

CHAPTER 65: STREETS, SIDEWALKS, AND SIGNS

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§ 65.101 TITLE.

This article shall be known as and may be cited as the "City of Clio Sidewalk Ordinance."
(Ord. 108, passed 7-20-70)

§ 65.102 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SIDEWALK or **SIDEWALKS**. All permanent public walks in business, residential or suburban areas.
(Ord. 108, passed 7-20-70; amended by Ord. 333, passed 1-22-02)

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§ 65.103 PERMIT FROM CITY SUPERINTENDENT.

No person, firm or corporation shall construct, repair, rebuild or remove any sidewalk within the city without first obtaining a written permit from the City Superintendent. All such construction, repairing, rebuilding, or removing of any sidewalk shall be in accordance with the line, grade, slope and specifications established by the City Superintendent.

(Ord. 108, passed 7-20-70) Penalty, see § 65.199

§ 65.104 COSTS ASSESSED AGAINST PROPERTY OWNER.

In the event that any sidewalks shall be damaged or destroyed as a result of the negligence of any adjacent property owner or his tenants, employees or agents, then the full cost of the required repair or replacement of such damaged or destroyed sidewalk shall be assessed against such adjacent property owner. In the event that the construction or alteration of a building shall, in the opinion of the City Superintendent, require the changing of the grade of any existing sidewalk, then the cost of such changing of the grade shall be assessed against the owner of said building.

(Ord. 108, passed 7-20-70)

§ 65.105 APPORTIONMENT OF COSTS AMONG PROPERTY OWNERS.

The entire cost of any new sidewalk constructed within said city shall be assessed against the adjacent property owners on a pro-rata basis according to the benefit received by each such adjacent property owner.

(Ord. 108, passed 7-20-70)

§ 65.106 CERTAIN COSTS TO BE SHARED BY CITY.

One-half of the cost of rebuilding or repairing any existing sidewalk within said city shall be assessed against the adjacent property owners on a pro rata basis according to the benefit received by each such adjacent property owner; and the remaining one-half of such cost shall be paid by the city at large.

(Ord. 108, passed 7-20-70)

§ 65.107 NOTICE TO BUILD, REBUILD OR REPAIR SIDEWALK.

(A) Whenever the City Administrator shall determine that a sidewalk is defective, unsafe, or in need of repair, he shall give written notice of such condition to the owner of the adjacent property. Such notice shall provide a brief description of the condition of said sidewalk, and shall further provide that the owner is thereby requested to obtain a written permit from the City Administrator for the repair of

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said sidewalk, and to correct said condition within 30 days and receive reimbursement from the city for one-half of the cost of doing so; and that, upon his failure to do so, said condition will be corrected by the city and one-half of the cost thereof shall be assessed against said adjacent property owner together with a penalty of 10% of the amount so assessed, and the total amount of such assessment and penalty shall become a lien against the said adjacent premises. Such notice may be served upon the said adjacent property owner personally by registered mail with return receipt requested, or by posting in a conspicuous place upon the said adjacent premises; and the City Administrator shall make and file a return of his doings which shall be conclusive of the matters set forth in said return.

(B) Whenever the City Administrator shall determine to build a new sidewalk, he shall give written notice of such construction to the owner(s) of the adjacent property. Such notice shall provide a brief description of the building specifications, and shall further provide that the owner is thereby requested to obtain a written permit from the City Administrator for the building of the sidewalk, and to build said sidewalk within 30 days; and that, upon failure to do so, said sidewalk will be built by the city and the cost will be assessed against the adjacent property owner together with a penalty of 10% of the amount so assessed, and the total amount of such assessment and penalty shall become a lien against the premises. Such notice may be served upon the said adjacent property owner personally by registered mail with return receipt requested, or by posting in a conspicuous place upon the adjacent premises; and the City Administrator shall make and file a return of his doings which shall be conclusive of the matters set forth in the return.

(Ord. 108, passed 7-20-70; amended by Codification Ordinance)

§ 65.108 OWNERS' FAILURE TO BUILD OR REPAIR; BUILDING OR REBUILDING BY CITY; ASSESSMENT OF COSTS AND PENALTY.

In the event that the said owner of the adjacent premises shall fail to build, repair or rebuild such sidewalk within 30 days after service of the aforementioned notice upon him, then the City Administrator shall report such failure to the City Commission and request authorization to build, repair or rebuild said sidewalk. The City Commission may thereupon determine to build, repair or rebuild such sidewalk and order the City Administrator to do all the work required to accomplish such end. One-half of the cost incurred by repairing or rebuilding an existing sidewalk, or the entire cost of building a new sidewalk, shall be then assessed against the owner of the adjacent property together with a penalty of 10% of the amount so assessed. The total amount of such assessment and penalty shall be charged against the said adjacent premises and shall be considered a lien of the city against said premises.

(Ord. 108, passed 7-20-70; amended by Codification Ordinance)

§ 65.109 REQUEST BY OWNER TO HAVE CITY REPAIR SIDEWALK.

The City Commission may, upon request by any property owner, construct, change, or repair any sidewalk upon such terms and conditions as may be agreed upon by said property owner and the City Commission. Such portion of the expense to be paid by such property owner, pursuant to said

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agreement, if not paid on demand or as agreed, shall be considered a lien of the city against those premises of the property owner which are adjacent to said sidewalk.

(Ord. 108, passed 7-20-70)

§ 65.110 OBSTRUCTIONS ON SIDEWALKS.

No person shall permit or cause any building materials, rubbish or any other article or substance or merchandise for sale to be dropped, delivered or placed upon any sidewalk within the city unless he shall first have obtained permission to do so from the City Superintendent or the City Commission. This section shall not prohibit the necessary delivery of merchandise on a sidewalk if such merchandise shall be immediately removed from said sidewalk with no detrimental effect to said sidewalk.

(Ord. 108, passed 7-20-70) Penalty, see § 65.199

§ 65.111 BARRICADES.

Whenever any excavating dirt, rubbish, building material, article, substance, merchandise or thing is allowed to remain on any sidewalk in such a manner as to obstruct or be dangerous to public travel, then suitable barricades, approved by the City Superintendent, shall be placed by the person responsible for said obstruction or danger in such manner as to indicate the location and extent of said obstruction and danger. In the event that any such obstruction or danger is allowed to continue during the whole or part of any night, then the person responsible therefor shall place lights, approved by the City Superintendent as to number, type and location, to indicate the location and extent of such obstruction or danger.

(Ord. 108, passed 7-20-70) Penalty, see § 65.199

§ 65.112 REMOVAL OF SNOW AND/OR ICE ACCUMULATIONS.

(A) *Intent.* Snow and ice accumulation on sidewalks poses a threat to pedestrian traffic. It is the city's policy to place the responsibility of removal of snow and/or ice from sidewalks on the abutting property owner and in instances where the abutting property owner fails to properly remove and/or treat snow and/or ice accumulations, the city may take appropriate action at the owner's expense to secure the removal of snow and ice. It is the intent of this section to provide for certain procedures relative to the removal of snow and ice from sidewalks and for certain penalties for failure to act hereunder.

(B) *Enforcement.* The Chief of Police or his/her designated representative shall enforce the provisions of the section.

(C) *Definitions.* Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meanings given in this section:

ACCUMULATIONS. Snow and/or ice deposits.

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PERSON. Includes an individual or group or association of individuals; a firm or any member thereof; a corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying one gender shall include both genders.

PROPERTY OWNER. The record titleholder or the contract purchaser of record, if any.

(D) *Obligation of property owner.*

(1) The owner of any property abutting a public sidewalk with the exception of bike paths and combination bike paths/pedestrian walkways maintained by the city, shall remove snow, ice and accumulations from sidewalks within a reasonable time but in no case more than 24 hours following the cessation of the weather or other event by which they were deposited; provided, however, that in extraordinary weather circumstances the Superintendent of Public Services or his/her designated representative may extend the period of time provided herein. In those situations the Superintendent of Public Services or his/her designated representative will deliver to representative news media a statement indicating the amount of additional time the property owners shall have to remove accumulations from sidewalks.

