

# MEMORANDUM

**To:** Mayor and City Councilmembers

**From:** Curtis Holt, City Manager

**Date:** October 7, 2010

**Re:** Council Work Session

The City Council has agreed to hold a work session Monday, October 11, 2010 at City Hall in the Council Chambers, at 7:00 P.M. The agenda will be as follows:

1. Public Comment on Agenda Items (3 minute limit per person)
2. Ordinance 10-10 - Bayberry Marketplace Rezoning
3. Sign Committee Recommendations
4. State Mandated Speed Limit Changes
5. Water Treatment – Capital Project Status
6. Update on Contract Negotiations – Wholesale Water Customers
7. Finance Update
8. Any Other Matters
9. Acknowledgement of Visitors/Public Comment (3 minute limit per person)

The City Clerk has posted the appropriate notice.

CLH:lj

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**INTEROFFICE MEMORANDUM**

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**TO:** CURTIS HOLT, CITY MANAGER  
**FROM:** REBECCA L. RYNBRANDT, DIRECTOR OF COMMUNITY SERVICES  
**SUBJECT:** ORDINANCE TIMELINES REF: BAYBERRY MARKET SPECIAL USE REQUEST,  
TEXT AMENDMENT (PUD-1, B-1 ETC.)  
**DATE:** OCTOBER 7, 2010  
**CC:** TIM COCHRAN, CITY PLANNER

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At the October 4, 2010 Council meeting, discussions related to agenda item 10-10 to amend section 90-32 of the Code of the City of Wyoming to re-zone the Bayberry Market Place from PUD-1 low density Planned Unit Development to B-1 Local Business evolved to include not only the concept of rezoning the subject property to B-1 allowing for used clothing sales via special use approval by the Planning Commission, but to also consider whether or not used clothing sales (in the context of the changing economy and societies increased focus of sustainable practices) should be allowed by right in a PUD-1 classification and/or in the B-1 district. Such a text amendment would allow the subject property to remain in the PUD; however it is noted that this is a policy decision with implications to broader zoning questions/tolerances (B-2, B-3, DC districts impacted) for long term community planning.

To assist you and the Council in understanding the timeline process related to the Bayberry Market's desire to rezone the property to B-1 allowing for the Planning Commission's consideration of Special Use approval and well as the process for a text amendment, the following is provided:

**Expedient Timeline for Bayberry Market Special Use Request:**

This reflects the process based upon the current ordinance under consideration by Council, approved in first reading at the October 4, 2010 Council meeting. The concurring process of Special Use application and review has been affirmed by the City Attorney.

October 14	File for Special Use used clothing
November 1	City Council second reading
November 2	Ordinance published
November 16	Rezoning completed
November 16	Special Use public hearing at Planning Commission

**Expedient Timeline for Zoning Code Amendment:**

This reflects the process to amend the Zoning code to allow used clothing by right. Direction would be needed as to the desire to amend the B-1 district or the PUD-1 district (with subsequent impact to others). It is understood that the Council may desire high-end used clothing retail establishments by right; research on definitions and other related standards to ensure such intent would need to occur.

November 1	City Council requests consideration of an ordinance amendment
December 21	Planning Commission consideration
January 3	City Council first reading
February 7	City Council second reading

February 8      Ordinance published  
February 22      Ordinance in effect

In addition to the above information, you had asked me to review the City of Holland's ordinances in these regards. Mark Vanderploeg, one of Holland's City Planners, has advised me that used clothing is allowed by right in any district which permits retail.

It is understood that these matters will be discussed at the October City Council work session.

10/4/10  
LJ

ORDINANCE NO. 10-10

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF THE  
CITY OF WYOMING BY ADDING SUBSECTION (87) THERETO

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is hereby amended by adding Subsection (87) thereto, to read as follows:

- (87) To rezone Bayberry Market Place from PUD-1 Low Density Planned Unit Development to B-1 Local Business. The property is located at 5751 Byron Center Avenue, SW.

LEGAL DESCRIPTION:

Description of Property to be re-zoned from PUD-1 to B-1:

That part of the SE 1/4, Section 33, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SE corner of said Section 33; thence N01°10'18"W 1266.42 feet along the East line of said SE 1/4; thence S88°49'42"W 299.80 feet to the PLACE OF BEGINNING of this description; thence S88°49'42"W 228.00 feet; thence N01°10'18"W 669.98 feet; thence N88°49'42"E 220.30 feet; thence S01°10'18"E 253.40 feet; thence S19°10'22"E 55.32 feet; thence S01°10'18"E 361.80 feet to the place of beginning. Contains 3.46 acres.

