

**MINUTES OF REGULAR SESSION  
GALESBURG CITY COUNCIL  
NOVEMBER 2, 2009; 7:00 P.M.  
COUNCIL CHAMBERS,  
GALESBURG CITY HALL  
200 E. MICHIGAN AVE.  
GALESBURG, MI**

**GALESBURG**

200 E. Michigan Avenue  
Galesburg, Michigan 49053  
Phone: (269) 665-7000  
Fax: (269) 665-4541

The regular meeting of the Galesburg City Council was called to order by Mayor Allen at 7:00 p.m.

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None.

**I. CALL TO ORDER**

PRESENT: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

ABSENT: None

3. Report from the State of Michigan Liquor Control Commission submitting information regarding the amount of alcoholic beverage retailer license fees collected by the MLCC in Galesburg for the second 6 months of 2009/2010.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Allen.

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**III. COMMUNITY COMMENT**

There was no community comment.

4. Letter from Kenny Matthews of 9411 Miller Dr. requesting that the City construct a skate park so that he will have a safe place to use his skateboard.

**IV. READING AND APPROVAL OF COUNCIL MINUTES**

Motion by Councilmember Kissinger and supported by Councilmember Garrett to approve the minutes of October 5, 2009 as submitted.

REFERRED TO THE PARK BOARD

Motion approved by the following vote:

5. Letter from the Michigan Strategic Fund authorizing the release of funds for the Galesburg Downtown Improvement Infrastructure Grant Project.

**V. CORRESPONDENCE**

1. Michigan Tax Tribunal Ruling in the matter of William & Linda Smith vs. City of Galesburg for MTT Docket #334568.

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2. Letter from Peggy Gagen of Greater Kalamazoo United Way submitting an application for the use of the Guthrie Room on February 11, 2010; February 25, 2010 and March 25, 2010 and requesting a waiver of the fees for the use of the room so that they can conduct tax preparation for qualifying Galesburg Residents at no cost.

6. Letter from the Michigan Department of Transportation submitting a cost agreement for the signal at M-96 at 35<sup>th</sup> St. and requesting the City Council's approval of the contract.

Motion by Councilmember Kissinger and supported by Councilmember Garrett to approve the contract between the City of Galesburg and the State of Michigan Department of Transportation.

Motion by Councilmember Nicolow and supported by Councilmember VanNess to authorize the use of the Guthrie Community Room on the dates requested and to waive the fee for same.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None.

7. Letter from Comcast Cable submitting information about changes to their channel lineup.

RECEIVED AND PLACED ON FILE

Motion approved by the following vote:

8. Letter from the Kalamazoo County Equalization Department submitting their 2009 apportionment report.

RECEIVED AND PLACED ON FILE

9. Flood News for Michigan Floodplain Managers.

RECEIVED AND PLACED ON FILE

10. Letter from the Galesburg Lioness Club requesting permission for the conduct of their White Cane Sale at various locations throughout Galesburg on April 23 and April 24, 2010.

Motion by Councilmember Jackson and supported by Councilmember Kissinger to authorize the White Cane Sale by the Lioness Club on April 23 and April 24, 2010

Motion carried unanimously.

## VI. PUBLIC HEARINGS

There were no scheduled public hearings.

## VII. ACTION ITEMS

### A. Resolutions for Action

**RESOLUTION #11-02-09-1  
RESOLVED BY THE CITY OF GALESBURG  
KALAMAZOO COUNTY, MICHIGAN  
AUTHORIZATION TO PURCHASE ROELOF PARKING  
LOT**

Minutes of a regular meeting held by the Galesburg City Council on November 2, 2009, at the Galesburg City Hall.

Present: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

Absent: None

The following preamble and resolution were offered by Councilmember Jackson and supported by Councilmember VanNess.

**WHEREAS**, the Galesburg City Council approved a Lease Agreement with Wayne J. Roelof and Judith A. Roelof and Philip L. Roelof and Mary E. Roelof (Roelof) on October 6, 2008, of certain real property (Roelof Parking Lot) described as; and

**City of Galesburg, County of Kalamazoo, State of Michigan:**

Lot 208 and the West 40 feet of Lot 214, said lots being a part of the Assessor's Plat of the City of Galesburg, according to the Plat thereof as recorded in Liber

13 of Plats, on Page 19, Kalamazoo County Records.

**WHEREAS**, the Lease grants the City, as Lessor, the right to purchase the premises and any improvements thereon for the sum of \$50,000.00, subject to an easement for the benefit of Lot 215 of the Assessor's Plat of the City of Galesburg for access to and parking for occupants and customers of businesses located on Lot 215 (Lease Agreement, ¶ 17); and

**WHEREAS**, the Galesburg City Council finds that it is in the best interests of the City and its residents to exercise that option and purchase the property; and

**WHEREAS**, the City Clerk has provided Roelof written notification of the City's intent to exercise the option (Lease Agreement, ¶ 17); and

**WHEREAS**, the City Council finds that it is in the best interests of the City and its residents to internally finance the purchase through a loan from the Water Fund to the General Fund in the amount of \$50,000.00, which sum shall be repaid at the rate of 2.5% simple interest per annum and to be repaid in full in not less than 15 years; and

**WHEREAS**, the City Council finds that the useful life of the real property exceeds 15 years; and

**WHEREAS**, the outstanding balance of all purchases authorized under Act 99 of the Public Acts of 1933, as amended, including the real property referenced herein, does not exceed, exclusive of interest, 1¼% of the taxable value of the real and personal property within the City as of the date of this Resolution; and

**WHEREAS**, the City Council wishes to authorize the Mayor and City Clerk to sign on behalf of the City and bind the City to all documents necessary to effectuate the purchase of the Roelof Parking Lot.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council does hereby approve the purchase of the Roelof Parking Lot for the sum of \$50,000.00, subject to an easement for the benefit of Lot 215 of the Assessor's Plat of the City of Galesburg for access to and parking for occupants and customers of businesses located on Lot 215 provided that the easement provides that Lot 215 may be specially assessed for the maintenance and repair or replacement of the premises purchased.

**IT IS FURTHER RESOLVED** that the Mayor, City Clerk and any other necessary City Officials are hereby authorized to prepare and sign any and all documents necessary to bind the City and close the purchase of the property.

**IT IS FURTHER RESOLVED** that the City Clerk and/or Treasurer are authorized and directed to loan to the General Fund and transfer from the Water Fund the sum of \$50,000.00 for the purchase of the property. That sum shall be repaid by the General Fund with interest to accrue at a rate of 2.5% simple interest per annum on the unpaid balance and is to be repaid in full in not more than 15 years from the date of the transfer from the Water Fund to the General Fund.