(2) If accumulations are not removed as required above, including any extraordinary weather circumstances, or required treatment pursuant to subsection (E) of this section is not completed and maintained, the Chief of Police or his/her designated representative may give to the property owner a notice entitled "*Official Notice - Failure to Remove Snow or Ice Accumulation on Sidewalk and/or Failure to Treat Snow and/or Ice Accumulation on Sidewalk*" on a form approved by the city setting forth the location/address of the violation and to whom the notice is directed with the explanation of the violations. This notice shall be personally served upon an adult person residing at the address of the party being served. If personal service is not possible, written notice of such violation shall be affixed to the primary entrances to the premises and the garage door if they are accessible. A second attempt at personal service shall be made not less than six hours after the first unsuccessful attempt. If personal service is not possible, a second written notice of violation shall be affixed to the primary entrances to the premises and the garage door if they are accessible. The 24-hour period for the owner of the property to take action shall commence from the time of delivery of the earlier personal service or affixing the second notice. The owner of the property in violation shall have 24 hours from the time of service of this notice in which to take corrective action and bring the sidewalk into compliance with this code. The existence of extraordinary weather conditions as determined by the Director of Public Services, pursuant to this subsection, shall extend the 24 hours until such extraordinary weather conditions have dissipated. Upon notification by the Superintendent of Public Services of the end of extraordinary weather conditions, the 24 hours will start. If the accumulations are not timely removed or the required treatment pursuant to subsection (E) of this section is not completed and maintained, the Chief of Police or his/her designated representative is authorized to issue a citation.

(3) A second subsequent violation of this section shall not be considered a repeat offense for the purposes of increasing the civil penalty provided in said code section, unless the prior or preceding offenses have occurred within the current snow season.

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(E) *Treatment of unremovable snow and/or ice.* When accumulations have formed upon any sidewalk so that it cannot be reasonably removed, the abutting property owner shall within the period set forth in subsection (D) keep and maintain such accumulations sprinkled with fine cinders, sand or de-icing chemicals in such manner as to provide traction and prevent the sidewalk from being dangerous to persons using the same. Nothing in this subsection shall be construed to be a substitute for the removal of accumulations, as required in subsection (D) of this section. This subsection shall only apply when accumulations cannot be reasonably removed; however, all accumulations shall be removed as soon as practical.

(F) *Unlawful deposit of snow and/or ice.* No person shall remove, or cause to be removed, accumulations from private premises and deposit the same or cause the same to be deposited upon any public street, avenue, alley, public square or traveled area within the city. The Chief of Police or his/her designated representative is authorized to issue a citation to anyone violating this subsection indicating said person is in violation of this subsection and is subject to the penalties provided.

(G) *Alternative relief.* In any proceeding seeking a penalty for violations of the provisions of this section, the Chief of Police or his/her designated representative may seek additional alternative relief appropriate to the condition to be abated, including relief set forth in subsection (H) of this section.

(H) *Removal by the City Of Clio.* Whenever accumulations have remained on any sidewalk in violation of subsection (D) of this section and/or whenever unremovable accumulations have formed on any sidewalk in violation of subsection (E) of this section, and the time for the property owner to take action after service of the notice has expired, the city may cause such accumulations to be removed and/or treatment of unremovable accumulations either by use of city personnel and equipment or by contracting for the work to be undertaken.

(I) *Right to assess.* When the city removes or causes to be removed accumulations and/or treats accumulations, the city may assess the actual cost plus any administrative costs of removing such accumulations from the abutting property owner's sidewalks and/or treatment of unremovable accumulations, in addition to taking any other action provided for in this section.

(J) *Assessment of costs.* The actual cost, including any administrative costs as determined by the Superintendent of Public Services or his/her designated representative, in removing accumulations or treatment of accumulations from sidewalks abutting private property shall be paid by the owner of the property abutting thereon. The property owner shall be sent a bill by the City Treasurer for said costs to permit voluntary payment thereof by the property owner. The bill shall be sent within 30 days of the city's action as set forth in subsection (H) of this section. Failure to pay said bill within 30 days after mailing of bill will cause the action to appear on a schedule of assessments to be forwarded to the City Clerk for consideration by the City Commission.

(K) *Schedule of assessments.* Whenever any accumulations have been removed from any sidewalks or treatment of the sidewalks for unremovable accumulations by the city as provided in this section, and the right to assess provided for in subsection (H) of this section is invoked, the city shall cause to be

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prepared a schedule giving the name of the owner, so far as known, a description of the property, the date when the work was done, the amount charged to each lot, and for what work and materials the charge was made. As soon thereafter as practicable the schedule shall be filed with the City Clerk for consideration by the City Commission.

(L) *Adoption of assessment schedule.* The City Commission shall consider all objections to the schedule of assessments for the removal of accumulations from sidewalks, duly filed, and shall by resolution approve a schedule of assessments.

(Ord. 333, passed 1-22-02)

§ 65.113 OWNER'S LIABILITY FOR OBSTRUCTIONS AND HAZARDS.

The owner of the property adjacent to any sidewalk is hereby declared to be liable to any person suffering damages arising out of the failure to keep such sidewalk in a safe and passable condition, free from ice, snow, mud and other obstructions or hazards.

(Ord. 108, passed 7-20-70; amended by Ord. 333, passed 1-22-02) Penalty, see § 65.199

§ 65.199 PENALTY.

Any person violating any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days or both such fine and imprisonment, in the discretion of the court.

(Ord. 108, passed 7-20-70; amended by Ord. 261, passed 12-7-92)

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ARTICLE II: PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENT METHOD

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§ 65.201 PURPOSE.

The making and financing of public improvements by the special assessment method shall be governed by this article and all proceedings therefor shall be taken in accordance with the provisions of this article.

(Ord. 1961-D, passed 11-22-61)

§ 65.202 COST OF IMPROVEMENT.

The term *PUBLIC IMPROVEMENT*, as used in this article, shall include the reconstruction in whole or in part of any structure or work as well as the original construction thereof. The cost of surveys, maps, drawings, plans and specifications for a public improvement and all expenses incident to the proceedings for the making of such improvement, the making and collecting of the special

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assessments therefor, and the issuance of bonds in anticipation of such special assessments, shall be deemed a part of the cost of said improvement. Whenever any property is acquired by condemnation, or otherwise, for the purpose of any public improvement, all or any part of the cost thereof may be included as a part of the cost of such improvement. Any assessment may be made upon the basis of the estimated cost of the improvement if the actual cost has not been definitely determined.

(Ord. 1961-D, passed 11-22-61)

§ 65.203 INITIATION OF SPECIAL ASSESSMENT PROJECT.

(A) *By Commission.* Whenever the Commission proposes to make any public improvement and to defray the whole or any part of the cost thereof by special assessment upon the property specially benefited, it shall declare its intention to do so by resolution, stating therein the nature and the route or location of the proposed improvement and the lands and premises proposed to be included in the special assessment district and assessed therefor, and cause to be prepared and submitted to the Commission a map or drawing showing the route or location of such proposed improvement and such proposed special assessment district, plans and specifications for such proposed improvement, and an estimate of the cost thereof.

(B) *By petition of property owners.* A public improvement may be proposed by filing with the City Clerk petitions signed by at least 50% of the owners of the property to be assessed for the improvements requesting that the improvements be made and that the cost thereof be defrayed by special assessment upon the property benefitted. The petition shall set forth the location, extent and character of the desired public improvement. After receiving the petition, the Commission shall proceed in the same manner as provided herein for public improvements initiated by the Commission.