Section 2. This Ordinance shall be in full force and effect the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. 10-10



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

September 28, 2010

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

**Subject:** Request to rezone Bayberry Market Place from PUD-1 Low Density Planned Unit Development to B-1 Local Business. The property is located at 5751 Byron Center Avenue, SW.

**Recommendation:** To deny the subject rezoning.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 21, 2010. Staff had the following comments:

The subject property is fully developed. It comprises the rear multi-tenant commercial building behind the bank and two commercial outlots (A, B and C on the exhibit) fronting on Byron Center Avenue. The property is part of the Bayberry Farms PUD. The original 140 acre development includes the single family neighborhoods, condominiums, apartments, senior apartments and commercial area. All PUD-1 districts are limited by the Zoning Code to 10 acres with developments greater than 80 acres.

This commercial portion of the Bayberry Farms PUD extends from Bayberry Farms Drive to the north side of the Bayberry Market Place property. Commercial properties further to the north, extending past 56<sup>th</sup> Street, are zoned B-1 Local Business. Those properties were rezoned and developed to B-1 commercial (from the PUD open space and R-1 Single Family), following the development of the Bayberry Market Place. The relevant section of the zoning map is attached.

Commercial developments within the PUD-1 district are restricted to B-1 uses permitted by right. The PUD-1 district does not allow Special Approval Uses of the B-1 district. The petitioner desires to rezone the commercial building to potentially allow a B-1 Special Approval Use clothing consignment business within a leased space.

If the rezoning is approved, the petitioner must then request a Special Approval Use for the consignment store through a public hearing before the Planning Commission. Staff would be supportive of an upscale clothing consignment business in this area of Wyoming.

If the property were rezoned, it will no longer be part of the Bayberry Farms PUD. The petitioner, Mr. Spica, has agreed to enter into a binding agreement with the Bayberry Farms Associations to continue to pay dues.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning, and that the petitioner reach an agreement with the Bayberry Farms Community and Condominium Association to continue to pay dues.

At the public hearing, four Bayberry Farms residents spoke on their desire for the petitioner to continue to pay dues. After the public hearing, a motion was made for denial, then postponement. Both motions were withdrawn after discussion. A motion was made by Postema, supported by Weller, to recommend to City Council approval of the rezoning. After discussion, the motion failed 4-5.

Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of September 21, 2010.