Motion by Councilmember Jackson and supported by Councilmember VanNess to place an affirmative roll call vote on the resolution.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

**RESOLUTION DECLARED ADOPTED.**

#### **CERTIFICATE**

I, Debbie Miner, Galesburg City Clerk, do hereby certify that the foregoing Resolution was adopted by the Galesburg City Council at a regular meeting held on November 2, 2009. Upon motion of Councilmember, Jackson and supported by Councilmember VanNess, and that the vote on said Resolution was as follows:

AYES: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

ABSTENTIONS: None

ABSENT: None

Debbie Miner, CMC  
Galesburg City Clerk, CFO

#### **B. Ordinances for Adoption**

1. Amending the Code of Ordinances by adding a new section to Chapter 74; Stormwater Management Regulations

#### **ORDINANCE #0255 CITY OF GALESBURG KALAMAZOO COUNTY, MICHIGAN CHAPTER 74, ARTICLE V. STORMWATER MANAGEMENT REGULATIONS**

**AN ORDINANCE TO AMEND THE CITY OF GALESBURG, MICHIGAN CODE OF ORDINANCES; TO ADD A NEW SECTION TO CHAPTER 74, SECTION 74-200 THROUGH 74-203 STORMWATER MANAGEMENT REGULATIONS TO PROVIDE**

**AUTHORITY FOR STORMWATER MANAGEMENT ENFORCEMENT, AND TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.**

#### **THE CITY OF GALESBURG ORDAINS:**

##### **Sec. 74-200. General**

The purpose of this article is to protect the public health, safety and welfare of city residents and to protect property values, quality of life, and natural systems relating to storm water runoff control and management. The city finds it is a matter of public concern and benefit to protect water bodies and properties within the city and to reduce the future need for public expenditures relating to flooding, water quality, and storm water system maintenance. Both the quality and quantity of storm water runoff are a matter of public concern. In addition to the requirements herein, a developer shall comply with the City of Galesburg Construction requirements pertaining to storm water sewer construction and storm water drainage regulations.

##### **Sec. 74-201. Findings and objectives.**

The city finds that storm water regulation and management is a matter of public health, safety and welfare because:

- (a) Water Bodies, roadways, structures, and other property within, and downstream of the city are at times subjected to flooding.
- (b) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the city and the region.
- (c) Changes in land use alter the hydrologic response of watersheds, resulting in increased storm water runoff rates and volumes, which further result in increased flooding, increased stream channel erosion, and increased sediment transport and deposition.
- (d) Storm water runoff produced by changes in land use contributes to increased quantities of water-borne pollutants.

##### **Sec. 74-202. Definitions**

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context in which they are used specifically indicates otherwise.

Best Management Practices (BMPs). A practice, or combination of practices and design criteria that comply

with the Michigan Department of Environmental Quality's Guidebook of BMPs for Michigan Watersheds, or equivalent practices and design criteria that accomplish the purposes of this article (including, but not limited to minimizing storm water runoff and preventing the discharge of pollutants into storm water) as determined by the city engineer, and, when applicable, the standards of the Kalamazoo County Drain Commissioner.

**Detention Basin.** A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a predetermined rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between runoff events.

**Discharge.** The rate of flow or volume of water passing a given point. Expressed as cubic feet per second.

**Disturbed Area.** An area of land subject to the removal of vegetative cover and/or earthmoving activities.

**Drainage System.** All facilities, areas, and structures which serve to convey, store, or receive storm water, either on a temporary or permanent basis.

**Drainage Way.** A natural or artificial facility, area, or structure which conveys or transports storm water runoff from one location to a different location.

**Earth Change.** Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

**Erosion.** The removal of soil particles from the land by the action of water, wind, ice, or other geological agents.

**Infiltration.** The percolation and movement of water downward into and through the soil column. The rate of this movement is expressed in inches per hour.

**Grading.** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

**Offsite Facility.** Any portion of a storm water management system which is located off the development site which it serves.

**100-Year Flood.** That water occupation adjacent to a body of water which results from a storm event having a 1 percent probability of occurrence in any given year. Thus, a 50-year storm has a 2 percent

probability, a ten-year storm a 10 percent probability, etc.

**Primary Drainage System.** Facilities, structures, and areas which convey, store, or receive runoff from storms up to a 10-year frequency.

**Receiving Body of Water.** Any watercourse or wetland into which surface waters are directed, either naturally or artificially.

**Retention Basin.** A holding area for storm water, either natural or constructed, which does not have a positive outlet. Water is removed from retention basins through infiltration and/or evaporation processes, and may or may not have a permanent pool of water.

**Runoff.** The portion of precipitation which does not infiltrate or percolate into the ground, but rather moves over the land, eventually reaching a body of water, wetland, or low area.

**Secondary Drainage System.** Facilities, structures, and areas which convey, store or receive runoff from storms up to a 100-year frequency without causing serious damage to adjacent properties.

**Sediment.** Any solid particulate matter, both mineral and organic, which has been moved from the site of origin by erosion, is being transported by water, is in suspension in water, or has been deposited in a body of water, wetland or floodplain.

**Site.** Any tract, lot, or parcel of land or combination of tracts, lots, or parcels, which compose an area proposed for development and/or earth change.

**Soil Erosion.** The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.

**Storm Water Facility.** Methods, structures, BMP's, areas, or related items, which are used to control, store, receive, infiltrate, or convey runoff.

**Storm Water Runoff.** The runoff and drainage of precipitation resulting from rainfall, snowmelt or other natural event or process.

**Storm Water Management Plan.** Maps and written information which describe the way in which storm water will be controlled, both during and after construction.

**Watercourse.** Any waterway or other body of water having reasonably well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing; and lakes and ponds, as shown on the official maps of the

Michigan Department of Natural Resources and Kalamazoo County Drain Commissioner.

Wetland. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and/or aquatic life. Also known as a bog, swamp, marsh, etc. (from § 324.30301 of Michigan Compiled Laws, Part 303 of NREPA, Wetlands Protection). The Michigan Department of Environmental Quality is the authority on the presence and regulatory status of wetlands. (Amend. Of 1-13-2003(2), § 1-3)

#### **Sec. 74-203. Performance Standards**

- (1) Stormwater management areas and facilities, whether on-site or off-site, shall be designed, constructed, and maintained to prevent flooding and protect water quality. The design of any storm water management system shall be based upon a 25-year frequency 24-hour duration storm event. In order to be approved, all storm water management plans must meet the following performance standards:
  - (a) Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
  - (b) After development, runoff from the site shall approximate the rate of flow, volume, and timing of runoff that would have occurred following the same rainfall under predevelopment conditions. Stormwater management conveyance and storage facilities shall be designed to reduce flood hazards and water pollution related to runoff from the proposed development project.
- (2) Stormwater storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites of one acre or more. In order to improve the quality of storm water runoff and reduce the discharge of sediment into wetlands, watercourses, roadways, structures and other property within, and downstream of the city of Galesburg, the following techniques (a) through (f) and standards (g) through (i) shall be used:
  - (a) Infiltration of runoff provided that soils and groundwater conditions are suitable.
  - (b) Retention basins with a fixed minimum water elevation between runoff events (e.g., wet ponds).
  - (c) Detention basins which drain completely after a storm event (e.g., dry basins) but which discharge storm water to wetlands or constructed basins which trap sediment carried by storm water runoff.
  - (d) Detention basins which hold storm water for more than 24 hours before completely draining to become a dry basin (Extended detention basins).
  - (e) Detention basins with a positive outlet shall be designed to hold runoff from a 10-year storm event, as a minimum. Retention basins without a positive outlet shall be designed to hold runoff from a 100-year storm event.
  - (f) The banks of detention basins shall not exceed a 1:5 slope unless a fence is constructed.
  - (g) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without approval from the Michigan Department of Natural Resources and Kalamazoo County Drain Commissioner.
  - (h) Discharge of runoff from commercial and industrial sites which may contain oil, grease, toxic chemicals, or other polluting materials shall be prohibited unless approval has been obtained from the Michigan Department of Natural Resources and Kalamazoo County Drain Commissioner.
  - (i) The use of storm water management areas and vegetated buffer areas as open space, recreation, and conservation areas shall be encouraged.
  - (j) Right of entry; furnishing information. Representatives of the city, State of Michigan DNR, and Kalamazoo County Drain Commission shall have the right to enter at any reasonable time any property served by a storm water drainage facility for inspections. On request, the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the drainage system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of unlawful discharge.
- (3) Pipes, conduits, ditches, drains, or other conveyance facilities shall not discharge directly to:
  - (a) Any natural watercourses, including lakes, ponds, rivers and streams.
  - (b) Wetlands with unique or natural wildlife or habitat characteristics as defined by a professional wetlands delineation specialist, biologist or ecologist.
  - (c) Wetlands which are within a 500 foot distance of any natural lake or pond.

