibility of the Charter Township of Fenton located in Genesee County, under the provisions of the State Construction Code Act, 1972 PA 230.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Agency Designated.

Pursuant to the provisions of the Michigan Building Code, in accordance with Section 8b(6) of 1972 PA 230, the Building Code Official of the Charter Township of Fenton is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Fenton under 1972 PA 230, State of Michigan. The Charter Township of Fenton assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 2. Repeals.

All ordinances inconsistent with the provisions of this ordinance, including Ordinance No. 515, are hereby repealed.

SECTION 3. Publication.

This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Enacted at a regular meeting of the Fenton Township Board held on the 15th day of October 2001.

GRADING

Ordinance No. 662

Adopted: July 10, 2006

SECTION 1. Purpose.

It is the intent of this ordinance to ensure property in the Township is graded in the proper manner and storm water is managed in compliance with the Township's Storm Water Management Ordinance.

SECTION 2. Requirements

A grading review by the Township engineering firm is required prior to the issuance of a permit for any construction, grading or other earth moving activity listed below.

- A. Any new construction or modifications of an existing structure, in any zoning district, having an area six hundred (600) square feet or more.
- B. Private road construction.
- C. Grading or filling, i.e., alteration of existing topography that involves the use of 20 yards or more of fill material, or for any grading or filling adjacent to a lake.
- D. Construction of berms.

If a detailed grading plan is determined necessary by the Township engineering firm, such a plan meeting the requirements of Section 4 shall be submitted by the applicant and approved by the Township Engineer before a permit is issued.

An application for a grading review shall include a fee as established by the Township Board from time to time by resolution.

(Amended: Ord. No. 730, 11-1-10)

SECTION 3. General Grading Requirements

The following general grading requirements shall be applied in the design of the site grading plan:

- A. Drainage shall be managed in compliance with the Township Storm Water Management Ordinance.
- B. Elevations representing the finished grade and the first floor grade, if applicable, shall be indicated.
- C. Proposed grading shall meet abutting property line elevations. A waiver may be granted by the Township engineer in cases of unique characteristics on the site which would require special treatment. Any approval of a waiver by the Township engineer shall also state the special treatment to be applied.
- D. Side yard swales are required. A waiver may be granted by the Township engineer in cases of unique characteristics on the site which would require special treatment. Any approval of a waiver by the Township engineer shall also state the special treatment to be applied.
- E. Stabilization of the site (grass, sod, hydroseed, etc.) is required within thirty (30) days of final grade approval.
- F. Any storm water drainage, from existing or new construction, shall not be allowed to flow onto adjacent properties.

(Amended: Ord. No. 682, 7-23-07)

SECTION 4. Specifications of Grading Plans.

The Township engineering firm will require a grading plan when the improvements proposed by the applicant are likely in the opinion of the Township engineering firm to negatively impact the surrounding property or the Township/County drainage system. A grading plan shall be prepared

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by a licensed civil engineer or surveyor, signed and sealed, and shall comply with the following minimum requirements:

- A. A scale of not less than one (1) inch equals fifty (50) feet (1" = 50'). Scales of one (1) inch equals twenty (20) feet (1" = 20') are preferred.
 - B. Date, north arrow and scale.
 - C. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - D. The location of all existing and proposed structures on the subject property and all existing structures on either side of the subject property.
 - E. The location of all existing and proposed drives, parking areas and easements on the property.
 - F. The location and widths of right-of-way of all abutting streets.
 - G. The proposed location and dimensions of any pedestrian sidewalks.
 - H. Existing ground elevations on the site will be shown with (two) 2 foot contours.
 - I. The name, address and telephone number of the engineer/surveyor responsible for preparing the grading plan.
 - J. Bench mark description and location used, based on United States Geological Survey datum (USGS).
 - K. All required setbacks shall be shown and properly labeled.
 - L. All wetlands, floodplains and floodplain elevation.
 - M. The proposed method of drainage.
 - N. General direction of the rear yard drainage and swales indicated with arrows.
 - O. Additional grades shown under special conditions as required by the Township engineer.
 - P. Such other information concerning the lot or adjoining lots as may be required by the Township engineer.
 - Q. The location of all utility leads (water, sanitary, sump pump, gas, electric, etc.).
- (Amended: Ord. No. 730, 11-1-10)

SECTION 5. Foundation Certificate.

After placement of the foundation and before the backfill inspection, a written certification from a licensed surveyor or engineer shall be submitted to the Township engineer. This certification shall state that the proposed finished floor elevations and horizontal placement of the foundation are properly set and conform to the approved grading plan. This certification shall also state that the surveyor or engineer has properly staked all foundations in accordance with the approved grading plan. Failure to comply with this provision may result in removal or modification of the structure as determined by the Township.

SECTION 6. Final Grading Approval.

- A. As-built plans shall be submitted to the Township prior to request for a final grading inspection. These plans shall be marked "AS-BUILT."
- B. Upon completion of the work in accordance with the approved grading plan, the owner or builder shall request a final approval of the site. The Township engineer shall perform a final grading inspection. If all work has been completed in accordance with the approved grading plan, the Township engineer shall notify the building department in writing. A certificate of occupancy shall not be issued without this written approval, unless final grading cannot be done due to seasonal weather conditions. In such cases, a temporary certificate of occupancy may be issued, if determined appropriate by the Township. If all work has not been completed in accordance with the approved plan, the Township engineer shall notify the applicant that

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the site grading must be brought into compliance with the approved grading plan within the time frame required by the building inspector.