(Ord. 1961-D, passed 11-22-61; amended by Codification Ordinance)

§ 65.204 DECLARATION OF COMMISSION.

Upon the submission of the above-mentioned map or drawing, plans, specifications and cost estimate, the Commission shall, if it desires to proceed with the making of said improvement and the special assessments therefor, so declare by resolution. The Commission, by said resolution, shall order the aforesaid map or drawing, plans, specifications and cost estimate, to be filed in the office of the City Clerk for public examination, shall determine the necessity of said improvement, shall state the estimated cost thereof and what part or proportion, if less than all, shall be paid by special assessment and what part or proportion, if any, shall be a general obligation of the city, shall specify the number of installments in which assessments may be paid, and shall designate the district or lands and premises upon which the special assessments shall be levied.

(Ord. 1961-D, passed 11-22-61)

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§ 65.205 PUBLIC HEARING.

Before finally determining to make said improvement and the special assessments therefor, the Commission shall hold a public hearing at a time and place to be fixed by the Commission, and at such hearing shall hear and consider any objections which may be submitted by any interested person with respect to the making of said improvement and the assessing to the designated special assessment district of all or that part of the cost of the improvement which the Commission has proposed to so assess. The Commission shall cause notice of such hearing to be given by the City Clerk not less than ten days prior to the date of said hearing by publication thereof at least once in a newspaper having general circulation in the city (and having had such general circulation for at least two years immediately preceding such publication), and by sending by first class U.S. Mail, postage thereon fully prepaid, a copy of said notice addressed to each person in whose name any land in the special assessment district is assessed on the last preceding tax assessment roll of the city, at the last known address of such person or persons, and also (if such address is different from the address of the premises in the district) a copy of said notice addressed to the "occupant" of each such premises which has an address served by U.S. Mail. Such notice shall specify the improvement, describe the district, state the estimated cost and the division thereof as between the district and the city at large, and give notice that the map or drawing, plans, specifications and cost estimate of the improvement are on file with the City Clerk for public examination. At the time of such hearing, or any adjournment held in compliance with the Open Meetings Act as amended, being M.C.L.A. § 15.261 *et seq.*, the Commission shall hear and consider such objections as are submitted and shall record in the minutes of said meeting the names of all persons objecting, the properties owned by them, and the nature of their objections. The Commission may revise, correct, amend or change the map or drawing, plans, specifications, estimate and/or district; provided that if the amount of work is increased or additions are made to the district, then an additional hearing(s) shall be held with respect to the changes and notices of such hearing shall be given in the same manner as required for the first hearing.

(Ord. 1961-D, passed 11-22-61; amended by Codification Ordinance)

§ 65.206 APPROVAL; OBJECTION IN WRITING.

After the hearing provided for in the preceding section, if the Commission desires to proceed with the making of said improvement and the special assessments therefor, it shall adopt a resolution approving the map or drawing, plans, specifications and cost estimate as originally presented or as revised, corrected, amended, or changed, determining to make the improvement, designating the lands and premises constituting the special assessment district therefor, stating what part of the cost of the improvement, if any, shall be assumed and paid from the general funds of the city and directing that the remainder be assessed in accordance with benefits to the lands and premises constituting said special assessment district, specifying the number of installments in which the assessments shall be payable, and ordering the City Assessor to prepare a special assessment roll for all or that part of the cost to be so assessed; provided, that if, prior to the adoption of said resolution, written objections to the improvement have been filed by more than 50% of the number of owners of privately owned real property to be assessed for the improvement, or in the case of paving or similar improvement, more than 50% of the

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number of owners of frontage to be assessed shall object in writing to the proposed improvement, then such resolution shall not be adopted and said improvement shall not be made, except in case of sidewalk construction, without a 5/7 vote of the members-elect of the Commission.
(Ord. 1961-D, passed 11-22-61)

§ 65.207 PREPARATION OF SPECIAL ASSESSMENT ROLL.

The City Assessor shall thereupon, after the adoption of such resolution so directing, prepare the special assessment roll in which shall be entered and described all the lands and premises to be assessed, with the names of the respective owners thereof, if known, and the amount to be assessed against each such parcel of land or premises, which amount shall be such relative portion of the whole sum to be levied against all lands and premises in the special assessment district as the benefit to such parcel of land or premises bears to the total benefits to all lands and premises in the special assessment district. There shall also be entered upon said roll the amount which has been assumed by the city at large. When the City Assessor shall have completed the assessment roll, he shall file the same in the office of the City Clerk, after first having affixed thereto a certificate stating that it was made pursuant to a resolution of the Commission of said city adopted on a specified date and that in making such assessment roll he has, according to his best judgment, conformed in all respects to such resolution, this article, and the Charter of the city.
(Ord. 1961-D, passed 11-22-61)

§ 65.208 NOTICE OF HEARING.

Before confirming any assessment roll, the Commission shall appoint a time and place when it will meet and review the same and hear any objections thereto, and shall cause notice of such hearing and of the filing of such assessment roll to be given by the City Clerk not less than 10 days prior to the date of said hearing by publication thereof at least once in a newspaper having general circulation in the city (and having had such general circulation for at least two years preceding such publication). The notice shall contain the following:

- (1) The time and place of the hearing;
- (2) A description of the section or area of the city determined by the Commission to be within the assessment district as contained in the special assessment roll;
- (3) Where the special assessment roll is on file and may be examined;
- (4) That any person aggrieved by the assessment as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative;

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(5) That the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and

(6) That any appeal to the Michigan Tax Tribunal must be taken within 30 days of the confirmation of the special assessment roll, provided a protest was timely made.

(B) In addition, the Clerk shall give notice of hearings in special assessment proceedings to each owner of, or party in interest in, property to be assessed, whose name appears upon the last local tax assessment records, by first class mail addressed to such owner or party at the address shown on the tax records, at least ten days before the date of such hearing. As used in this section, "last local tax assessment records" means the last local board of review, as supplemented by any subsequent changes in the names and addresses of owners or parties listed thereon. Notice given under this subsection shall comply with any mandatory statutory provision governing the same.

(C) Where any person claims an interest in real property whose name and correct address do not appear upon the last local tax assessment records, he or she shall be obligated to file immediately his or her name and address with the City Assessor and to provide evidence acceptable to the City Assessor that he or she is entitled to be the taxpayer of record. The Assessor shall immediately enter on the local tax assessment records any changes in the names and addresses of owners or parties in interest filed with him or her and shall at all times keep such tax assessment records current, complete and available for public inspection.

(D) The Commission shall meet at the appointed time and place and at such meeting or any adjourned meeting held in compliance with the Open Meetings Act as amended, being M.C.L.A. § 15.261 *et seq.*, shall review the special assessment roll and hear and consider any objections thereto, and shall record in the minutes of said meeting the names of all persons who objected to said roll, the properties owned by them, and the nature of their objections. The Commission may revise, correct, amend or change the map or drawing, plans, specifications, estimate and/or district; provided that if the amount of work is increased or additions are made to the district, then an additional hearing(s) shall be held with respect to the changes and notice of hearing shall be given as required by this section.
(Ord. 1961-D, passed 11-22-61; amended by Codification Ordinance)

§ 65.209 CONFIRMING OR CORRECTING ASSESSMENT ROLL.

After the hearing on the special assessment roll, the Commission by resolution may confirm the same, or may correct it as to any matter appearing therein and confirm it as so corrected, or may refer it back to the City Assessor for revision, or may annul it and direct a new roll to be made. No special assessment roll shall be confirmed except with the affirmative vote of at least four members of the Commission. If, at or prior to final confirmation of any special assessment roll, more than 50% of the number of owners of privately owned real property to be assessed thereon, or in the case of paving or similar improvement, more than 50% of the number of owners of frontage to be assessed thereon, shall object in writing to the proposed improvement, the special assessment roll shall not be confirmed, except

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in case of sidewalk construction, without a 5/7 vote of the members-elect of the Commission. When a special assessment roll shall be confirmed, the City Clerk shall endorse thereon the date of confirmation. After such confirmation the special assessment roll and all assessments therein shall be final and conclusive.