**ARTICLE IX**

(d) Wetlands which are within a 100 foot distance of any river or stream.

(e) Discharges from storm water conveyance facilities shall be routed through swales, vegetated buffer strips, storm water basins, hydrologically isolated wetlands, and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and remove pollutants.

(f) If wetlands are proposed for storm water detention, runoff must be diffused to non-erosive velocities before it reaches the wetlands.

(g) Vegetated buffer strips shall be created, or retained in their natural state along the edges of all watercourses and wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment from overland runoff, and buffer structures from periodic flooding.

(4) No storm water management plan shall be approved if the City of Galesburg Planning Commission finds that the action will or is likely to pollute, impair or destroy air, water or other natural resources or the public trust therein, provided that there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

**ARTICLE VI**

The penalty for violation of this chapter, in addition to the general code penalty, shall include revocation of site plan approval and revocation of any existing building permits for the site. The City may refuse any further permit applications until such time as the site has been brought into compliance with this section.

**ARTICLE VII**

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

**ARTICLE VIII**

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

This Ordinance shall take force and effect on November 30, 2009.

Motion by Councilmember Kissinger, and supported by Councilmember VanNess to move to the passage of ordinances, and that the ordinance when read in summary by the City Clerk be considered as being read in its entirety.

Motion approved unanimously

Motion by Councilmember Kissinger, and supported by Councilmember VanNess that the Ordinance as read be amended directly following the preamble and, prior to section 74-200, to add THE CITY OF GALESBURG ORDAINS. and that the Ordinance as amended be now passed.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

**CERTIFICATE**

I, Debbie Miner, City of Galesburg Clerk, do hereby certify that the foregoing City of Galesburg Ordinance Number 255 was adopted by the City Council at a regular meeting held on November 2, 2009, and that the following is a record of the vote of the members of said City Council on said Ordinance:

AYES: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None

ABSENT: None

ABSTAIN: None

Debbie Miner, CMC  
Galesburg City Clerk

2. Amending the Code of Ordinances by Repealing Section 82.87 and Adding a new section to Chapter 14; Sign Code

**ORDINANCE #0256  
CITY OF GALESBURG  
KALAMAZOO COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF GALESBURG, MICHIGAN CODE OF ORDINANCES; TO REPEAL SECTION 82.87 IN ITS ENTIRETY AND CAUSE SAME TO BE NULL AND OF NO EFFECT; AND TO ADOPT A NEW SECTION IN CHAPTER 14,**

**SECTION 14-50, THE SIGN CODE. TO PROVIDE FOR THE REGULATION OF SIGNS, PROVIDE AUTHORITY FOR THE ENFORCEMENT OF THE SIGN CODE, AND TO REPEAL ALL OTHER ORDINANCES OR PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.**

**THE CITY OF GALESBURG ORDAINS:**

Chapter 82-87 is hereby repealed in its entirety and declared to be of no force or effect. The resulting blank section 82.87 is hereby reserved for future use.

**ARTICLE I; SIGN CODE**

Chapter 14-50, Sign Code, is hereby added and shall now read:

**Sec. 14-50. Intent:**

The purpose of this Article is to protect and promote the health, safety and welfare of City of Galesburg Residents and to provide authority for permitting such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety; and further, to regulate such permitted signs in such a way as to prevent such signs from causing annoyance or disturbance to the residents of the City.

**Sec. 14-51. Definitions:**

As used in this article the following words shall have the meanings set forth below. Signs shall comply with the applicable provisions set forth below and elsewhere in this article.

*Abandoned Sign; Means a sign which advertises a business, lessor, owner, product, or activity no longer conducted or available.*

*Accessory Use; Means a use incidental to the principal use of a building.*

*Animated sign; Means any sign that uses movement or change of lighting to depict action or create a special effect or scene.*

*Area identification sign; Means a sign to identify a common area containing a group of structures, or a single structure on a minimum site of two acres, such as a residential subdivision, apartment complex, industrial park, or shopping area, located at the entrance of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.*

*Awning sign; Means any sign painted or applied to the surface of an awning or canopy.*

*Banner; Means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems and insignia are displayed for noncommercial purposes.*

*Beacon; Means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.*

*Billboard; Means a display sign that contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.*

*Broken sign; Means a sign composed of individual letters fastened to a building surface.*

*Building Marker; Means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.*

*Bulletin Board/Public Announcement Sign; Means a sign related to a public school, parochial school, private school, public park or recreation facility, church or other religious or governmental institution, which identifies activities or events to take place involving the patrons of such specific use.*

*Canopy sign; Means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.*

*Changeable Copy Sign/reader board; Means a sign or portion thereof with characters, numbers, letters, or illustrations that can be changed or rearranged without altering the face or 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 Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" sign and not a changeable copy sign for purposes of this ordinance.*

*Decorative display;* Means a temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

*Directional sign;* Means a sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.

*Display sign;* Means a structure or device that is arranged, intended, designed or used as an advertisement, announcement or direction.

*Election campaign sign;* Means a sign advertising a candidate or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election. Permanent billboards advertising such political matters shall not constitute an election campaign sign.

*Erect ;* Means to build, construct, attach, hang, place, suspend or affix.

*Flag;* Means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivisions, or other entity.

*Flashing sign;* Means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

*Freestanding sign/ ground sign;* Means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

*Height;* Means the height of a sign which 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 zoning lot, whichever is lower.

*Identification sign;* Means a sign stating the name or description of the use of the premises on which the sign is located.

*Incidental sign;* Means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

*Illuminated sign;* Means any sign which has characters, numbers, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

*Marquee sign;* Means a display sign attached to or hung from a marquee, canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

*Marquee;* Means any permanent roof like structure 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.

*Monument Sign;* Means a sign not more than six feet high as measured from the ground, attached to a permanent foundation and not attached or dependent for support from any building pole, posts, or similar up-rights.

*Newly Established Subdivision or Development Sign;* Means a sign advertising a newly established recorded residential subdivision or development and the sale or rental of lots or premises therein. Such sign may be erected for a period not to exceed two (2) years.

*Non accessory sign;* Means a sign which is not accessory to the main or principal use of the premises.

*Nonconforming sign;* Means any sign that does not conform to the requirements of this ordinance.

*Painted wall sign;* Means any sign that is painted on the wall of a building.