SECTION 7. Fees.

A nonrefundable initial grading plan review fee shall be submitted with three (3) sets of grading plans when applying for a zoning permit. If the initial review indicates that a detailed grading plan review is required, a nonrefundable detailed grading plan review fee shall also be required. Additional fees shall also be charged for review of revised plans. The amount of the fees shall be established from time to time by resolution of the Township Board. One (1) final grade inspection shall be made at no additional charge to the applicant. However, if more than one (1) plan review of final grade inspection is required, due to insufficient information or due to inappropriate grading, an additional fee will be charged.

(Amended: Ord. No. 749, 7-16-12)

SECTION 8. Penalty.

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 9. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

Section 10. Effective Date

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 10th day of July 2006.

**SIGN REGULATION
Ordinance No. 693
Adopted: December 3, 2007**

An Ordinance to regulate the construction, placement, establishment, creation and/or maintenance of signs within the Charter Township of Fenton.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN ORDAINS:

SECTION 1. Purpose

The purpose of this Ordinance is to regulate signs and outdoor advertising within Fenton Township so as to protect public health, safety and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives and enhance the aesthetic appearance and quality of life within the Township.

SECTION 2. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them as follows:

- a. **Business Center:** A grouping of two (2) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses.
- b. **Banner:** A sign made of fabric or any non-rigid material with no enclosing framework.
- c. **Billboard – Off-Premise:** An outdoor sign advertising an establishment, products, goods, services, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. See also **Off-premise Sign**.
- d. **Billboard – On-Premise:** An outdoor sign advertising an establishment, products, goods, services, activities, persons or events which were made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. See also **On-premise Sign**.
- e. **Canopy:** A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo. See **Wall Sign**.
- f. **Changeable Message Sign:** A permanent reader board attached to a pylon sign or the exterior of a wall where copy is changed mechanically, electronically or manually, including time/temperature signs.
- g. **Community Signs:** A temporary sign that provides a benefit to the community by advertising a community event, a garage sale, a family open house, to provide notice of a lost pet or announce a special sentiment such as a birthday, graduation or anniversary.
- h. **Construction Sign:** A temporary sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects, and financiers, which is located on a site being developed or improved.
- i. **Development Sign:** A temporary sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers for a project involving multi-family residential, commercial, industrial or multi-lot single family residential development which is located on the site being developed.
- j. **Digital Sign:** a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This includes any moving, flashing, blinking, or animated display and any display that incorporates lights manipulated through digital input, or any other method or

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technology that allows the sign face to present a series of images or displays. (Added: Ord. No. 718, 12-21-09)

- k. **Directional/Informational Sign:** An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g. parking or exit and entrance signs.
- l. **Flashing sign:** A sign that contains an intermittent or sequential flashing light source. An electronic message sign shall not be considered flashing provided it complies with Article 6. d. of this Ordinance. (Amended: Ord. No. 718, 12-21-09)
- m. **Ground Sign:** A free standing sign supported by uprights or braces in or upon the ground which are not a part of the building.
- n. **Home Occupation Sign:** A sign complying with the requirements of Township's Home Occupation Ordinance #425.
- o. **Incidental Sign:** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign; a sign indicating hours of business; signs indicating the contents of vending machines, gas pumps, ice containers, etc.; signs indicating the location of public restrooms, public telephones, etc.
- p. **Inflatable Sign:** A temporary sign consisting of a bag or balloon inflated with gas or air.
- q. **Institutions:** Religious, school, museum, library, community recreation facility or other non-profit organizations in the township.
- r. **Non-Conforming Sign:** A sign which was erected prior to the enactment of this Ordinance which does not comply with the provisions of this Ordinance.
- s. **Off-premise Sign:** An outdoor sign advertising an establishment, products, goods, services, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located. See also **Billboard – Off-Premise**.
- t. **On-premise Sign:** A sign identifying or advertising an establishment, products, goods, services, activities, persons or events located on the parcel where the sign is located. See also **Billboard – On-Premise**.
- u. **Parapet:** The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.
- v. **Political Sign:** A temporary sign used in connection with local, state or national elections or referendums.
- w. **Portable Sign:** A sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters and/or hitches for towing. This includes hot-air and gas filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags and searchlights.
- x. **Professional/Name Plate Sign:** A sign indicating the address of a building and the name and profession of the occupant. A professional sign is different from a home occupation sign as defined above.
- y. **Projecting Sign:** A sign other than a flat wall sign, affixed to any pole, building or structure which projects from the building wall, pole or structure more than twelve (12) inches.
- z. **Pylon Sign:** A sign supported on the ground by a pole, braces or monument, and not attached to any building or other structure.
- aa. **Real Estate Sign:** A temporary on-premise sign advertising the property or structure's availability for sale or lease.
- bb. **Real Estate Open House Sign:** Temporary signs which advertise and direct the public to an open house for a building which is available for sale or lease, with the event held on a specific day.
- cc. **Regulatory Sign:** A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of uniform Traffic Control Devices.