(Ord. 1961-D, passed 11-22-61)

§ 65.210 WORK TO COMMENCE AFTER CONFIRMATION OF ASSESSMENT ROLL.

No work shall be commenced on any public improvement to be financed in whole or in part by special assessment until after confirmation of the special assessment roll therefor, nor shall any contract or expenditure be made for such improvement prior to such confirmation, except for legal, engineering, administrative and other services required for the preparation of the map, drawings, plans, specifications and cost estimate for the improvement and the taking of necessary proceedings, including the making of the special assessment roll, for the levying of the special assessments.

(Ord. 1961-D, passed 11-22-61)

§ 65.211 ASSESSMENTS PAYABLE IN ONE OR MORE INSTALLMENTS.

Special assessments may be made payable in one or more installments, as determined by the Commission, but such installments may not exceed five in the case of sidewalk improvements, 15 in the case of paving or similar street improvements, and 20 in the case of water, storm sewer, sanitary sewer or other improvements. The first installment shall be due at such time after confirmation as the Commission shall provide and the several subsequent installments shall be due at intervals of 12 months from the due date of the first installment. The amount of each installment (if more than one) need not be extended upon the special assessment roll until after confirmation. All installments not paid by a date to be fixed by the Commission shall bear interest thereafter at the rate of 2/3 of 1% for each month or fraction thereof that the same remain unpaid prior to their transfer to the city tax roll. Such accrued interest on all unpaid installments shall be due and payable annually on the due dates of the respective installments. Any one of more installments may be paid at any time before due together with accrued interest on such installments.

(Ord. 1961-D, passed 11-22-61; amended by Ord. 176, passed 12-15-80)

§ 65.212 DELINQUENCY; LIEN UPON PROPERTY.

(A) If any installment is not paid when due, then the same shall be deemed to be delinquent, and there shall be collected thereon, in addition to interest as above provided, a collection fee of 1% and a penalty of 2% of such installment. In case any assessment or any installment thereof shall remain unpaid on the first Monday of May following the date when the same became delinquent, the same shall be reported unpaid by the City Treasurer to the Commission, and such delinquent assessments, together with all accrued interest, shall be transferred and reassessed on the next annual city tax roll in a column

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headed "Special Assessments," with a penalty of 4% upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes.

(B) Special assessments and all interest, charges and penalties thereon, from the date of confirmation of the roll and until paid, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for the state and county taxes and by the City Charter for city taxes. No judgment or decree, nor any act of the Commission vacating a special assessment shall destroy or impair the lien of the city upon the property assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.

(Ord. 1961-D, passed 11-22-61)

§ 65.213 COLLECTMENT OF ASSESSMENTS.

When any special assessment shall be confirmed, the Commission shall direct the assessments so made in the special assessment roll to be collected. The City Clerk shall thereupon deliver to the City Treasurer said special assessment roll to which he shall attach his warrant commanding the City Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein. Upon receiving such special assessment roll and warrant, the City Treasurer shall proceed to collect the several amounts assessed therein.

(Ord. 1961-D, passed 11-22-61)

§ 65.214 ACTION OF ASSUMPSIT.

In addition to any other remedies and without impairing the lien therefor, any delinquent special assessment together with interest and penalties may be collected in an action of assumpsit in the name of the city against the person assessed, in any court having jurisdiction. If in any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the premises in question, render judgment for the amount properly chargeable against such defendant or upon such premises.

(Ord. 1961-D, passed 11-22-61)

§ 65.215 LOTS DIVIDED AFTER SPECIAL ASSESSMENT.

Should any lot or parcel of land be divided after a special assessment thereon has been confirmed and before the collection thereof, the Commission may require the City Assessor to apportion the uncollected amounts upon the several parts of such lot or parcel of land. The report of such

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apportionment when confirmed shall be conclusive upon all parties, provided that before such confirmation, notice of hearing shall be given to all the interested parties by personal service or by publication and mailing as above provided in case of an original assessment roll.

(Ord. 1961-D, passed 11-22-61)

§ 65.216 ADDITIONAL PRO RATA ASSESSMENTS.

Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or insufficient to pay the principal and interest on bonds issued in anticipation of such assessment roll; provided, that the additional pro rata assessment shall not exceed 25% of the assessment as originally confirmed, unless a meeting of the Commission be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

(Ord. 1961-D, passed 11-22-61)

§ 65.217 REASSESSMENTS.

Whenever any special assessment roll shall, in the opinion of the Commission, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Commission shall, whether the improvement shall have been made or not, or whether any part of the assessment shall have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for in original assessment except as to corrections in the proceedings required to make the assessment legal. Whenever any sum or part thereof, levied upon any property in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment. If the payments exceed the amount of the reassessment, refunds shall be made.

(Ord. 1961-D, passed 11-22-61)

§ 65.218 DISPOSITION OF FUNDS.

Moneys raised by special assessments for any public improvement shall be credited to a special assessment account and shall be used to pay for the costs of the improvement for which the assessment was levied and of incidental thereto, to repay any principal and interest on money borrowed therefor, and to refund excessive assessments. The excess by which any special assessment proves larger than the actual cost of the improvement and expense incidental there to may be placed in the General Fund of the city if such excess is 5% or less of the assessment, but should the assessment prove larger than necessary by more than 5% the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made

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which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment.

(Ord. 1961-D, passed 11-22-61)

§ 65.219 BILLS TO OWNER.

When any expense shall have been incurred by the city upon or in respect to any single premises, which expense is chargeable against such premises and the owner thereof under the provisions of the Charter or any ordinance of the city or law of the State of Michigan, and is not of that class required to be prorated among the several lots and parcels of land in a special assessment district, an account of the labor, material and service for which such expense was incurred, with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner, if known, shall be reported to the City Treasurer, who shall immediately charge and bill the owner, if known. In the event that the City Treasurer finds that such amount is not otherwise collectible, he shall report the same to the Commission which may direct the City Assessor to prepare a special assessment roll covering all such charges reported to it, together with a penalty of 10%. Such roll shall be filed with the City Clerk, who shall present the same to the Commission. Thereafter the same proceedings shall be followed in respect to such special assessment roll as are provided in § 65.208 and subsequent sections of this article and all the provisions of said sections with reference to special assessments generally shall apply to special assessments under this section, insofar as the same may be applicable.

(Ord. 1961-D, passed 11-22-61)

§ 65.220 OBLIGATIONS OF CITY TO PAY.

In the event that payment of any assessment or installment thereof is deferred by reason of poverty as provided in Section 7.9 of the City Charter, then the obligation of the owner to make such payment shall thereby become the obligation of the city, and the city shall pay from its General Fund any such deferred assessment or installment, together with any interest and penalties thereon.

(Ord. 1961-D, passed 11-22-61)

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ARTICLE III: SIGNS

Section

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- 65.302 Definitions
- 65.303 General provisions
- 65.304 Design, construction and maintenance
- 65.305 Application process
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§ 65.301 PURPOSE.

The standards contained herein are intended to be content neutral. The purpose of this chapter is to regulate signs and outdoor advertising within the city so as to protect public safety, health, and welfare; to minimize the possible adverse effects on nearby public and private property; to reduce motorist distraction; to promote public-convenience; to support and complement land use objectives as set forth in the city's Comprehensive Master Plan and this chapter; to enhance the appearance and quality of life within the city; and to enable the fair and consistent enforcement of these sign regulations (requirements). These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

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§ 65.302 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any sign that is still on the premises 30 days after a business ceases to operate or moves from the location.

AGGREGATE SQUARE FOOTAGE. The total sum of all signs and their areas per parcel.