*Portable sign;* Means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



*Projecting sign; Means a display sign which is affixed to any building or structure other than a marquee, any part of which sign extends beyond the building wall and the horizontal surface of which sign is not parallel to the building wall.*

*Real estate sign; Means a sign placed upon a property advertising that particular property for sale, rent, or lease.*

*Residential sign; Means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.*

*Development Sign; Means a sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.) and relative date of availability.*

*Roof sign; Means a display sign which is erected, constructed and maintained above a portion of the roof or exterior wall of a building or structure or which is attached to an exterior wall at a height in excess of three feet above the horizontal plane of the roof abutting such wall.*

*Shopping Center; Means a group of three or more stores, offices or shops selling merchandise or services and served by a common off-street automobile parking area which is located on private property. All stores, offices or shops served by one parking area shall be considered one shopping center.*

*Sign; A name, identification, description, display, device, structure, or illustration which is affixed to, or painted or otherwise represented directly or indirectly upon a building, structure, or parcel of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.*

*Streamers; Means strips or ribbons of lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to move in the wind.*

*Structural trim; Means the molding battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.*

*Surface; Means that part of a sign upon, against or through which the message is displayed or illustrated.*

*Suspended Sign; Means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.*

*Swinging sign; Means a sign which is designed or constructed to move or pivot as a result of wind pressure for the purpose of attracting attention.*

*Temporary sign; Means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstrations. Any sign that is used only temporarily and is not permanently mounted.*

*Total surface area of sign; Means the sum total of all exterior surfaces of a sign computed in square feet. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point including all displays and background. This area does not include the main supporting sign structure or 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. In the case of a broken sign, the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters.*

*Wall sign; Means a display sign that is attached directly to a building wall, the horizontal surface of which sign is parallel to the building wall.*

*Window sign; Means signs painted on, or affixed to glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein.*

#### **14.52. General Regulations**

**Prohibited Signs:** It shall be unlawful for any person to erect, maintain, relocate or keep any sign as defined in this section.

- a. A sign which copies or imitates or in any way approximates an official highway sign or carries the words "stop", "look", or "danger", or any word phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic; any sign which obscures a sign displayed by a public authority for the purpose of giving traffic instruction or direction or other public

information; or any sign that is erected in such a manner as to interfere with obstruct the view of, or be confused with an authorized traffic sign, signal or device.

b. A sign which obstructs any window or door opening used as a means of egress or prevents free passage from one part of a roof to any other part thereof. A sign which interferes with an opening required for legal ventilation.

c. Abandoned signs.

d. Signs which contain statements, words, or pictures of an obscene, indecent, pornographic or immoral character.

e. Signs which emit audible sound, odor, or visible matter.

f. Signs placed on any utility pole, light pole, telephone pole, stop sign, traffic sign, etc. except for utility identification or similar purpose.

#### **14-53. General**

Requirements for signs in commercial and industrial districts. All signs permitted in those areas designated as commercial and industrial districts, including the Residential-Transitional (r-T) shall meet the following general requirements:

#### **14-54. Sign message**

No sign shall be constructed or maintained which does not advertise a business transacted or goods sold or produced on the premises on which the sign is located. Any sign erected prior to the adoption of this section and complying with the provisions of this ordinance prior to the adoption of this section may continue to be maintained for not more than two years so long as it continues to comply with all other provisions of this ordinance.

#### **14-55. Illumination permitted**

Reflectors, lights and other forms of illumination shall be permitted on all signs. No sign shall be illuminated in such a manner as to interfere with mislead or confuse traffic. No rotating illuminated beacon shall be permitted. In no case shall any sign illumination exceed a level of 0.08 foot-candles, and a luminary brightness of 2,400 foot-lamberts (glare measurement) when measured from the nearest or adjacent residentially zoned property.

#### **14-56. Obstruction to doors, windows and fire escapes.**

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any

kind shall be attached to a standpipe or fire escape.

#### **14-57. Signs not to constitute a traffic hazard.**

No ground sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or make use of the words "stop", "look", "danger" or any phase, symbol or character in such manner as to interfere with mislead or confuse traffic. At street intersections, no signs, other than municipal traffic control signs, shall be located within ten feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines at the corner lot. No sign, signal, marking, device or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

#### **14-58. Face of Sign to be smooth**

No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors or other devices which may extend over the top and in front of the advertising structure.

#### **14-59. Obscene matter prohibited.**

No person shall display upon any sign or other advertising structure any obscene or indecent matter.

#### **14-60. Removal of Certain signs**

Any sign now or hereafter existing which, at the time of construction, advertised a business being conducted or a product being sold or produced on the premises on which the sign is located, but no longer does so, shall be taken down and removed or completely renovated by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign is found within 30 days after written notice to remove such sign from the City.

#### **14-61. Signs in public right of way**

No sign in these districts shall be erected or placed in a public right of way or be allowed to project into a public right of way. The owner of a sign which has been removed from a right of way because of a violation of this subsection shall pay the sum as established by resolution by the City

Council plus removal costs. If a sign is not claimed within 30 days, it shall be destroyed.

#### **14-62. Flashing or moving signs**

No sign or any part thereof shall move, nor shall the illumination of any sign or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of sign illumination of any bulb or component part thereof is prohibited. Further, no person shall on premises owned, managed, rented, or controlled by themselves, permit, use, or allow to be used a strobe light(s), or similar blinking or flashing lights (except Christmas type decorations between November 15, and January 5) within 100 feet of any road, street or highway used by the public.

#### **14-63. Billboards; Billboards are not permitted in the City.**

#### **14-64. Measurement of Surface Display Area.**

In this article, whenever a maximum surface display area of a sign is specified, such surface display area shall be computed as follows:

If a sign has only one exterior face, the surface display area of that face shall not exceed the specified maximum.

If a sign is double faced (i.e., has back to back exterior faces) the surface display area of each face shall not exceed the specified maximum. However, if a sign is V-shaped then the total surface display area of the entire sign shall not exceed the specified maximum.

If a sign has more than two exterior faces, the sum of the surface area of all of the faces shall not exceed twice the specified maximum.

The surface display area of a sign, for the purposes of this ordinance, shall be computed around the perimeter of its frame or border where such exists or around the perimeter of its symbols or letters or other display elements where no border or frame exists. The area of a sign shall not include the area of its supporting structure if the supporting structure contains no advertising or surface display lighting. Decals or wording on a sign identifying the regional or national affiliation of a business or facility shall be included in computing the area of the sign.

#### **14-65. Signs Prohibited**

A sign not expressly permitted by this Ordinance is prohibited.

#### **14-66. Illumination**

All permitted illuminated signs shall be subject to the following regulations.

Such illumination shall be concentrated on the surface of the sign and shall be so located and arranged as to avoid glare or reflection onto any portion of an adjacent street, the path of oncoming vehicles, or any adjacent premises.

In no event shall any sign have flashing or intermittent lights nor shall the lights be permitted to rotate or oscillate. This restriction shall not be deemed to prohibit a time and temperature sign.

A sign shall not be illuminated in a manner which causes it to obscure, or interfere with the effectiveness, of an official traffic sign, device, or signal. Nor shall any sign be illuminated in a manner which could be confusing to motorists or which, due to color of light or otherwise, could be misinterpreted for a traffic or danger signal.