- dd. **Roof Sign:** A sign which is erected, constructed and maintained upon, and projects beyond the roof of the building.
- ee. **Sign:** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, products, goods, services, activities, persons or events.
- ff. **Subdivision Sign:** A permanent sign marking the entrance to a residential platted subdivision or condominium subdivision.
- gg. **Township:** The Charter Township of Fenton.
- hh. **Video Sign:** Electronic signs that display video images
- ii. **Wall Sign:** A sign attached to or placed flat against the exterior wall surface of any building, no portion of which projects more than twelve (12) inches from the wall.

SECTION 3. Plans, Specifications and Permits

- a. **New Signs:** A building permit and sign permit shall be required for the erection, construction or alteration of any sign, except as otherwise provided for in this ordinance. The Building Inspector shall confirm compliance with building code requirements for the proposed sign. The Zoning Administrator shall confirm compliance with the requirements of the zoning ordinance and this ordinance.
- b. **Specifications:** Before any permit is issued for the erection of a sign, construction documents shall be filed with the Building Department showing the materials and required details of construction, including loads, stresses and anchorage and a sign permit application with fee showing the location and size of the sign, the dimensions of any wall the sign may be placed on, the setback from property lines and the edge of the road and an elevation drawing of the sign. For purposes of this Ordinance, the sign face square footage shall be measured in accordance with the guidelines set forth in Figure B of this Ordinance. The application shall be accompanied by the written consent of the owner of the premises upon which the sign is to be erected.
- c. **Inspections:** All signs receiving building permits shall be inspected by the Building Inspector as required under the Township Building Code.
- d. **Expiration:** Building and sign permits for signs shall expire one year after the date of issuance if the sign has not been erected in compliance with the permits.

SECTION 4. Exempt Signs

No building or sign permit shall be required for the signs or outdoor display structures covered by the following provisions, however, this exemption shall not be construed to relieve the owner of the sign from responsibility for the sign's erection and maintenance in a safe manner:

- a. The following On-premise signs may be permitted provided that are at least 10' from the road right-of-way and the side and rear lot lines:
 - 1) Professional sign or nameplate sign. One (1) professional sign or nameplate sign for each dwelling unit, not more than one (1) square foot in area.
 - 2) Home occupation sign. One (1) home occupation sign for a home occupation authorized by the Township's Home Occupation Ordinance #425 and complying with the requirements of that ordinance. The sign shall be surface mounted and shall not exceed three (3) square feet in area.
(Amended: Ord. No. 735, 4-4-11)
 - 3) Temporary signs pertaining to the lease or sale of the premises. Two (2) non-illuminated temporary signs pertaining to the lease or sale of the premises upon which it is placed, not exceeding twelve (12) square feet in total area unless the parcel is

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over twenty (20) acres, in which case each sign may be up to thirty two (32) square feet in total area and six (6) feet in height, provided sign shall be removed within fifteen (15) days after the consummation of a lease or sale transaction.

- 4) Temporary sign pertaining to the sale of lots or structures in a development. One (1) non-illuminated temporary sign pertaining to the sale of lots or structures in a development per entrance to the development. The signs shall not exceed thirty (32) square feet in area..
 - 5) Construction signs. One (1) construction sign per lot; not exceeding six (6) square feet in area and that such signs shall be erected during the construction period only and shall be removed within fifteen (15) days of the date of certificate of occupancy. These signs may be located in the rear yard.
 - 6) Historical marker. Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.
 - 7) Temporary sign for advertising the sale of agricultural produce. In agricultural districts one (1) temporary sign for advertising the sale of agricultural produce raised on the premises. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height, and shall be removed from its roadside location during the season that it is not in use.
 - 8) Directional/informational sign. In commercial, office service, and industrial districts, as well as apartments, institutions and similar uses in all districts, no more than one (1) on premise directional/informational sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Additional directional/informational signs may be permitted by the Planning Commission at the time of site plan approval, (for new facilities), or by the Zoning Administrator, (for existing facilities), provided a need for said sign(s) is demonstrated by the applicant. Directional/informational signs shall be set back at least ten (feet) from the road right-of-way and the side or rear property line.
 - 9) Incidental signs. In commercial districts, incidental signs not exceeding two (2) square feet per sign shall be permitted, provided said sign(s) are attached to a permitted sign, exterior wall, building entrance, window, or equipment customarily incidental to the commercial enterprise located on the premises, (e.g., gas pumps, vending machines, ice containers, etc.).
 - 10) Political signs. Political signs are permitted with the real property owner's authorization, provided such signs are not placed within public road right-of-way, such signs do not exceed thirty-two (32) square feet in area, and that such signs are removed within five (5) business days following the election for which they are erected.
- b. Off-premise signs may be permitted as follows:
- 1) Temporary real estate open house signs. Temporary real estate open house signs are permitted provided there shall be only two (2) such signs placed off-premise and one (1) on premise; the size of each sign shall be a maximum of four (4) square feet in area and three (3) feet in height. Signs shall not be affixed to other signs, utility poles, fire hydrants or trees; the person or firm placing the signs shall obtain authorization

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from the owner or occupant of all properties on which such signs are placed; the signs shall be allowed for a maximum of four (4) days in any single calendar month, eight (8) hours per day; and the signs shall be removed within one (1) hour following closing of the open house.