ANIMATED. Signs that involve motion or rotation of any part of the structure, running animation, or displays, or flashing or moving lights. For the purposes of this chapter, this term does not refer to changeable copy signs.

AWNING OR CANOPY. A retractable or fixed shelter constructed of rigid or non-rigid materials on a supporting framework that projects from the exterior wall of a building.

AWNING OR CANOPY SIGN. Printing affixed flat against the surface of an awning or canopy which advertises the business(es) located within the building.

BANNER SIGN. A fabric, plastic, or other sign made of non-rigid material without a supporting structural framework, suspended from a rope, wire or string.

BILLBOARD. A sign that advertises an establishment, product, service, or activity not available on the lot on which the sign is located. Permitted off-premises directional signs shall not be considered **BILLBOARDS** for the purpose of this article.

BONA FIDE BUSINESS. A business establishment with set hours for conducting business, and open to the general public.

BUSINESS CENTER. Any group of three or more commercial establishments which:

- (1) Are under one common ownership or management;
- (2) Have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure;
- (3) Share a common parking area; or
- (4) Otherwise present the appearance of one continuous commercial area.

BUSINESS CENTER SIGN. A freestanding or monument identification sign for a group of three or more businesses.

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CHANGEABLE COPY SIGN. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter.

CITY. The City of Clio.

COLONIAL SIGN. A historical style sign attached to a building or wall that extends more than 12 inches from the face of the building.

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION SIGN. A sign that identifies the financiers, contractors, architects, engineers and/or other parties responsible for a project under construction.

DIRECTIONAL SIGN. A sign that gives directions, instructions, or facility information for use on the lot on which the sign is located, such as parking or exit and entrance signs.

ELECTRONIC MESSAGING CENTER. A digital illuminated sign that uses movement or change of lighting to depict action or create a special effect or scene.

ESSENTIAL SERVICES. Those services that pertain to the health, safety, and welfare of the general public.

FREESTANDING SIGN. A sign supported on poles and not attached to a wall or building.

GOVERNMENT SIGN. A temporary or permanent sign erected by the city, or the state or federal government.

HISTORICAL SIGN. A sign constructed to identify and in accordance with a designation by the National Register of Historic Place, designated by the Clio Area Historical Association, or a government sign identifying an officially designated landmark.

INFLATABLE SIGNS. Any device, including balloons, that are capable of being inflated with air, helium or other gas and mounted, tied or tethered in such a manner as to hold such inflatable sign or balloon from being carried away by the wind.

MARQUEE. A permanent roof-like structure constructed of rigid materials projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN. A sign supported by a solid base with zero ground clearance, not attached to a wall or building, and not taller than it is wide. Height not to exceed six feet unless otherwise allowed by zoning district.

MURAL. A design or representation painted or drawn on a wall that does not advertise the establishment, product, service or activity.

PENNANT. A sign produced on lightweight flexible fabric such as canvas, cloth or similar material that is mounted to a pole or a building at one or more edges and which is more or less subject to movement by the wind. A pennant is distinguished from a banner in that a pennant does not contain a commercial message and is intended primarily to be for decorative and eye-catching purposes. A pennant is distinguished from a flag in that it is not used as a symbol of a national, state or municipal government, political subdivision, educational institution, or other noncommercial entity.

POLITICAL SIGN. A temporary sign used in connection with an official city, school district, township, county, state, federal election, referendum or ballot proposal.

PORTABLE SIGN. A sign designed to be moved easily and not permanently affixed to the ground, structure and/or building, including, but is not limited to, signs attached to or painted on vehicles parked and visible from the public right-of-way for the purposes of advertisement.

PROJECTING SIGN. A sign attached to a building or wall that extends more than 12 inches from the face of the building or wall.

REAL ESTATE SIGNS. A sign advertising the property upon which the sign is located as being for sale, rent, or lease.

ROOF LINE. The top edge of a roof or parapet wall, whichever is higher.

SIDEWALK SIGN. A portable sign or A-frame used to advertise a business seasonally during hours a business is open and stored inside when not in use. This excludes handwritten paper or cardboard signs. Also see § 65.306(L)(2).

SIGN. A device, structure, or fixture using graphics, symbols, and/or written copy designed specifically for advertisement or identifying an establishment, product, service, or activity.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphics elements comprising the content of message of a sign.

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SPECIAL EVENTS SIGN. Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations, and/or those special events for profit organizations as determined by established policy and the City Administrator.

STOREFRONT. The predominant frontage occupied by a singular tenant, incremental in lengths of 20 feet, and an additional percentage thereof.

SUSPENDED SIGN. A sign suspended from a horizontal plane surface is supported by such surface.

TEMPORARY SIGN. Any sign used only temporarily and is not attached/affixed in any permanent manner.

WALL SIGN. A sign painted or attached directly to and parallel to the exterior wall of a building.

WINDOW SIGN. Painted graphics or other material conveying an advertising message designed for or placed behind any window visible to the public. This term does not include merchandise displayed in a window. This excludes handwritten paper or cardboard signs.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14; amended by Ord. 485, passed 5-2-16)

§ 65.303 GENERAL PROVISIONS.

(A) No person shall erect, alter, place, or replace any sign or commercial message without first obtaining a sign permit, unless expressly exempt elsewhere in this chapter.

(B) Any sign that can be displayed under the provisions of this article may contain a noncommercial message.

(C) Any sign not expressly authorized by this chapter is prohibited.

(D) *Substitution clause.* Any commercial sign may be covered or replaced with a non-commercial message.

(E) The intent of this chapter is to permit signs that are content neutral. However, explicit lewd language, sexual or nude materials are prohibited.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12) Penalty, see § 65.399

§ 65.304 DESIGN, CONSTRUCTION AND MAINTENANCE.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

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(A) All signs at all times shall comply with applicable provisions of the appropriate building and electrical codes used by the city.

(B) Except for banners, flags, temporary signs, and non-permanent window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed and maintained in accordance with the Michigan Building Code § 3107.1 and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(C) All signs shall be constructed and maintained at all times in good structural condition, in compliance with all building and electrical codes. All signs and components thereof shall be kept in a neat, clean and attractive condition.

(D) Banners, inflatable and pennants are considered to be temporary signs allowed by permit for a period not to exceed 30 days per calendar year. The time period shall be used as follows: continuous 30 day period, ten continuous days three times per year, or 15 continuous days two times per year.

(E) The Planning Commission may approve the use of banners, flags and pennants for a period of time exceeding 30 days for businesses with at least 500 square feet of outdoor sales, subject to the following requirements:

(1) The use of banners, flags and pennants does not cause a distraction or obstruction;

(2) The size of banners, flags, and pennants, in total, shall not exceed the size allowed for permanent signs in the district in which the business is located;

(3) No banners, flags or pennants shall be located in any required setback area or exceed the height limitation within the district the business is located; and

(4) The business owner must maintain the banners, flags and/or pennants pursuant to an approved maintenance plan filed with the City Administrator or his or her designee.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14; amended by Ord. 485, passed 6-2-16)

§ 65.305 APPLICATION PROCESS.

Applications for sign permits shall include the following information:

(A) The name, address and telephone numbers for the applicant, property owner, and sign contractor; street address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.

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(B) Where a proposed sign would be located along a state right-of-way, copies of permits or approvals from the Michigan Department of Transportation shall be provided.

(C) Any other information required by the City Administrator or Building Inspector to show compliance with this chapter, and other codes and ordinances of the city.

(D) Each application for a sign permit shall be accompanied with an application fee. The City Commission will establish this fee that may be changed from time to time. No action will be taken on any application until all applicable fees have been paid.

(E) If construction is not complete within six months of the issuance date of the permit, the permit shall lapse and become void.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 485, passed 5-2-16)

§ 65.306 GENERAL RESTRICTIONS.

(A) Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility.

(B) Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard. All signs must be installed in accordance with the most recently adopted building construction code.