Neon or neon-type lighting which is configured in such a manner as to form letter or a symbol shall be considered a sign and regulated as such. Neon or neon-type lighting which forms a border for a symbol or letters advertising a business, produce or service shall be considered part of a sign, the area of which shall be computed on the basis of the area within the perimeter of the border. Neon-type lighting consisting of an uninterrupted strands or double strand of lighting along and parallel to the uninterrupted eave line of the roof of not more than three sides of the building to which the lighting is attached shall also be allowed and shall not be regulated as a sign.

#### **14-67. Signs with an electronic LED or similar reader board display shall be permissible provided:**

- (1) The display contains only stationary text and graphics, or
- (2) No portion of the display is flashing, or
- (3) The display changes no more frequently than once each 5 seconds.

The provisions of this section shall apply not only to exterior signs, but also to interior signs which are designed or placed to show through windows or doors of buildings.

**14-68. Setback**

Except where expressly provided otherwise in this Ordinance, all freestanding signs with a surface display area exceeding sixteen (16) square feet shall be located no closer than one-half (1/2) of the required building setback from the front, rear, and side yard property lines. No sign shall be located in a street right-of-way. In no event may a sign be erected or placed so as to create a traffic hazard or as to adversely affect the safety of vehicular or pedestrian traffic traveling or entering upon adjacent public streets.

**14-69. Permit Requirement**

No permanent sign shall be erected within the City of Galesburg until a permit therefore has been obtained from the Galesburg Building Inspector. Application for the permit required hereunder shall be on an application form from the City Building Inspector, accompanied by such fee as may from time to time be determined by resolution of the Galesburg City Council. No permanent sign permit shall be issued until the City Building Inspector is satisfied that the sign to be constructed or altered complies with the provisions of this Ordinance. No permit shall be required for election campaign signs.

**14-70. Height**

No freestanding sign shall exceed a height of thirty (30) feet above the grade of the abutting street or highway.

**14-71. Construction and Maintenance**

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained. Such maintenance shall include proper alignment of structure, continued structural soundness, continued readability of message, and preservation of structure with paint or other surface material.

**14-72. Existing Nonconforming Signs**

The following restrictions are imposed:

No existing nonconforming sign shall be enlarged or altered in a way which increases its nonconformity.

No existing nonconforming sign shall be replaced by another nonconforming sign.

If an existing non conforming sign has been damaged by reason of wind storm, fire, any

act of God, or the public enemy, the sign shall not be continued or rebuilt except in conformance with the provisions of this ordinance.

Whenever the activity, business, or usage of a primary premises to which a sign is attached or related has been discontinued for a period of one year or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the lawful nonconforming sign attached or related thereto. At the end of this period of abandonment, the nonconforming sign shall either be removed or altered to conform with the provisions of this Ordinance.

**14-73. Signs Permitted**

Signs are permitted according to the district in which they are located. Certain types of signs are permitted in certain districts according to the following regulations.

**A. OS – Open Space Districts A-H:**

The following types of signs are permitted.

**Home Occupation:** One non-illuminated sign announcing a home occupation, not to exceed two (2) square feet in surface display area and which shall be attached to the building and contain only the name and occupation of the resident of the premises.

**New Established Subdivision or Development Sign:** One non-illuminated, sign advertising a newly established recorded subdivision or development and the sale or rental of lots or premises thereon, not to exceed thirty-two (32) square feet. Use of the sign shall not exceed a period of two years.

**Residential Development Entry Sign:** One permanent sign, which may be illuminated, may be permitted at each entrance to a residential subdivision or development, including a mobile home park or an apartment building or complex. The surface display area of the sign may not exceed thirty-two (32) square feet and may include only the name of the development and the name and telephone number of the developer.

**Institutional Uses:** One freestanding sign for institutions for human care, churches, educational, or social institutions and governmental buildings, not to exceed thirty-two (32) square feet or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. The signs may be illuminated.

**Construction Sign:** One non-illuminated sign announcing the names of architects, engineers, and/or contractors of a building under construction, alteration or repair, and announcing the character of the building enterprise or the purpose for which the building is intended may be allowed provided such sign shall not exceed thirty-two (32) square feet in surface display area. Such sign may be a flat wall sign, or freestanding with a maximum height of eight (\*) feet above the grade of the abutting street or highway.

**Sign Announcing Philanthropic or Governmental Event:** One sign may be permitted for a period of not to exceed fifteen (15) days for purposes of advertising a charitable event. Such sign shall be no larger than thirty-two (32) square feet in surface display area. Such sign may be illuminated.

**Election Campaign signs:** Are subject to the following conditions:

1. Election campaign signs must be removed within ten (10) days after the election to which such sign pertained.
2. No election campaign sign shall be erected or placed so as to create a traffic hazard or cause an adverse affect to vehicular or pedestrian traffic traveling or entering upon adjacent public highways and streets and cannot be placed in the City right-of-way. Election campaign signs may be illuminated

**Sign for Seasonal Sale of Agricultural Produce:** One sign may be allowed advertising permitted seasonal sales of agricultural produce. The sign may be displayed for not more than two periods of not more than forty-five (45) days each per calendar year. The sign shall have a maximum surface display area of thirty-two (32) square feet and may be illuminated.

**Group Day Care Homes:** One (1) non-illuminated sign, not more than two (2) square feet in area, may be attached to the building which shall contain only the name of the group day care home and/or the name of its owner.

**Historical Marker Sign:** One sign identifying for non-commercial purposes an historical event, place or structure which occurred or is located upon the premises on which the sign is placed shall be allowed. Such sign shall be no larger than six (6) square feet and may be illuminated.

**B. R1, R2, R3, R4, R5, and R6 Districts:**

The following types of signs are permitted:

**Sale or Lease of Property:** One non-illuminated sign advertising the sale or lease of the lot or building on which the sign is located. A sign on a lot of one (1) acre or less in size may have a maximum surface display area of six (6) square feet. A sign on a lot of more than one (1) acre in size may be increased beyond the six (6) square feet limit by two (2) square feet for every acre or fraction thereof by which the lot exceeds one (1) acre in size, to a maximum surface display area of thirty-two (32) square feet.

**Home Occupation:** One non-illuminated sign announcing a home occupation not to exceed two (2) square feet in surface display area and which shall be attached to the building and contain only the name and occupation of the resident of the premises.

**Newly Established Subdivision or Development Sign:** One non-illuminated sign advertising a newly established recorded subdivision or development and the sale or rental of lots or premises thereon, not to exceed thirty-two (32) square feet. Use of the sign shall not exceed a period of two years.

**Residential Development Entry Sign:** One permanent sign, which may be illuminated, may be Are permitted at each entrance to a residential subdivision or development, including a mobile home park or an apartment building or complex. The surface display area of the sign may not exceed thirty-two (32) square feet and may include only the name of the development and the name and telephone number of the developer.

**Institutional Uses:** One freestanding sign for institutions for human care, churches, educational, or social institutions and governmental buildings, not to exceed thirty-two (32) square feet in surface display area, shall be permitted. Additionally, not more than three wall signs with a combined surface display area not exceeding thirty-two (32) square feet or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. The signs may be illuminated.

**Permitted Nonresidential Use Conducted on the Premises;** (other than home occupation and institutional uses) Such as, but Not Limited to a Farm; One non-illuminated sign identifying or advertising a permitted nonresidential use conducted on the premises, not to exceed thirty-two (32) square feet in surface display area.