- 2) Community signs. Community signs are allowed in all districts provided they are no more than twelve (12) square feet in area, are located outside the right of way and are allowed for no more than seven (7) days per event or occurrence.

SECTION 5. Prohibited Signs

The following signs shall be prohibited in any district:

- a. Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exitway, window, or door opening or that prevent free access to the roof by firefighters.
- b. Signs having moving members or parts, unless an exception is granted by the Planning Commission during site plan review.
- c. Signs using high intensity, flashing, oscillating or intermittent, or red or blue or green illumination.
- d. Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway or within a parking lot or loading area.
- e. Any sign that violates the clear vision requirements of Section 4.07 of the Township Zoning Ordinance.
- f. Roof signs, any sign erected, constructed, maintained upon which projects beyond the roof of the building, unless otherwise allowed in this Ordinance.
- g. Portable signs, as defined, unless otherwise allowed in this Ordinance.
- h. Banners, pennants and streamers except as otherwise permitted in this ordinance.
- i. Signs generating noise, smoke, vapor or odors.
- j. Signs that imitate traffic control devices.
- k. Inflatable signs, not including residential lawn ornaments.
- l. Off-premise signs, unless otherwise provided for in this ordinance.
- m. Full motion video signs
(Amended: Ord. No. 718, 12-21-09)

SECTION 6. General Standards for Permitted Signs

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Ordinance; provided, that no such sign shall be erected or altered except as authorized by Section 3 of this ordinance.

- a. Sign Setback.

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- 1) All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any private or public roadway edge, side yard setbacks shall be at least ten (10) feet and no sign shall be erected in the required rear yard setback.
 - 2) No sign, except those placed and maintained by the Township, County or State shall be located in, overhang or encroach upon any public right-of-way.
 - 3) No sign shall be located or constructed so as to obscure vision and contribute to hazardous conditions.
- b. Sign Construction. All signs, together with all supports, braces guys and anchors shall be constructed in manner consistent with the Building Code provisions and maintained in good structural condition at all times. All signs shall be kept painted, stained, sealed or preserved to prevent corrosion, blistering, peeling or deterioration of exterior surfaces.
- c. Illumination of signs.
- 1) All illuminated signs shall be ULA approved, pass State of Michigan Electrical Inspection and comply with the Building Code.
 - 2) All lights used for the illumination of signs, buildings, structures or areas surrounding them shall be completely shielded from the view of vehicular traffic using the road or roads abutting such properties, such that direct glare shall not be a hazard to such traffic. Floodlights used for the illumination of such premises, or any sign thereon, whether or not floodlights are attached, shall not be directed in such a manner as to adversely affect adjoining or nearby properties, or traffic. All illuminated signs, shall be located not less than one hundred (100) feet from residential district. No sign shall be illuminated indirectly by other than continuous white light, nor contain any visible moving parts. Underground wiring shall be required for all permanent illuminated free standing signs.
- d. Digital Signs.
- 1) Digital signs in residential or agricultural zoning districts or within 1000 ft. of a residential districts shall be shut off from 11:00 p.m. to 5:00 a.m.
 - 2) Digital signs shall not use red as the predominant color in a display.
 - 3) The light intensity of digital signs shall be automatically reduced at night to compensate for the greater contrast created by the reduction in background lighting, but in no case shall it exceed fifteen (15) foot-candles at four (4) feet from the sign surface.
 - 4) Digital signs in office, commercial, or industrial zoning districts or as part of office, commercial or industrial uses in PUDs shall limit changes in displays to not more than once every minute and signs in residential or agricultural districts or as part of residential or agricultural uses in PUDs shall limit changes in displays to not more than once every hour. Displays and transitions between displays shall be static and shall not include any flashing or moving text or graphics. The limitation on the frequency of sign changes does not apply to signs or portions of signs displaying time and temperature.

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5) Digital sign components may not comprise more than 30% of the total area of the sign.
(Added: Ordinance No. 718, 12-21-09; Amended: Ord. No. 735, 4-4-11)

SECTION 7. Specific Standards for Permitted Signs

a. **Billboards.** The size, height and location of billboards shall be determined by the Planning Commission as a site plan review application. Billboards may be established only in the C-3 zoning district, provided that they meet the following conditions:

- 1) **Locations.** Billboards are permitted only along limited access, interstate highways in accordance with the following regulations and any other applicable provision of this Section.
- 2) **Zoning Districts.** Billboards are permitted in the C-3 zoning district only in accordance with the provisions of this section. Billboards are prohibited in all other zoning districts.
- 3) **Maximum Area.** No billboard sign shall have a total area of both faces in excess of one thousand, three hundred forty-four (1,344) square feet or six hundred seventy-two (672) square feet per sign face. Billboards with two (2) sign faces shall be positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views of the sign.
- 4) **Maximum Height.** Billboards shall have a maximum height not greater than thirty (30) feet from sign grade. Billboards having a sign area of two hundred (200) square feet or less shall have a maximum height of one (1) foot for each two (2) feet they are set back from any right-of-way, not to exceed thirty (30) feet in height.
- 5) **Minimum Setbacks.**
 - a) **From Other Billboards.** No billboard shall be closer than one thousand five hundred (1,500) feet to any other billboard on the same side of the right-of-way.
 - b) **From Any Other Signs.** One hundred (100) feet from any other sign on the site.
 - c) **From Property Lines.** No billboard shall be located closer than 10 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- 6) **Setback from Residential Zoning Districts.** No billboard shall be located within
 - a) 200 feet of a residential district or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
- 7) **Maximum Number of Billboards in the Township.** No additional billboard shall be erected at any time when there are eight (8) or more billboards in the Township (i.e., the number of billboards in existence in 2019, when this provision was originally adopted).
- 8) **Access.** Marginal access roads may be required by the Township to assure adequate vehicular access for billboard service and maintenance.
- 9) No billboards shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- 10) **Construction.** A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity.

SECTION 10 – CONSTRUCTION REGULATIONS & HOUSING

A. billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

11) **Other Acts.** A billboard established within a business, commercial, or industrial area, as defined in the “Highway Advertising Act of 1972” (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.

12) **Illumination and Electronic Changeable Message.** The purpose of this section is to allow for adequate and effective signage for businesses to inform, identify, and communicate effectively in a safe manner while protecting the community’s aesthetic quality and character. The illumination and changeable electronic messaging of a billboard sign must comply the following:

- a) **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- b) **Frequency of Electronic Message Change.** Change from one message to another message no more frequently than once every seven (7) seconds and the actual change process is accomplished in two (2) seconds or less
- c) **Electronic Message Change.** The message of an electronic message sign must change instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are prohibited.
- d) **Setback.** Electronic Changeable Message Billboards must be setback a minimum of 2,500 linear feet from an existing Electronic Changeable Message Billboard.
- e) **Display.** Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- f) **Brightness.** Not operate at an intensity level of more than 0.3 footcandles over ambient light as measured at a distance of two hundred and fifty (250) feet;
- g) **Sensors.** Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- h) **Malfunction.** Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.
- i) **Removal of Existing Billboard.** No Electronic Changeable Message Billboard shall be erected without the removal of two existing billboards in the Township, for a net reduction of at least one billboard.

(Amended, Ord. No. 812, 11-4-19)

- b. Development signs. Development signs are permitted provided there shall be only one (1) sign per development not exceeding thirty-two (32) square feet in area. The signs shall only be erected for one year and may be extended up to one year by the Zoning Administrator.
- c. Portable Signs. One (1) portable sign, provided such sign shall not exceed thirty-two (32) square feet in area, six (6) feet in height and be located no closer than ten (10) feet from any property line or roadway edge and shall not be placed within any public right-of-way. Portable signs shall be limited to a total of thirty (30) days over the course of a year.

- d. Signs Announcing the Sale of Lots or Structures in a Subdivision. One (1) temporary sign per vehicular entrance having a maximum area of thirty-two (32) square feet announcing the sale of lots or structures in any one (1) subdivision for a maximum period of one (1) year. Such sign shall be set back at least ten (10) feet from the road right-of-way and the side or rear property line. These signs may be located in the rear yard.
- e. Signs for Non-profits or Institutions. Permanent signs of a religious institution, school, museum, library, community recreation facility or other non-profit organization or institutional bulletin boards, with a minimum setback from any property line or roadway edge of ten (10) feet the road right-of-way and the side property line, which do not exceed thirty-two (32) square feet in area, are a maximum of six (6) feet in height, and meet the illumination standards of this ordinance.
- f. Street Banners. Temporary banners advertising public entertainment or event, provided that they receive authorization from the Township Board, are only used in a location designated by the Township Board, and are erected no more than fifteen (15) days before the event they advertise and are removed within one (1) business day following the event.
- g. Multiple Housing Development Signs. In the multi-family residential districts, one ground or wall sign indicating the name of the multiple housing development in addition to one (1) professional sign or nameplate sign for each dwelling unit, not more than six (6) square feet in area.
- h. Subdivision Signs. Subdivision signs are subject to the review and approval of the Township Zoning Administrator. The sign face area of any subdivision sign shall not exceed 32 square feet.
- i. On-Premise Signs. On-premise signs may be permitted in commercial, manufacturing and industrial districts as follows:
 - 1) Must be accessory. No on-premise sign shall be permitted which is not accessory to the business conducted on the property.
 - 2) Wall signs. Such sign may only be erected on a exterior wall provided all of the following are met: No business establishment shall have a total of more than two (2) such signs provided the total sign area for all signs permitted on the face of any wall shall not exceed fifty (50) percent of the area of the face of the wall upon which such sign or signs are attached.

No such sign(s) shall extend farther than twelve (12) inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three (3) inches from the face of such wall, the bottom of such sign shall not be closer than eight (8) feet from the ground level below such sign.

The maximum height of any single on-premise sign shall not exceed ten (10) feet and the maximum width shall not exceed fifty (50) percent of the width of the wall to which such sign is attached.
 - 3) Freestanding or Pylon signs. Freestanding or Pylon signs per business establishment, office building or shopping center complex, as provided in Figure A.

4) Shopping center signs.