(C) Signs may be illuminated internally or externally, unless prohibited elsewhere in this chapter. Lighting otherwise prohibited may be permitted by variance. All lighting shall be enclosed or directed to prevent light from shining onto traffic or residential property. (See § 252.316 of the Michigan Home Rule Act). Flashing signs are prohibited, (see M.C.L.A. § 252.318(f) for specific explanation of flashing signs).

(D) No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, unless otherwise permitted.

(E) No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

(F) No sign shall be placed where it might, due to its positions, shape, color, or other characteristic, interfere with, or obstruct the view of, or be confused with a traffic signal, sign, or device.

(G) No wall sign shall extend beyond the edge of the wall to which it is affixed or beyond the roof line.

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(H) No sign shall be erected horizontally or vertically over the roof line.

(I) Trimming or removal of trees in the city's right-of-way is prohibited for the construction of, or for the visibility to any sign unless approved by the city.

(J) No signs shall be placed on any trees in the city right-of-way.

(K) Awnings, suspended signs, canopies, and marquees are permissible within the right-of-way with the approval of the City Administrator or his or her designee as to compliance with current construction code. Awnings may not project over eight feet into the public right-of-way, and must have a clearance of eight feet from grade.

(L) (1) In the Central Business District, A-frames, sandwich boards, and menu sidewalk-signs shall be allowed under the following provisions:

- (a) Only one per storefront or per tenant;
- (b) Height may not exceed 42 inches as the sign stands;
- (c) Width may not exceed 24 inches;
- (d) The sign must be placed a minimum of 24 inches from the curb; and
- (e) Shall be allowed only during business hours.

(2) Permits for sidewalk signs shall be issued on an annual basis at a fee to be determined by the City Commission. As a prerequisite to the issuance of a new permit or the renewal of a prior permit, the business owner shall provide proof satisfactory to the city of liability insurance coverage.

(3) In the General Business District, signs must be placed a minimum of 12 inches from the curb and are not to obstruct pedestrian traffic.

(M) Portable signs are allowed only as a conditional use in C-2 and industrial zones.

(N) Window signage using poster board, cardboard or paper mounted to the inside surface of the window as a business sign is prohibited.

(O) Signs which obstruct the ingress to or egress from a required door, window, fire escape or other required exit way are prohibited.

(P) Signs that are mounted or displayed on a vehicle parked within a public right-of-way when such vehicle is parked for the purpose of advertising are prohibited.

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(Q) Signs painted directly upon walls, sidewalks, or driveways are prohibited except for directional signs and notices of ordinance violations.

(R) Signs and/or frames shall not be constructed from used/scrap materials that are remnants.

(S) Persons wearing costumes for advertising purposes are considered to be signs and are not permitted on the public right-of-way due to distractibility.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 485, passed 5-2-16) Penalty, see § 65.399

§ 65.307 PROVISIONS FOR ELECTRONIC MESSAGING CENTERS (EMCs).

Safety and consideration of effects on nearby properties are key reasons for this chapter. Therefore, EMCs are regulated and described as follows.

(A) EMCs that involve running animation or displays, or flashing or moving lights are prohibited. EMCs may display static messages or images that change if the rate of change between two static messages or images does not exceed more than one change per six seconds, each change is complete in one second or less, and the sign possesses and utilizes automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 foot candles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet. In addition, EMCs shall be configured to default to a static display in the event of mechanical failure. (Modified from M.C.L.A. § 252.318(f)). While this applies to state highways (including M-57), for consistency the intent is that this standard be applied to the city as a whole.

(B) EMCs are not permitted in residential zones. However, signs already present can remain as legal non-conforming uses.

(C) Non-conforming EMCs are subject to the same restrictions listed elsewhere in this article. (Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

§ 65.308 EXEMPTIONS.

The following signs are exempt from permit requirements but must conform with all other provisions of this chapter:

(A) Government signs;

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(B) Temporary holiday or special events (non-profit) decorations and signs; also see § 65.312(C);

(C) Name plates (two square feet or less);

(D) Election/political signs; Political signs are permitted with the following provisions:

(1) A maximum size of four feet by four feet.

(2) Shall not be erected on any city properties or within any public right-of-way and shall not create a traffic vision hazard.

(3) Shall be removed within three days after the official election or referendum to which the sign pertains.

(E) Residential real estate signs shall be removed upon possession of the properties by new owners or lessees;

(F) Commercial real estate signs are permitted in Industrial, C-1 and C-2 zones if they do not exceed 32 square feet in area and eight feet in height. They must be removed within ten days of occupancy by a new owner or lessee.

(G) Real estate signs (32 square feet or less);

(H) Interior building signs, not visible from the exterior;

(I) Directional signs (six square feet or less);

(J) Garage or occasional sale signs (six square feet or less); also see § 65.312(D);

(K) Window signs with coverage of up to 25% of an individual window;

(L) Historical markers;

(M) Memorial signs or tablets;

(N) Murals;

(O) Signs for essential services; and

(P) Flags of any nation, state, city, not-for-profit organization, educational institution, or company emblems providing no other advertisement is present.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

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§ 65.309 REMOVAL OF CERTAIN SIGNS.

(A) In the event that a bona fide business ceases to operate for a period of 30 days, the sign owner and/or property owner shall immediately remove any sign identifying the business or use announced thereby.

(B) Any sign that is found to be constructed, painted, installed, or maintained in a manner not consistent with this chapter, or without the proper permit, shall be forthwith removed.

(C) In the event a sign subject to removal pursuant to the preceding division is not removed as provided therein, the City Administrator or his or her designee, shall forthwith notify the sign owner and/or property owner in writing to remove the sign within 14 calendar days of the date of the notice.

(D) The words “remove,” “removal,” and “removed” as used in this section and its subsections shall mean and include the demolition, destruction, removal, and disposal of the sign face, post column, backing material, and supports of all signs.

(E) Should the sign owner and/or property owner fail to remove or cause the removal of the sign within the time established pursuant to this chapter, the City Administrator, or his/her designee, is hereby authorized to remove or cause the removal of the sign. Any expense incidental to the removal shall be charged to the owner of the property on which the sign is located.

(F) Any sign placed within the right-of-way shall be forfeited to the public and subject to immediate confiscation and removal at the sign owner’s sole expense.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14; amended by Ord. 485, passed 5-2-16) Penalty, see § 65.399

§ 65.310 NON-CONFORMING SIGNS; ILLEGAL SIGNS; SIGNS ACCESSORY TO NON-CONFORMING USES.

(A) A sign which is in existence as of the effective date of this ordinance, or on a later date when the property is annexed into the city, and that was constructed in accordance with the ordinances and applicable laws in effect as of the date of its construction, but because of its size, height, location, design, or construction is not in conformance with the requirements of this chapter, is hereby deemed to be non-conforming. It shall be allowed to remain in place and be maintained as part of a bona fide business.

(B) Non-conforming signs or their commercial messages may not be altered, expanded, enlarged or extended. Non-conforming signs may be maintained so as to continue its useful life as a sign.

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(C) Any non-conforming sign destroyed or damaged by fire or other casualty loss shall not be restored or rebuilt.

(D) A sign accessory to a non-conforming use may be erected in the city in accordance with the sign regulation for the subject zoning district.

(E) Any sign which for a period of 30 days or more no longer advertises a bona fide business conducted, or product sold shall be removed by the owner of the property on which the sign is located, within 14 days of the receipt of the written notice by the City Administrator, as provided in § 65.316, the provisions of which shall apply to the removal of such signs, the sign owners and the property owners in question.

(F) Any non-conforming or illegal signs herein must be registered by application to the city. Applications submitted for existing signs within six months of the effective date of this ordinance shall be exempt from the initial registration fees. Fees will be set by the City Commission, for registration after the stated date.