**Construction Sign:** One non-illuminated sign announcing the names of architects, engineers, and/or contractors of a building under construction, alteration or repair, and announcing the character of the building enterprise or the

purpose for which the building is intended may be allowed provided such sign shall not exceed thirty-two (32) square feet in surface display area. Such sign may be a flat wall sign, or freestanding with a maximum height of eight (8) feet above the grade of the abutting street or highway.

**Sign Announcing Philanthropic or Governmental Event:** One sign may be permitted for a period of not to exceed fifteen (15) days for purposes of advertising a charitable event. Such sign shall be no larger than thirty-two (32) square feet in surface display area. Such sign may be illuminated.

**Election Campaign signs:** Are subject to the following conditions:

1. Election campaign signs must be removed within ten (10) days after the election to which such sign pertained.
2. No election campaign sign shall be erected or placed so as to create a traffic hazard or cause an adverse affect to vehicular or pedestrian traffic traveling or entering upon adjacent public highways and streets and cannot be placed in the City right-of-way. Election campaign signs may be illuminated

**Group Day Care Homes:** One (1) non-illuminated sign, not more than two (2) square feet in area, may be attached to the building which shall contain only the name of the group day care home and/or the name of its owner.

**Crop Identification Signs:** Signs identifying the brand name of the seed of farm crops grown in the farm field where the sign is posted shall be allowed. No such individual sign may exceed one (1) square foot. Such signs may not be illuminated.

**Historical Marker Sign:** One sign identifying for non-commercial purposes an historical event, place or structure which occurred or is located upon the premises on which the sign is placed shall be allowed. Such sign shall be no larger than twenty (20) square feet and may be illuminated.

**C. C1 & C2 Districts:** The following types of signs are permitted;

**Office and Commercial Uses:** Individual Businesses not Located in a Multi-Business Structure

- (i) Individual businesses occupying a building gross floor area of 10,000 square feet or less shall be permitted one freestanding sign not exceeding one hundred (100) square feet in surface

display area. In addition, not more than three wall signs with a combined surface display area not exceeding thirty-two (32) square feet (ninety six (96) square feet if no freestanding sign is erected) or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. Such signs may be illuminated.

- (ii) Individual businesses occupying a building gross floor area of more than 10,000 square feet shall be permitted one freestanding sign, which may have a surface display area not greater than one hundred (100) square feet in area. The surface display area may be increased beyond the one hundred (100) square foot limit by one (1) square foot for each 125 square feet of building gross floor area above 10,000 square feet, to a maximum surface display area of 185 square feet. In addition, not more than three wall signs with a combined surface display area not exceeding thirty-two (32) square feet (ninety-six (96) square feet if no freestanding sign is erected) or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. Such signs may be illuminated.

No election campaign sign shall be erected or placed so as to create a traffic hazard or cause an adverse affect to vehicular or pedestrian traffic traveling or entering upon adjacent public highways and streets and cannot be placed in the City right-of-way. Election campaign signs may be illuminated.

**Historical Marker Sign;** One sign identifying for noncommercial purposes an historical event, place or structure which occurred or is located upon the premises on which the sign is placed shall be allowed. Such sign shall be no larger than twenty (20) square feet and may be illuminated.

**Automobile Service Stations and Filling Stations;** Due to their customary needs, automobile service stations and filling stations shall be permitted the following additional signs:

1. Custom lettering or other insignia on a gasoline pump indicating the brand of gasoline sold and other necessary information without size limitation.
2. Gasoline Price Signs; In no instance shall the total sign area for gasoline price signs exceed 12 square feet. A single, non illuminated, double faced sign not exceeding two square foot in area may be placed on each gasoline pump.

Restaurants and Other Establishments Selling Food/Beverages at Drive Through Window; Shall be allowed to have not more than two (2) illuminated menu board signs for use in connection with the drive-through window. The total combined area of the menu board sign(s) shall not exceed thirty-two (32) square feet.

**D. I-1 & I-2 Districts:**

**Office, Commercial & Industrial Uses; Individual Businesses Not Located in a Multi Business Structure**

(i) Individual businesses occupying a building gross floor area of 10,000 square feet or less shall be permitted one freestanding sign not exceeding one hundred (100) square feet in surface display area. In addition, not more than three wall signs with a combined surface display area not exceeding eighty (80) square feet (one hundred (160) square feet if no freestanding sign is erected) or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. Such signs may be illuminated.

(ii) Individual businesses occupying a building gross floor area of more than 10,000 square feet shall be permitted one freestanding sign, which may have a surface display area not greater than one hundred (100) square feet in area. The surface display area may be increased beyond the one hundred (100) square foot limit by one (1) square foot for each 125 square feet of building gross floor area above 10,000 square feet, to a maximum surface display area of 185 square feet. In addition, not more than three wall signs with a combined surface display area not exceeding eighty (80) square feet (one hundred sixty (160) square feet if no freestanding sign is erected) or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. Such signs may be illuminated.

**Individual Businesses Located in a Multi-business Structure.**

(i) Individual businesses located in a multi-business structure shall collectively be limited to one freestanding sign for the multi-business structure as a whole. If the multi-business structure has a building gross floor area of 10,000 square feet or less, the maximum surface display area of the sign shall be one hundred (100) square feet. The surface display area of a freestanding sign for a multi-business structure exceeding 10,000 square feet in

building gross floor area may be increased beyond the one hundred (100) square foot limit by one (1) square foot for each one hundred twenty-five (125) square feet of building gross floor area above 10,000 square feet to a maximum surface display area of one hundred eighty-five (185) square feet. The sign may be illuminated.

(ii) No more than three wall signs per business housed within the multi-business structure shall be permitted. The combined surface display area of the wall signs may not exceed thirty-two (32) square feet or 10 percent of the area of the wall to which they are attached, whichever is less. Such signs may be illuminated.

**Business Development Entry Sign;** One permanent sign, which may be illuminated, may be permitted at not more than two entrances to a plat or site condominium development limited to office and/or commercial businesses. The surface display area of the sign may not exceed one hundred (100) square feet and may include only the name of the development and the name and telephone number of the developer.

**Window Signs:** Window Signs shall not exceed more than forty percent of the surface area of the window in which they are displayed. Window signs shall not exceed ten percent of the building face of which the window is a part and may be illuminated.

**Time and Temperature Signs:** Time and temperature signs shall be permitted subject to the following regulations.

1. Time and temperature signs may take the form of wall, freestanding, or projecting signs subject to the conditions which apply to each of these classifications.

2. Time and temperature signs may be no larger than thirty-two (32) square feet per side in surface display area. The surface display area of a time and temperature sign shall not be debited against the total surface display area allowed for other signs on the site.

**Private Traffic Control Signs:** Private traffic control signs such as in, out, drive-in window, entrance, exit, etc., may be installed as long as the sign contains no advertising for the business or use. No such individual sign may exceed six (6) square feet in surface display area. Such signs may be illuminated.

**Sale or Lease of Property:** One non-illuminated sign advertising the sale or lease of the lot or building on which the sign is located. A sign on a

lot of one (1) acre or less in size may have a maximum surface display area of six (6) square feet. A sign on a lot of more than (1) acre in size may be increased beyond the (6) square feet limit by two (2) square feet for every acre or fraction thereof by which the lot exceeds one (1) acre in size, to a maximum surface display area of thirty-two (32) square feet.