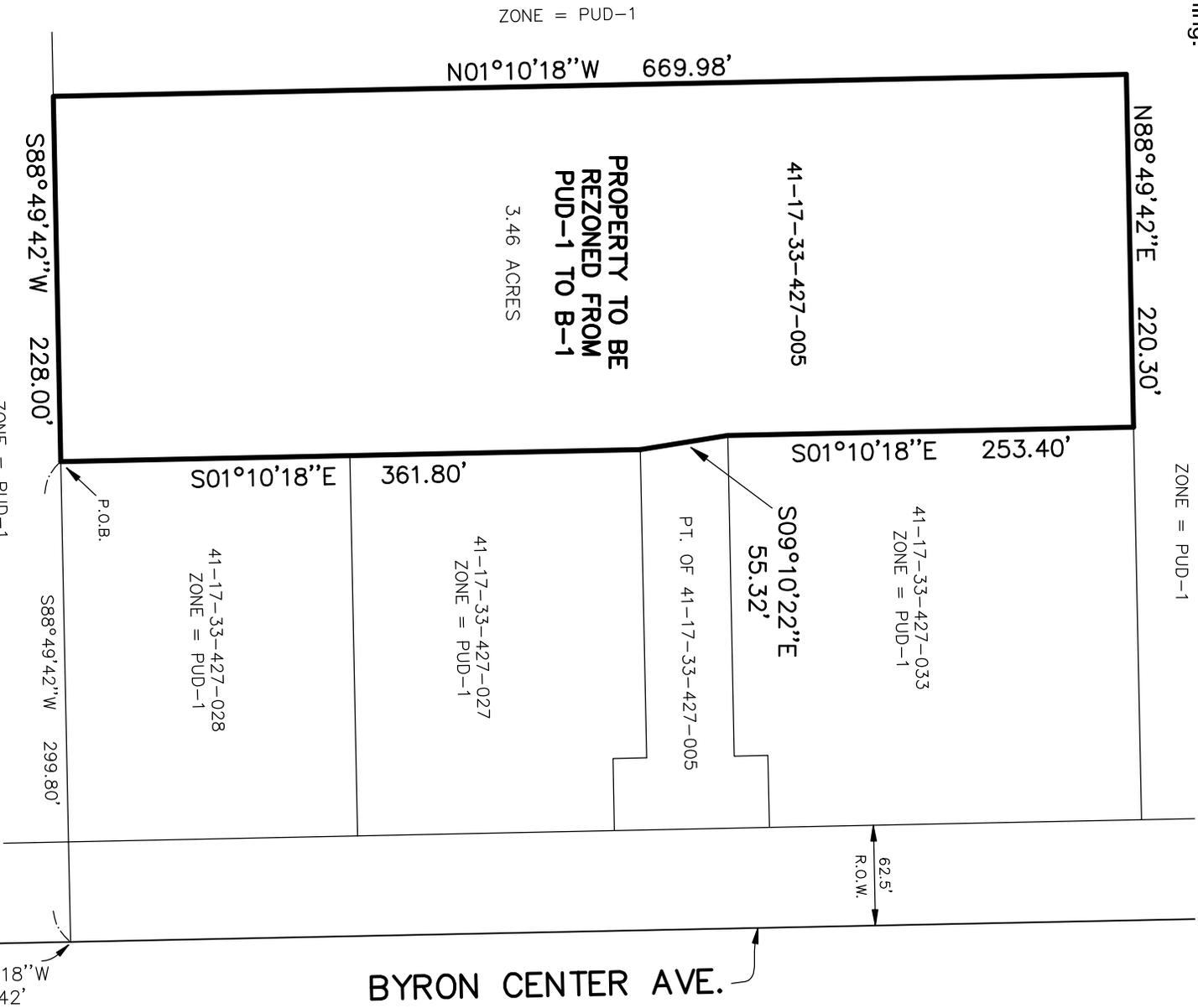
Respectfully submitted,

  
\_\_\_\_\_  
Timothy Cochran, City Planner  
Planning and Development Department

cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services

Description of Property to be re-zoned from PUD-1 to B-1:

That part of the SE 1/4, Section 33, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SE corner of said Section 33; thence N01°10'18"W 1266.42 feet along the East line of said SE 1/4; thence S88°49'42"W 299.80 feet to the PLACE OF BEGINNING of this description; thence S88°49'42"W 228.00 feet; thence N01°10'18"W 669.98 feet; thence N88°49'42"E 220.30 feet; thence S01°10'18"E 253.40 feet; thence S19°10'22"E 55.32 feet; thence S01°10'18"E 361.80 feet to the place of beginning.



ZONE = PUD-1

N01°10'18"W 669.98'

N88°49'42"E 220.30'

ZONE = PUD-1

41-17-33-427-005

**PROPERTY TO BE  
REZONED FROM  
PUD-1 TO B-1**

3.46 ACRES

S01°10'18"E 253.40'

41-17-33-427-033  
ZONE = PUD-1

S09°10'22"E

55.32'

P.T. OF 41-17-33-427-005

361.80'

41-17-33-427-027  
ZONE = PUD-1

S01°10'18"E

41-17-33-427-028  
ZONE = PUD-1

S88°49'42"W 228.00'

ZONE = PUD-1

P.O.B.

S88°49'42"W 299.80'

N01°10'18"W  
1266.42'

**BYRON CENTER AVE.**

& E. LINE, SE 1/4, SEC. 17



SCALE: 1" = 100'