(G) Historical signs, as defined herein, will not be considered non-conforming with the following provisions:

(1) Verification from the Clio Area Historical Association using historic documents and/or pictures; and

(2) Verification of historical significance from official government sources.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 485, passed 5-2-16) Penalty, see § 65.399

§ 65.311 COMPUTATIONS AND SIGN/AREA CALCULATIONS.

(A) *Computation of the area of an individual sign.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof. The area will encompass the extreme limits of the writing, representation emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This will not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(B) *Computation of the area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the

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same time, and when such sign faces are part of the same sign structures and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(C) *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(D) For buildings with multiple tenants, the sign areas for wall signs, projecting signs, and awning or canopy signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the entire wall.

(E) Awning or canopy signs will be calculated by the area encompassing the lettering and graphic. Calculations will not include the material or fabric of the awning itself.
(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

§ 65.312 SIGN REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS.

The following sign regulations are applicable to all zoning districts:

(A) Portable and temporary signs are prohibited, unless provided for elsewhere in this chapter.

(B) Construction signs are permitted within any zoning district, if they do not exceed 32 square feet in area. They may not exceed eight feet in height, or be erected until a proper building permit for the construction has been approved. They must be removed upon an occupancy permit being issued.

(C) Special events signs for governmental and non-profit organizations, including banners, are permitted within any zoning district provided that no more than five such signs shall be allowed per event. They shall be limited to 21 days previous to the event, and 48 hours after the event. They may not exceed 32 square feet or five feet in height, and shall comply with district setback requirements.

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(D) Garage and occasional sale signs are allowed. One sign on premises per lot on which the sale is being conducted and up to two additional signs for direction to the sale is permitted on private property. Each sign may not exceed six square feet in area. The sign may be erected one day prior to, and removed one day after the sale. The signs shall not be placed on public utility poles.

(E) All signs shall be set back at least eight feet from the property line in all zoning districts, unless provided for elsewhere in this chapter.

<i>Commercial C-2 District Permitted Signs</i>					
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>	<i>Other Requirements</i>
Freestanding and business center	1 per 300 feet of lineal road frontage, only 1 monument, freestanding, or business center sign per 300 feet of lineal road footage	Business center identification, freestanding and monument signs not to exceed 100 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet for monument, 28 feet for freestanding or business center	
Wall	1 per tenant, a secondary sign will be allowed permitted	No greater than 8% of the face of the wall on which it is located			
Political	1 sign per issue or candidate	No greater than 16 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet	
Real Estate	1 per lot or parcel for real estate signs	No greater than 32 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet	

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<i>Commercial C-2 District Permitted Signs</i>					
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>	<i>Other Requirements</i>
Sidewalk	1 per storefront or per tenant	Height may not exceed 42" as the sign stands in the open position; width may not exceed 24"	The sign must be placed a minimum of 12" from the sidewalk		<p>Shall be allowed only during business hours.</p> <p>Permits for sidewalk signs shall be issued on an annual basis at a fee to be determined by the City Commission. As a prerequisite to the issuance of a new permit or the renewal of a prior permit, the business owner shall provide proof satisfactory to the city of liability insurance coverage.</p>
Portable	1 portable sign per parcel				Portable signs require a conditional use permit under the City Zoning Ordinance

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<i>IND & IBP - Industrial and Industrial Business Park District Permitted Signs</i>					
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>	<i>Other Requirements</i>
Monument and freestanding	1 per lot or major parcel entrance	No greater than 60 square feet	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way	No more than 8 feet in height	
Wall	1 per street front	No greater than 5% of the wall area to which the sign is affixed	On wall of building, facing the street		
Directional		No greater than 12 square feet (permit not required for less than 6 square feet)	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way	No more than 6 feet	
Political	1 per issue or candidate for political signs	No greater than 16 square feet	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way	No more than 6 feet	
Real Estate	1 per lot or parcel for real estate signs	No greater than 32 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet	
Portable	1 portable sign per parcel.				Portable signs require a conditional use permit under the City Zoning Ordinance

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<i>R-1, R-3, R-4, REC, MH Zoning District Permitted Signs</i>				
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>
Monument and freestanding signs, for residential subdivisions, manufactured homes, multiple family complexes, schools, churches and other non-residential uses; no illumination is to be allowed inside residential districts, except churches. EMCs are not permitted in residential zones.	1 per major entrance	No greater than 24 square feet	Minimum of 8 feet outside of the right-of-way and a minimum of 5 feet from adjacent property lines (clear vision standards apply)	No higher than 6 feet
Wall sign for home occupations	1 per lot parcel	No greater than 4 square feet	On wall of building facing street	
Wall sign for non-residential uses	1 per street front	No greater than 5% of the wall area to which it is affixed, not to exceed 28 square feet	On wall of building, facing the street	
Political	1 sign per issue or candidate	No greater than 16 square feet	Minimum of 8 feet outside of the right-of-way	No higher than 6 feet
Real Estate	1 per lot or parcel for real estate signs	No greater than 32 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet

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<i>Commercial C-1 District Permitted Signs</i>					
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>	<i>Other Requirements</i>
Banner and projecting	1 per business, plus 1 secondary sign facing a parking area, side street or alley	No sign or combination of signs may exceed 24 square feet per storefront, no allowed secondary sign or combination of signs may exceed 24 square feet	On wall of building facing street, alley or parking area		
Wall	1 per tenant, a secondary sign will be allowed	No greater than 8% of the face of the wall on which it is located			
Political	1 per lot or parcel, per issue or candidate	No greater than 16 square feet	Minimum of 5 feet from adjacent property, minimum of 8 feet outside of the right-of-way, unless placed on the wall of the building	No higher than 6 feet	
Real Estate	1 per lot or parcel for real estate signs	No greater than 32 square feet	Minimum of 5 feet from adjacent property and 4 feet outside of the right-of-way	No higher than 6 feet	
Monument and freestanding	Only 1 monument or freestanding sign per lot or parcel	No greater than 24 square feet	Minimum of 8 feet outside of the right-of-way	No higher than 6 feet for monuments, 21 feet for freestanding	
Marquee, suspended and awning	1 per business	No greater than 24 square feet per storefront, on awning face, or 40% of marquee face	On face of awning or marquee or suspended from plane	Minimum clearance of 8 feet from bottom of sign, maximum overhang of 8 feet into the right-of-way	

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<i>Commercial C-1 District Permitted Signs</i>					
<i>Type of Sign</i>	<i>Number</i>	<i>Size</i>	<i>Location</i>	<i>Height</i>	<i>Other Requirements</i>
Sidewalk	1 per storefront or 1 per tenant	Height may not exceed 42" as the sign stands in the open position and width may not exceed 24"	The sign must be a minimum of 24" from the curb	Sign may not exceed 48" when folded up	<p>Shall be allowed only during business hours.</p> <p>Permits for sidewalk signs shall be issued on an annual basis at a fee to be determined by the City Commission. As a prerequisite to the issuance of a new permit, or the renewal of a prior permit, the business owner shall provide proof satisfactory to the city of liability insurance coverage. Costumes are not permitted due to distractibility.</p>

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 474, passed 9-2-14)

§ 65.313 DOWNTOWN OVERLAY ZONE.

The following exceptions and additional requirements apply to signs within the Downtown Overlay Zone as described in the City Zoning Ordinance.

(A) Signage shall not cover or otherwise obscure attractive architectural details.

(B) A letter style in the Serif face or Sans Serif type is recommended. Avoid hard to read letterstyles. Flashy day-glow colors are prohibited, although the use of accent colors sparingly to call attention is allowed.

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(C) Window signage coverage of over 25% is permitted by permit for 30 days in a calendar year. Poster board, cardboard or paper mounted to the inside surface of the window as a business sign is prohibited.

(D) The lettering for the primary business identification sign shall not exceed 24 inches in height. Lettering on awning valances and projecting signs shall not be more than eight inches in height. Lettering on glass storefronts shall be no more than 12 inches in height.