**Institutional Uses:** One freestanding sign for institutions for human care, churches, educational, or social institutions and governmental buildings, not to exceed thirty-two (32) square feet or 10 percent of the area of the wall to which they are attached, whichever is less, shall be permitted. The signs may be illuminated.

**Construction Sign:** One non-illuminated sign announcing the names of architects, engineers, and/or contractors of a building under construction, alteration or repair, and announcing the character of the building enterprise or the purpose for which the building is intended may be allowed provided such sign shall not exceed thirty-two (32) square feet in surface display area. Such sign may be a flat wall sign, or freestanding with a maximum height of eight (\*) feet above the grade of the abutting street or highway.

**Sign Announcing Philanthropic or Governmental Event:** One sign may be permitted for a period of not to exceed fifteen (15) days for purposes of advertising a charitable event. Such sign shall be no larger than thirty-two (32) square feet in surface display area. Such sign may be illuminated.

**Election Campaign signs:** Are subject to the following conditions:

1. Election campaign signs must be removed within ten (10) days after the election to which such sign pertained.
2. No election campaign sign shall be erected or placed so as to create a traffic hazard or cause an adverse affect to vehicular or pedestrian traffic traveling or entering upon adjacent public highways and streets and cannot be placed in the City right-of-way. Election campaign signs may be illuminated.

**Historical Marker Sign:** One sign identifying for non-commercial purposes an historical event, place or structure which occurred or is located upon the premises on which the sign is placed shall be allowed. Such sign shall be no larger than twenty (20) square feet and may be illuminated.

**Automobile Service Stations and Filling Stations;** Due to their customary needs, automobile service

stations and filling stations shall be permitted the following additional signs:

1. Custom lettering or other insignia on a gasoline pump indicating the brand of gasoline sold and other necessary information without size limitation.
2. Gasoline Price Signs; In no instance shall the total sign area for gasoline price signs exceed 12 square feet. A single, non illuminated, double faced sign not exceeding two square foot in area may be placed on each gasoline pump.

**Restaurants and Other Establishments Selling Food/Beverages at Drive Through Window:** One permanent sign, which may be illuminated, may be permitted at not more than two entrances to a plat or site condominium development limited to office, commercial and/or industrial business. The surface display area of the sign may not exceed one hundred (100) square feet and may include only the name of the development and the name and telephone number of the developer

**Grand Opening Signs:** Grand opening signs may be permitted for a period not to exceed sixty (60) days for those businesses which are new to a particular location. The following additional regulations shall also apply to grand opening signs:

1. One grand opening sign may be permitted on the site of the business. The sign shall be no larger than thirty-two (32) square feet in surface display area and may be illuminated.
2. Windblown devices, such as pennants, spinners and streamers shall also be allowed on the site of the business advertising a grand opening for the sixty (60) day time period designated for the grand opening sign.

**Restaurants and Other Establishments Selling Food/Beverages at Drive Through Window;** Shall be allowed to have not more than two (2) illuminated menu board signs for use in connection with the drive-through window. The total combined area of the menu board sign(s) shall not exceed sixty (60) square feet.

## **ARTICLE II**

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

## **ARTICLE III**

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any



section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

#### **ARTICLE IV**

This Ordinance shall take force and effect on November 30, 2009.

Motion by Councilmember Nicolow, and supported by Councilmember Garrett that the ordinance when read in summary by the City Clerk be considered as being read in its entirety.

Motion approved unanimously

Motion by Councilmember Nicolow, and supported by Councilmember Garrett that the Ordinance as read be now passed.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

#### **CERTIFICATE**

I, Debbie Miner, City of Galesburg Clerk, do hereby certify that the foregoing City of Galesburg Ordinance Number 256 was adopted by the City Council at a regular meeting held on November 2, 2009, and that the following is a record of the vote of the members of said City Council on said Ordinance:

AYES: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None

ABSENT: None

ABSTAIN: None

Debbie Miner, CMC  
Galesburg City Clerk

3. Amending the Code of Ordinances by Amending Chapter 82; Zoning to modify provisions of Site Plan Review.

#### **ORDINANCE #0257 CITY OF GALESBURG KALAMAZOO COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND CHAPTER 82 OF THE GALESBURG CITY CODE OF ORDINANCES; TO MODIFY PROVISIONS PERTAINING TO SITE PLAN REVIEW; TO REPEAL THAT PORTION OF THE ZONING ORDINANCE OR PARTS THEREIN**

**INCONSISTENT OR CONTRARY TO THIS ORDINANCE AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.**

**THE CITY OF GALESBURG ORDAINS:**

#### **ARTICLE I**

Chapter 82, Article VIII, Site Plan Review, Section 82-173, Developments Requiring Site Plan Review, is hereby amended and shall now read:

**Sec. 82-173. Developments requiring site plan review.**

Subject to Section 82-180, the City Building Official shall not issue a building permit for the construction of the following buildings, structures or uses until a site plan has been reviewed and approved by the Planning Commission:

- (1) All multiple-family dwellings.
- (2) Mobile home parks.
- (3) Planned unit developments.
- (4) Office, commercial and industrial buildings.

#### **ARTICLE II**

Chapter 82, Article VIII, Site Plan Review, Section 82-174, Application Procedure, is hereby amended and shall now read:

**Sec. 82-174. Application procedure for new development.**

A request for site plan review of new development shall be made by filing with the City Clerk the following:

- (1) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan.
- (2) *Application.* Three copies of the application for site plan review shall be filled out completely and returned to the Clerk's office.
- (3) *Site plan.* Three prints of the site plan shall be submitted to the Clerk's office. Each print shall contain the following data:
  - a. It shall be of a scale not greater than one inch equals 20 feet nor smaller than one inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.

- b. It shall show an appropriate descriptive legend, North arrow, scale, etc.
- c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
- e. It shall show the topography (at least two-foot contour intervals), natural features such as wood lots, streams, rivers, lakes, drains and similar features.
- f. It shall show existing man-made features on and within 100 feet of the site, such as buildings, structures, high tension towers, pipe lines, existing utilities, such as water and sewer line, etc., excavations, bridges, culverts, drains and easement and shall identify the existing uses and zoning of adjacent properties.
- g. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation to one another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- h. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas.
- i. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- j. Any other information deemed necessary by the Planning Commission.

### **ARTICLE III**

Chapter 82, Article VIII, Site Plan Review, Section 82-175, Action on Site Plan, is hereby amended and shall now read:

#### **Sec. 82-175. Action on site plan for new development.**

- (1) The City Clerk shall transmit the completed application to the Chairman of the Planning Commission who shall place it on the agenda of the Commission.
- (2) The Planning Commission shall notify the applicant in writing, either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney or both.
- (3) The Planning Commission shall hold a hearing or hearings on the application for site plan.
- (4) Following the hearing, the Planning Commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
- (5) Action on site plan for new development. The Planning Commission shall render its approval or disapproval in writing and so notify the applicant and the building inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the Building Inspector shall be addressed to the City Hall.