- a. One or more business establishments, located on multiple contiguous parcels of land, may erect a single freestanding or pylon sign identifying the business at that location so long as the sign does not exceed one hundred twenty percent (120%) of the square footage permitted for their zoning district, (see Figure A). Such sign may be located at any point on the parcel(s) occupied by the businesses jointly erecting the sign as they may agree.
- b. Individual business occupying space in a multi-business structure shall not have free-standing signs regardless of the amount of space occupied within the structure.
- j. Sale of Agricultural Produce. In agricultural districts one (1) permanent signs for advertising the sale of agricultural produce raised on the premises per road frontage. Such signs shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- k. Off Premise Informational/Directional Signs. Off premise informational/directional signs may be permitted for institutions in the township, provided no more than two (2) are allowed per institution and each sign shall not exceed six (6) square feet in area and not less than 10 feet from the road and not in the right of way.

SECTION 8. Dangerous, Nuisance, Unsafe, Abandoned and Illegally Erected Signs

- a. Dangerous or Nuisance signs: Any sign constituting an immediate hazard to health or safety, including signs placed in public right-of-ways, attached to utility poles or affixed to trees, shall be deemed a nuisance and may be immediately removed by Township and the cost thereof charged against the owner of the property on which it was erected.
- b. Unsafe signs: Any sign that becomes insecure, in danger of falling or otherwise unsafe but not considered an immediate danger by the Building Inspector/Ordinance Enforcement Officer to the health or safety of the public shall be removed or repaired according to the process outlined in enforcement section.
- c. Abandoned signs: Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is no longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Building Inspector/Ordinance Enforcement Officer shall initiate the process outlined in enforcement section.
- d. Illegally erected signs: The Building Inspector/Ordinance Enforcement Officer shall order the removal of any sign erected illegally in violation of this Ordinance according to the process outlined in Section 10 of this Ordinance.

SECTION 9. Non-Conforming Signs

If the existence or use of any non-conforming sign is interrupted or discontinued for any reason, such sign shall not be replaced, unless it complies with the provisions of this Ordinance.

SECTION 10 – CONSTRUCTION REGULATIONS & HOUSING

All non-conforming Billboard Signs utilized on a continuous basis shall be permitted to remain for the useful life of the billboard structure. Any non-conforming Billboard Sign that is dismantled or removed due to deterioration or damage shall not be replaced.

SECTION 10. Variances

A request for a variance from the requirements of this Ordinance may be taken to the Zoning Board of Appeals by any applicant for approval of a sign permit. Variances from the dimensional requirements of this ordinance may be granted for any sign. Variances from the type of sign allowed may only be granted for a temporary sign. Such requests for variance or appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, and shall comply with the notification standards set forth in Article 13 of Zoning Ordinance No. 594.

To qualify for a variance, an applicant must demonstrate that it meets one of the following three standards.

- a. The variance is necessary to allow a sign sufficient for the property owner to advertise its location.
- b. The variance promotes a public need.
- c. The variance is necessary to protect the public health safety and welfare.

SECTION 11. Appeals

A request for an appeal of the decision of the Zoning Administrator in applying the requirements of this ordinance may be made to the Zoning Board of Appeals. Such appeals shall be taken within such time as shall be prescribed under the Township Zoning Ordinance and shall comply with the notification requirements of the zoning ordinance.

SECTION 12. Enforcement

The Ordinance Enforcement Officer shall send notice, by certified mail addressed to the owner of any property upon which there is an illegal sign and to the owner of the illegal erected sign if not the property owner, at their last known address. The notice shall describe the violation and allow ten (10) days for removal or other measures that would result in compliance with this Ordinance. Should the sign not be removed or repaired within the time specified, the Building Inspector or Ordinance Enforcement Officer shall have the authority to remove and dispose of the sign and the property owner shall be liable for the cost thereof. Any such costs not paid by the property owner shall be assessed against the real estate from which the illegally erected sign was removed in the same manner as real estate taxes are assessed on the tax rolls. Any sign within the public right-of-way may be removed and disposed of by the Ordinance Enforcement Officer without notice.

SECTION 13. Severability

This Ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

SECTION 14. Repeal

All other ordinances or resolutions, including Ordinance No. 535, insofar as the same or any part thereof may be inconsistent with any provision of this ordinance, are hereby repealed.

SECTION 15. Effective Date

This ordinance shall be published as required by law and shall take effect immediately upon adoption and publication.

SECTION 10 – CONSTRUCTION REGULATIONS & HOUSING

Figure A

Districts	Wall, Canopy or Projecting Signs			Pylon Sign			Ground Sign		
	Number	Maximum Size	Maximum Height	Number	Maximum Size	Maximum Height	Number	Maximum Size	Maximum Height
Residential Uses									
AG, R1-E, L, A, B, C (see exempt signs), RT, RMH, RM-1	1	32 Sq. Ft.	8 ft.	1	32 sq. ft.	8 ft.	1	32 sq. ft.	8 ft.
Commercial Uses									
C-1	2	50% Wall Face		1(a)	100 sq. ft.	20 ft.	1	100 sq. ft.	8 ft.
C-2	2	50% Wall Face		1(a)	100 sq. ft.	20 ft.	1	100 sq. ft.	8 ft.
C-3	2	50% Wall Face		1(a)	300 sq. ft.	35 ft.	1	100 sq. ft.	8 ft.
Industrial Uses									
M-1 & M-2	2	50% Wall Face		1(a)	300 sq. ft.	20 ft.	1	100 sq. ft.	8 ft.
Office Uses									
OS	2	50% Wall Face		1(a)	100 sq. ft.	20 ft.	1	100 sq. ft.	8 ft.