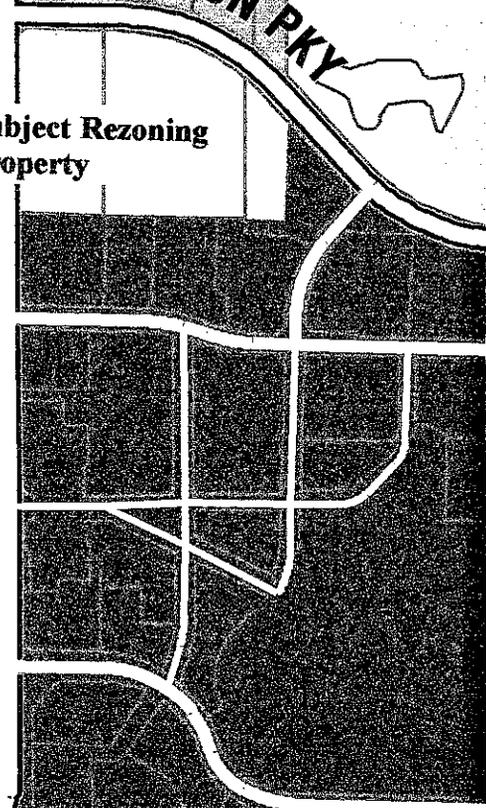
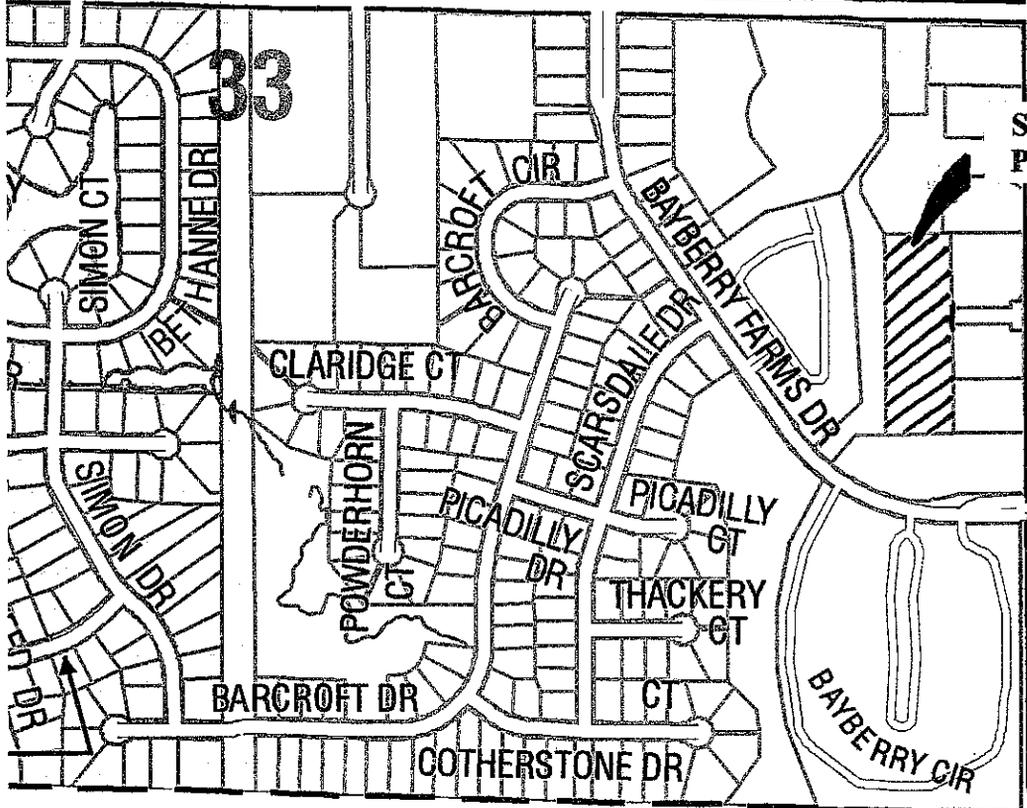
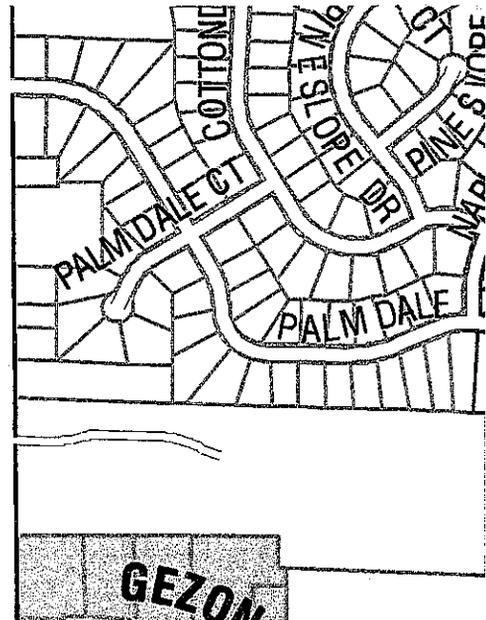
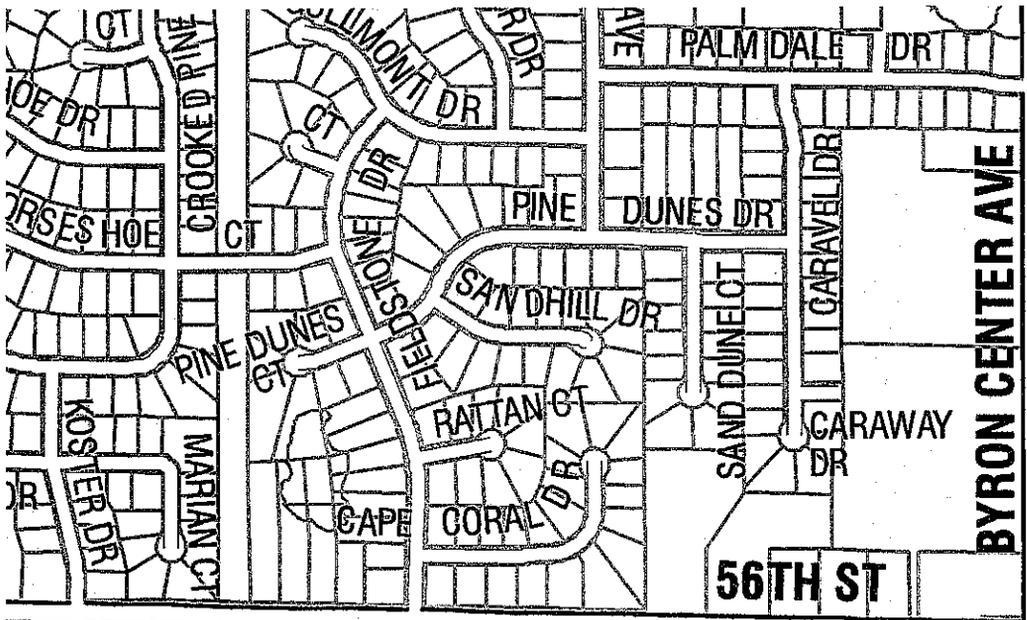
Prepared by: Exxel Engineering, Inc.