### **ARTICLE IV**

Chapter 82, Article VIII, Site Plan Review, Section 82-176, Application Procedure for Existing Structures, is hereby added, superseding the former Section 82-176, and shall now read:

#### **Sec. 82-176. Application procedure for existing structures.**

A request for site plan review of existing structures shall be made by filing with the City Clerk the following:

- (1) *Application.* Three copies of the application for site plan review for existing structures shall be

filled out completely and returned to the Clerk's office, including:

- (2) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan for existing structures.
- (3) *A statement* of the intended use or nature of your proposed business use of existing structure.
- (4) *Site Plan.* Three copies of a floor plan or footprint showing all existing structures on the property shall be submitted to the Clerk's office. Each floor plan or footprint shall contain the following data:
  - a. It shall be of a scale not greater than one inch equals twenty (20) feet or smaller than one inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.
  - b. It shall show an appropriate descriptive legend, North arrow, scale, etc.
  - c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
  - d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
  - e. It shall show existing man-made features on, and within 100 feet of, the site such as buildings and structures and shall identify the existing uses and zoning of adjacent properties.
  - f. It shall show streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site, as well as proposed occupancy load.
  - g. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
  - h. Any other information deemed necessary by the Planning Commission.

## **ARTICLE V**

Chapter 82, Article VIII, Site Plan Review, Section 82-177, Action on Site Plan for Existing Structures, is hereby added, superseding the former Section 82-177, and shall now read:

### **Sec. 82-177. Action on site plan for existing structures.**

The disposition of all site plans shall be the responsibility of the Planning Commission. The review procedure established by the City is as follows:

1. The City Clerk shall transmit the completed application to the Chairman of the Planning Commission. In the event that the application has been submitted with all information completely and clearly stated, the application may be granted administrative approval, with no formal Planning Commission review required. If necessary, review by the Planning Commission will include a hearing or hearings on the application.
2. The Planning Commission shall notify the applicant in writing either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney, or both.
3. Following the hearing, if formal review by the Planning Commission is deemed necessary, the Planning Commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
4. Action on site plan. The Planning Commission shall render its approval or disapproval in writing and so notify the applicant and the Building Inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the Building Inspector shall be addressed to the City Hall.

## **ARTICLE VI**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-176, Criteria of Site Plan Review, is hereby renumbered to Section 82-178.

**ARTICLE VII**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-177, Conformity to Approved Site Plan, is hereby renumbered to Section 82-179.

**ARTICLE VIII**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-178, Request for Changes in Site Plan, is hereby renumbered to Section 82-180.

**ARTICLE IX**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-179, Certificate of Compliance, is hereby renumbered to Section 82-181.

**ARTICLE X**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-180, Bond, is hereby renumbered to Section 82-182.

**ARTICLE XI**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-181, Deposit for Costs, is hereby renumbered to Section 82-183.

**ARTICLE XII**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-182, Maintenance of Landscaping, is hereby renumbered to Section 82-184.

**ARTICLE XIII**

Chapter 82, Article VIII, Site Plan Review, the former Section 82-183 – 82-197, Reserved, is hereby renumbered to Section 82-185 – 82-197.

**ARTICLE XIV**

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

**ARTICLE XV**

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

**ARTICLE XVI**

This Ordinance shall take force and effect on November 30, 2009.

Motion by Councilmember Garrett, and supported by Councilmember Kissinger that the ordinance when read in summary by the City Clerk be considered as being read in its entirety.

Motion approved unanimously

Motion by Councilmember Garrett, and supported by Councilmember Kissinger that the Ordinance as read be now passed.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

**CERTIFICATE**

I, Debbie Miner, City Clerk for the City of Galesburg, do hereby certify that the foregoing Galesburg Ordinance No. 0257 was adopted by the City Council at a regular meeting held on November 2, 2009, and that the following is a record of the vote of the members of said City Council on said Ordinance.

AYES: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

Debbie Miner,  
City Clerk, CFO

**VIII. REPORTS OF OFFICERS & BOARDS****a. Treasurer's Report**

Motion by Councilmember Kissinger and supported by Councilmember Garrett to accept the Treasurer's Report showing a total balance in all funds in the amount of \$1,680,093.67.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

b. Accounts payable

Motion by Councilmember Nicolow and supported by Councilmember Kissinger to accept the City Clerk's report of accounts paid and payable and to authorize the issuance of warrants in payment of those amounts still outstanding.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

c. Department of Public Works

Supervisor Wilson reported that during the Morhouse Lift Station annual inspection they discovered some damage that needed repair. They also tested the wells last week and did some maintenance on them. Everything is looking good now. The check valve on Well #2 is having problems again. This valve has been a problem since it was installed. One of the chlorinators failed last week, and that too has been repaired. Leaf pickup is moving right along. They are able to complete a load every 20 minutes from pickup to drop off they can finish the whole cycle in 20 minutes. He told Council it is time for the annual sewer cleaning to be done. He will make contact with Clean Earth Environmental to get them started within the next two weeks. We are late getting this done this year because he had intended to bring it to the Council at the second meeting in October.

Motion by Councilmember Garrett and supported by Councilmember VanNess to approve the selection of Clean Earth Environmental, a sole source provider, to complete the annual sewer cleaning and the payment to same for said service.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None.

d. Police Department

Chief Mau reported that we need new tires for the 2003 Cruiser. He solicited 4 estimates 1.) Phillips Automotive Repair \$417. 2.) Mike's Tire \$376. 3.) Galesburg Ford \$348. 4.) \$378. He asked Council for permission to purchase the new tires from Galesburg Ford.

Motion by Councilmember Kissinger and supported by Councilmember Jackson to authorize the purchase of new tires for the 2003 Police Cruiser at a cost of \$348 from Galesburg Ford.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

Motion by Councilmember Nicolow and supported by Councilmember Kissinger to accept the Police Report as submitted.

Motion approved by the following vote:

YEAS: Councilmembers Garrett, Jackson, Kissinger, Nicolow, VanNess, Yingling, Allen

NAYS: None

e. Minutes of City Boards & Commissions:

- Galesburg DDA October 14, 2009 meeting minutes

**IX. NEW BUSINESS**

## A. Presentation by Chad Garrett regarding Ike Payne, Shafter and Community Parks

Councilmember Garrett said that Chad was unable to attend again tonight. She offered the following explanation of an activity called Geocaching that Chad is involved in. Their whole family has become interested in this activity:

Geocaching is an outdoor activity in which participants use a Global Positioning System (GPS) or other navigational techniques to hide and seek containers called "geocaches" or "caches" anywhere in the world. The cache is usually a small waterproof container (such as a tupperware container or a peanut butter jar containing a logbook. Larger containers can also contain items for trading, usually toys or items of little value.

Chad would like to establish a couple of cache sites in Galesburg Parks, and believes that this could potentially bring large groups of people into Galesburg. Their family recently attended a Geocache event at Fort Custer where several hundred people participated.

Motion by Councilmember Garrett and supported by Councilmember Nicolow to allow Chad Garrett to develop Geocache sites in Galesburg Parks and to advertise the sites on the Geocache website.

Motion approved unanimously.

**X. OLD BUSINESS**

There was no old business.

**XI. COUNCIL COMMENT**

Councilmember Nicolow said that the City needs to upgrade the noise ordinance to add decibel levels that offenders may not exceed. If we did this we might actually be able to enforce our regulations.

City Attorney Soltis was directed to draw up proposed language to amend the noise ordinance.

Councilmember VanNess thanked the Department of Public Works for picking up leaves.

**XII. ADJOURNMENT**