(E) The Downtown Overlay Zone is a part of the C-1 Commercial (Central Business) District as defined in § 4.05 of the City of Clio Zoning Ordinance. The boundaries of the Downtown Overlay Zone is described as follows: “Those properties fronting West Vienna Street between Mill Street and the railroad tracks in the Central Business district of the city of Clio, Michigan.”
(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

§ 65.314 VIOLATIONS.

Any of the following shall be a violation of this article and shall be subject to the enforcement remedies and penalties provided by this article, and/or by state law.

(A) To install, create, erect, or maintain any sign in violation of any provision of this chapter;

(B) To install, create, erect, or maintain any sign in a manner that is inconsistent or not in conformity with any approved plan or permit governing such sign or the property on which it is located;

(C) To install, create, erect, or maintain any sign requiring a permit without such permit;

(D) To fail to remove any sign that is installed, created, erected, or maintained, in violation of this chapter, or for which the sign permit has lapsed;

(E) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation; and

(F) Each day on which a violation continues may, at the discretion of the court, constitute a separate violation of this chapter.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12) Penalty, see § 65.39

§ 65.315 ENFORCEMENT; REMEDIES.

(A) Any violation, or attempted violation of this chapter, or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the city shall include the following:

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(1) Issuing a stop work order for any, and all work on any signs; this order shall be posted on the premises on which the sign is located;

(2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of its non-conformity;

(3) Imposing any penalties that can be imposed directly by the city under this chapter;

(4) Seeking in court the imposition of any penalties that can be imposed by such court; and

(5) In the case of a sign that imposes an immediate danger to the public health and safety, taking such measures as are available to the city under the applicable provisions of Municipal and Building Code for such circumstances.

(B) The city shall have other such remedies as are, and from time to time be provided for or allowed by state law for the violation of the city's code of ordinances.

(C) All remedies provided herein shall, to the extent allowed by law, be cumulative for each violation.

(D) Any costs or expenses incurred by the city in enforcing this chapter shall be paid by the owner of the sign found to be in violation of this chapter, or upon default thereof, by the owner of the sign or the owner of the property to reimburse the city for costs and expenses incurred in such enforcement. The owner of the property shall be billed for such cost and expenses in the same manner as other taxes. (Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12)

§ 65.316 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the City Administrator or his or her designee and shall furnish to the City Administrator or his or her designee a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance orders or notice of violation and fully accepting the responsibility without condition for making corrections or repairs required by such compliance order or notice of violation.

(Ord. 472, passed 8-18-14; amended by Ord. 485, passed 5-2-16)

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§ 65.317 APPEALS; VARIANCES.

Any person aggrieved by a decision of the Building Inspector or the City Administrator, or his or her designee relative to the placement, area, height or construction of a sign, may appeal such decision to the City Commission. The City Commission must uphold the provisions of this chapter as written but may grant a variance from the requirements of this chapter when exceptional circumstances warrant it and after a public hearing as follows.

(A) On a factual proof presented by the applicant for such variance that is found to be satisfactory and credible by the City Commission that:

(1) The variance would not be contrary to the public interest or general purpose, and intent of this chapter;

(2) The variance does not adversely affect properties in the immediate area of the proposed sign; and

(3) The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property and where the hardship was not created by the applicant.

(B) An appeal shall be filed with the City Clerk specifying the grounds for the appeal.

(C) Applications for appeals of administrative actions shall be submitted to the City Clerk within 21 days of the date of such actions.

(D) An appeal stays all proceedings in furtherance of action appealed from, unless the officer from whom the appeal is taken certifies to the City Commission after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property, in which case proceedings shall not be stayed.

(E) The City Commission may reverse or affirm, wholly or partly, or may modify the order, requirements or determination appealed from and in making an order, requirement, decision or determination, shall have the powers of the officer of body from whom the appeal is taken. The City Commission shall only reverse an administrative decision if a preponderance of the evidence indicates that administrative decision did not comply with the requirements or standards of this chapter.

(F) *Public hearing notice.*

(1) The City Clerk shall post a notice of public hearing in a newspaper of general circulation within the city not less than 15 days before the next regular meeting of the City Commission. The content of the notice shall describe the nature of the request, indicate the property that is the subject of

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the request by street address, state when and where the request will be considered and indicate when and where written comments can be received per § 103(3) of PA 110.

(2) The City Clerk shall mail, by first class mail, a copy of such notices to each resident and owner or all properties as listed on the tax roll and located within 300 feet from the property involved in the application regardless of municipal boundaries.

(G) The City Commission shall hear any person wishing to express an opinion on the petition and review the variance application.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14; amended by Ord. 485, passed 5-2-16)

§ 65.318 PERMIT/FEE SCHEDULE.

The permit and fee schedule shall be set by resolution of the City Commission.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14)

§ 65.319 TIME OF COMPLIANCE - NON-CONFORMING SIGNS; SIGNS WITHOUT PERMITS.

Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this chapter or for which there is no current and valid sign permit, shall be obligated to remove such sign, or in the case of a non-conforming sign, to bring it into compliance with the requirements of this chapter.

(A) *Non-conforming existing signs, permits and terms.* Sign(s) which were made non-conforming by the adoption of this chapter may remain in place and be maintained in accordance with this chapter, provided, that no action is taken which increases the degree or extent of non-conformity. Any non-conforming sign shall either be eliminated or made to conform with the requirements of this chapter if the sign is to be altered in any way. All signs must conform to this chapter within ten years from the time of final adoption of this chapter.

(B) (1) Any person with a non-conforming sign in place as of the effective date of this chapter shall file with the City Clerk, within 90 days of the adoption of this chapter, notice of the non-conforming sign, which shall include the following information:

- (a) The name of the property owner where the sign is located;
- (b) The address of the property;

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- (c) A brief description of the sign;
- (d) The information conveyed by the sign; and
- (e) The location of the sign on the property.

(2) The notice shall be dated and signed by the property owner.

(3) In the event a dispute arises as to whether a particular sign constitutes a valid non-conforming use under this chapter, and a notice has been filed with the Clerk with respect to the sign, it will be presumed that the sign was not in place as of the date this chapter was adopted, and the burden shall be upon the property owner to prove the sign constitutes a valid non-conforming use. (Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 472, passed 8-18-14) Penalty, see § 65.399

§ 65.399 PENALTY.

(A) Unless otherwise provided in this code, any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this code shall exist or shall be created, shall be responsible for a civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this code, or any omission or failure to act where the act is required by this code. Upon a finding of responsibility, a defendant shall be responsible for a civil fine for each infraction as provided for in this section, infra, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended, and other applicable laws.

(B) For the first violation of any provision of this code, a civil fine of not less than \$200 plus costs shall be levied. A civil fine for the second or any subsequent violation of any provision of this code shall not be less than \$500 plus costs. A sanction shall be a civil fine as provided for above, plus cost, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended, and other applicable laws. As used in this section, ***SECOND OR ANY SUBSEQUENT VIOLATION*** means a second or any subsequent civil infraction violation of any provision of this code (i) committed by a person or entity within a two-year period; and (ii) for which the person admits responsibility or is determined to be responsible.

(C) Each day on which any violation of this article continues shall constitute a separate offense and shall be subject to penalties and sanctions as a separate offense. In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any section of this code which is declared to be a civil infraction.

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(D) In the event any person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the city in making the corrective action or actions.

(Ord. 436, passed 1-17-12; amended by Ord. 453, passed 11-19-12; amended by Ord. 461, passed 10-21-13; amended by Ord. 477, passed 6-1-15)

§ 65.400 OTHER ENFORCEMENT ACTIONS.

The city shall have the right to obtain an order of mandamus and/or injunction so as to enforce the terms and conditions of this section. All remedies which are provided by this code shall be cumulative.

(Ord. 477, passed 6-1-15)