5252 Clyde Park Avenue, SW  
Grand Rapids, MI 49509

09/23/10 djr

P:\Projects\101521\Drawings\dwg\101521.dwg (REZONE)





Subject Rezoning Property



Byron Township

2400

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**INTEROFFICE MEMORANDUM**

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**TO:** CURTIS HOLT, CITY MANAGER  
**FROM:** REBECCA L. RYNBRANDT, DIRECTOR OF COMMUNITY SERVICES  
**SUBJECT:** SIGN ORDINANCE RECOMMENDATION'S FROM AD-HOC COMMITTEE, PLANNING COMMISSION  
**DATE:** OCTOBER 7, 2010  
**CC:** TIM COCHRAN, CITY PLANNER; JIM DELANGE, CHIEF BUILDING OFFICIAL

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On May 3, 2010 the City Council received correspondence from the Planning Commission dated April 28, 2010 recommending changes to the City of Wyoming's sign ordinance (attached for reference). The Council reviewed the recommendation in detail on May 10, 2010 at which time they desired to appoint an ad-hoc committee comprised of Council members, Planning Commission members, business leaders, and citizens to review specific sections of the sign ordinance related to banners, pennants, streamers, balloons, window and pedestrian signs.

The following persons were approved by the Council on June 7, 2010 to serve on the Sign Ordinance Review Committee: Mayor Jack Poll (ex-officio, committee Chairperson); Council members Sam Bolt and Dan Burrill; Planning Commissioner Anthony Woodruff; Business representatives Zack McPherson, Jerry DeGood, and Greg Markvlower; Downtown Development Authority representatives Doug Kochneff and Jeff Baker; and citizen representatives Carol Sheets, Rob Arnoys, and Harriet Sturim.