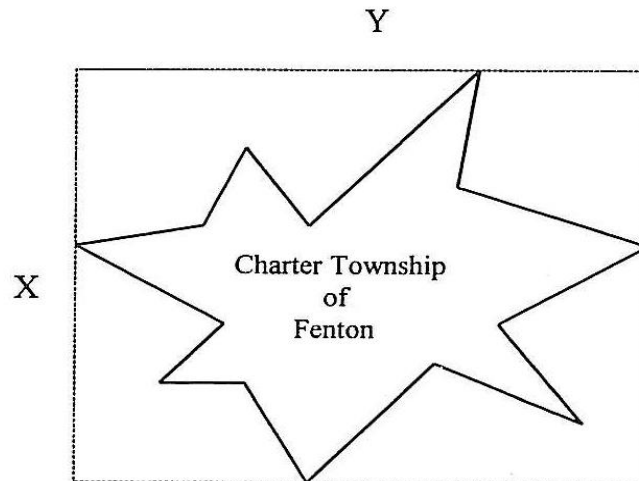
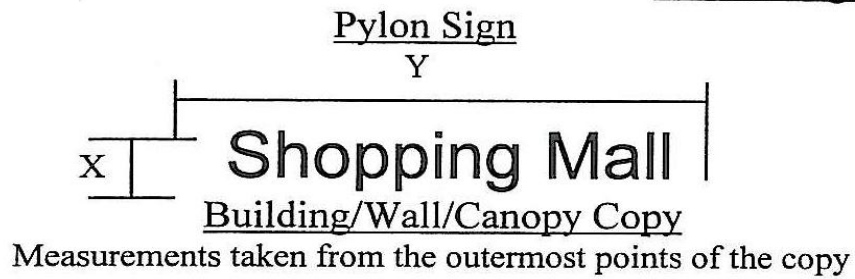
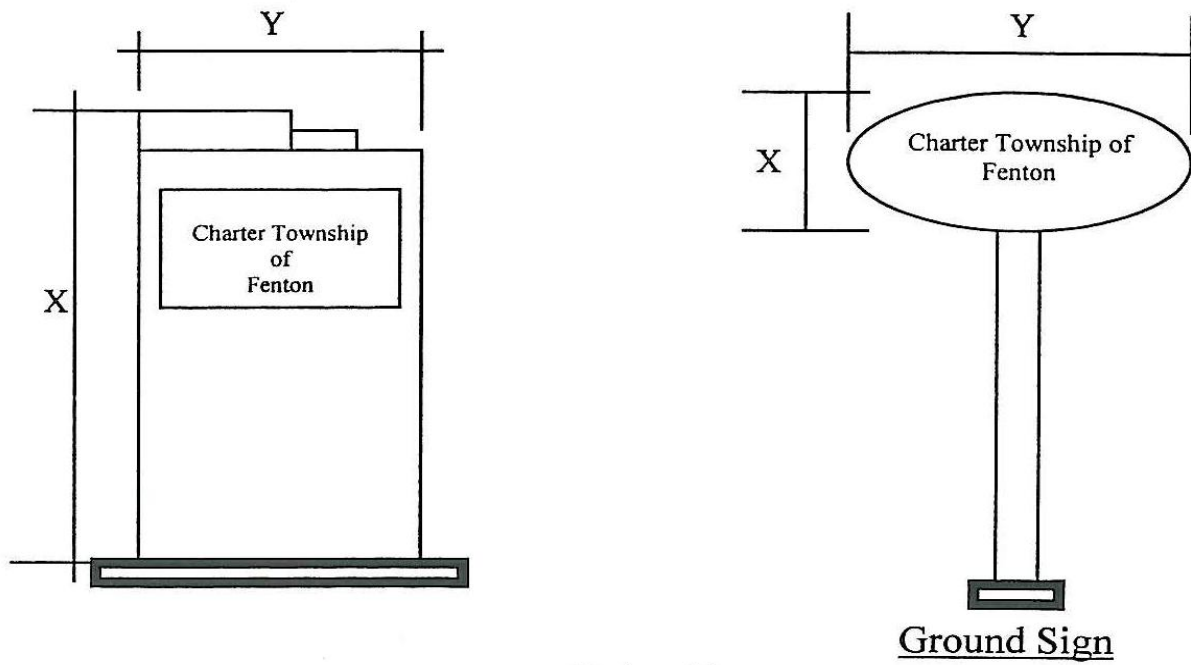
Footnotes:

- (a) Only one (1) pylon or ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers, with additional signs permitted according to the following table, however, no site shall have more than three (3) pylon signs, regardless of the number of street frontages or the amount of frontage:

Frontage along two or more rights-of-way	one (1) shall be allowed along two (2) frontages
300 foot frontage along one (1) right-of-way	one (1) pylon or ground sign along that frontage
301-600 feet of frontage along one (1) right-of-way	one (1) pylon or ground sign, plus one (1) ground sign along that frontage
Over 600 feet of frontage along one (1) right-of-way	one (1) pylon or ground sign, plus two (2) ground signs along that frontage

A changeable message sign, a permanent reader board attached to the pylon sign, may be allowed. Any such changeable message sign shall be included as part of the allowable pylon sign square footage, with the exception of electronic time/temperature signs that do not give business information. The maximum square footage of any changeable message sign shall be thirty-two (32) square feet.