Work of the committee concluded on Wednesday, October 6, 2010 resulting in a number of recommended changes to the sign ordinance for Council's consideration. A table has been prepared, attached, comparing the committee's recommendations related to current ordinance requirements. Also attached is a copy of the current ordinance noting the committee's proposed changes as they would be submitted into the code.

The City Council is now presented with the following opportunities:

- A. Move the Planning Commission's original recommendation forward for vote. Do not refer any recommendations by the ad-hoc committee to the Planning Commission for consideration.
- B. Take no further action on the Planning Commission's recommendation and request that the Planning Commission consider all of the ad-hoc committee's recommendations for approval.
- C. Identify portions of the Planning Commission's recommendations and the ad-hoc committee's recommendations which the Council finds favor with and ask the Planning Commission to prepare a recommendation for their approval.

Staff stands ready to review these matters with you and the City Council at the October work session. I would like to take this opportunity to recognize the work of Tim Cochran, Jim Delange, Dave Rupert, Bob Hoekwater, and Kim Lucar who joined with me in support of the ad-hoc committee's review. Their expertise was valuable to the quality of this process.



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

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2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

April 28, 2010

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

**Subject:** Request to amend Zoning Code Chapter 90 Section 90-792 (Definitions – pedestrian signs); Section 90-795 (Prohibited Signs) and Section 90-799-4 (Temporary Signs – Nonresidential Districts).

**Recommendation:** To approve the subject Zoning Code amendments.

Dear Ms. Isakson:

The above referenced requests were reviewed by the Wyoming Planning Commission at its regular meeting on April 20, 2010. Staff had the following comments:

On March 16, 2010 staff brought forward several Zoning Code signage amendments for Planning Commission consideration. These amendments were primarily intended to “tidy up” the Zoning Code. All were recommended by the Planning Commission for approval to the City Council with the exception of pedestrian signs. Pedestrians displaying signs are prohibited by the Code. In what staff believes to be an unforeseen omission, pedestrians in costumes are not definitively prohibited. We proposed the following amendment to Zoning Code Section 90-792 to address this:

“Pedestrian sign: A temporary sign, including by way of example, placards and sandwich boards, held or worn by a person and displayed to passing motorists along major streets, or costumes worn by representatives for the business, which call attention to a business, product, service or event.”

During the public hearing on the matter, a few business owners spoke to their desire to continue to allow pedestrian signs believing their use is advantageous to generating business. At the meeting, the Commission requested staff bring alternative language to allow pedestrian signs as a permitted temporary sign forward for their consideration.

In addition, a few business owners took this opportunity to address the Planning Commission and voice their displeasure with the City's restrictions on banners, pennants and streamers. Their desire is to return to the prior City standards, in effect before January 2009. Subsequently, the Planning Commission requested staff prepare a Zoning Code amendment to reconsider the prior standards.

Pursuant with the direction from the Planning Commission, the following amendments were prepared by staff to allow pedestrian signs, banners, balloons, pennants and streamers, to be regulated under the same permit process as other temporary signs.

Amend Zoning Code Section 90-795 Prohibited Signs as follows:

"Pedestrian signs, except as specifically permitted in [subsection] 90-799 (4)."

Amend Zoning Code Section 90-799-4 Temporary Signs – Nonresidential Districts as follows:

TABLE 90-799-4: TEMPORARY SIGNS - NONRESIDENTIAL DISTRICTS

<i>Temporary Sign</i>	<i>Type of Sign Permitted</i>	<i>Max. Size</i>	<i>Max. Height</i>	<i>Max. Number</i>	<i>Setback</i>	<i>Permit Required</i>	<i>Permitted Duration</i>
Ground, wall, banner, balloons, pennants and streamers	As defined	40 sq. ft.	Ground: 4 ft. Wall: not higher than roof line	1 (c)	(b)	Y	(g)
Pedestrian Signs	As defined	16 sq. ft.	8 ft.	1	(b)	Y	(g)

"(g) Permits shall be obtained for one seven day period or consecutive multiples thereof, except that no property shall contain trailer signs visible from the street for more than eight weeks per calendar year. After the expiration of the permit, the sign shall be removed from the property or stored in a location that is not visible from the street."

Note: Section (g) was revised from the Planning Commission recommended amendment from March 16, 2010 to remove the sentence "Trailer sign requirements."

The Development Review Team suggested the Planning Commission recommend to the City Council only the Zoning Code Section 90-792 (Definition –Pedestrian Sign) amendment as initially proposed.