Figure B. Guidelines for Measuring Sign Face Square Footage



All Signs
Measurements taken from the outermost points of the panel

SECTION 10 – CONSTRUCTION REGULATIONS & HOUSING

Enacted at a regular meeting of the Fenton Township Board held on the 3rd day of December 2007.

**Outdoor Wood-Fired Boilers, Stoves and Furnaces
Ordinance No. 741
Adopted November 7, 2011**

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort and living conditions of the citizens of Fenton Township by regulating the use of outdoor wood-fired boilers, stoves and furnaces.

SECTION 2. Applicability

This ordinance applies to all outdoor wood-fired boilers, stoves, or furnaces within Fenton Township.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3. Definitions

- A. "Outdoor wood-fired boiler, stove, or furnace" means a structure that:
 - 1. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
 - 2. Operates by the burning of wood or other solid fuel; and
 - 3. Is not located within a structure used for human or animal habitation.
- B. "Refuse" means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush, and stumps .

SECTION 4. Requirements for Outdoor Wood-fired Boilers, Stoves, or Furnaces

The following provisions shall apply to outdoor wood-fired boilers, stoves, and furnaces in Fenton Township:

- A. Outdoor wood-fired boilers, stoves or furnaces are permitted on property two (2) acres or greater in size.
- B. The outdoor wood-fired boiler, stove or furnace shall not be used to burn refuse, leaves, green vegetative matter and noxious plants.
- C. The outdoor wood-fired boiler, stove or furnace shall be located at least three hundred feet (300') from the nearest occupied dwelling which is not on the same property as the outdoor wood- fired boiler, stove or furnace.
- D. The outdoor wood-fired boiler, stove or furnace shall be located at least fifty feet (50') from the side and rear lot lines of the property on which it is located and shall not be located within any front yard.
- E. Setback of a outdoor wood-fired boiler, stove or furnace from a state highway is three hundred feet (300') in order to ensure that smoke from the outdoor wood-fired boiler, stove or furnace does not interfere with passing traffic.
- F. The outdoor wood-fired boiler, stove or furnace shall have a chimney that extends at least fifteen feet (15') above the ground surface..
- G. Only products designed and manufactured to be utilized in the outdoor wood-fired boiler, stove, or furnace may be burned in the unit.

- H. Outdoor wood-fired boilers, stoves, or furnaces existing at the time of the adoption of this ordinance but which are not in compliance with the provisions of this ordinance
- a. may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this ordinance.
 - b. If they are located less than three hundred feet (300') away from a dwelling which is not on the same property as the outdoor wood- fired boiler, stove, or furnace they shall not be operated during the months of June, July, and August. and If there are any residences within three hundred feet (300') of the outdoor wood-fired boiler that are negatively impacted by the units emissions, the Building Inspector can require the chimney to be extended up to as high above the ground surface as the roofs of all such residences.
 - c. They shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations.

SECTION 5: Permit Required

Prior to the erection of an outdoor wood fired boiler, the property owner shall apply for an outdoor wood fired boiler permit from the Zoning Administrator and any required building, plumbing, mechanical or electrical permits from the Building Inspector or other appropriate permitting agency.

SECTION 6: Right of Entry and Inspection

Upon receipt of a report or complaint that there has been a violation of this ordinance, the Zoning Administrator or any authorized officer, agent, employee or representative of Fenton Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 7: Penalty

Violation of any of the provisions of this Ordinance shall hereafter constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment in the Genesee County Jail or such other place of detention as the court may prescribe for a period of time not to exceed ninety (90) days.

SECTION 8. Appeals

Appeals of the decisions of the Zoning Administrator or other Township administrative personnel in enforcement of this ordinance may be appealed to the Zoning Board of Appeals (ZBA) provided such appeal occurs within twenty-one (21) days of the date of the determination that is being appealed.

SECTION 9. Variance

Variance from the dimensional requirements of this ordinance such as minimum setback or lot size may be granted by the ZBA provided the ZBA finds that requiring the standard be met would impose a practical difficulty on the applicant. The finding of practical difficulty shall be based on the standards in Section 13.04 of the Township Zoning Ordinance. Any variance from the 300' setback from a residence shall only be permitted in compliance with Section 4.I of this ordinance.

SECTION 10. Fee

An application for issuance of an outdoor wood fired boiler permit shall be accompanied by a fee payable to the Township in an amount which shall be from time to time established by the Township Board of Trustees

SECTION 11. Conflicting Provisions

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 12. Severability.

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

Section 13. Effective Date

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication. Enacted at a regular meeting of the Fenton Township Board held on the 7th day of November 2011.