At the public hearing seventeen people spoke regarding their desire to allow pedestrian signs, banners, balloons, pennants and streamers for business advertising. They believe the existing standards are too restrictive.

Commissioner Postema motioned, with support by Bueche, to recommend to the City Council striking the pedestrian sign underlined wording “or costumes worn by representatives for the business” recommended by staff. Also, pedestrian signs be added to Table 90-799-4: Temporary Signs – Nonresidential Districts. After discussion, the motion carried 6-3. A motion by Weller, supported by Postema, to recommend to the City Council further amending Table 90-799-4, as developed by staff, carried 8-1.

To summarize, the proposed amendments would continue to allow costumed pedestrian signs as unregulated. Pedestrians carrying business signs, and other temporary signs such as banners, pennants, balloons, and streamers (up to 40 sq. ft.) would be allowed by permit for up to eight weeks annually. This is effectively the same regulations as for trailer signs. Additional explanation regarding these proposals may be obtained from the Planning Commission minutes of April 20, 2010.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy Cochran, City Planner  
Planning and Development Department

cc: Curtis Holt, City Manager  
Rebecca Rynbrandt, Director of Community Services

The following table summarizes the major amendments to the Sign Ordinance as recommended by the Sign Committee. All signs shall be in good repair.

<b>Temporary Sign Type</b>	<b>Existing Ordinance</b>	<b>Proposed Amendments</b>
Wall mounted banner	Allowed only as part of a grand opening or going out of business sale – 16 sq. ft. and up to building height – maximum of 30 days – permit required	Allowed to be up to 15% (and / or in combination with window signs) of a wall frontage – up to building height – 12 weeks per year – permit required
Ground mounted banner – Non residential districts	Allowed only as part of a grand opening or going out of business sale – 16 sq. ft. and up to 4 ft. in height – maximum of 30 days – permit required	One banner is permitted for each 100 feet of frontage or portion thereof – 16 sq. ft. and 12 ft. in height - no permit required - two additional banners are allowed by permit for up to two weeks and four times annually
Ground mounted banner – Residential districts	Prohibited	One banner is permitted for each drive access – 16 sq. ft. and 12 ft. in height – no permit required – prohibited on single family lots
Window signs	Up to 25 % of individual windows – no permit required	Up to 15% (and / or in combination with wall mounted banners) of total wall frontage – no permit required
Streamers and pennants	Allowed only as part of a grand opening or going out of business sale – 16 sq. ft. and up to building height - permit required	Allowed up to a two week period and four times annually – no size limits and up to building height – permit required
Balloons	Allowed only as part of a grand opening or going out of business sale – 16 sq. ft. maximum 24 inches and up to building height – permit required	Up to 50 balloons allowed without permit – maximum 24 inches and up to building height or 35 ft. whichever is less– additional balloon displays allowed by permit two week period and four times annually
Pedestrian signs	Prohibited – except as costumed with no signage	Allowed by annual permit – excessive driver distraction prohibited- - 16 sq. ft. and 8 ft. in height

## ARTICLE XXIII SIGNS

### Section 90-791. Purpose.

The purpose of this Article is to regulate signs within the City of Wyoming. The regulations and standards of this Article are intended to be content neutral and are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, and protection of property values. These objectives are accomplished by establishing regulations concerning the size, placement, construction, illumination, and other aspects of signs in the City so as to:

- (1) protect the public right to receive messages and information protected by the First Amendment of the U.S. Constitution;
- (2) recognize that the principal intent of commercial signs is for identification of an establishment on the premises, and not for advertising off-premise activities;
- (3) recognize that the proliferation of signs unduly distracts motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents;
- (4) prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair;
- (5) enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs;
- (6) preserve and improve the atmosphere of the City by encouraging signs of consistent size and / or nature, which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings; and
- (7) regulate portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

### Section 90-792. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) **Accessory Sign:** A sign that pertains to the use of the premises on which it is located.
- (2) **Animated Sign:** A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.
- (3) **Awning:** A roof-like structure attached to the side of a building that is intended to provide shelter from the elements over a doorway, window or other parts of a building façade. An awning may or may not be designed to be retractable, generally consists of thin or non-rigid materials and is generally fashioned upon a metal structure that is not an integral part of the building.
- (4) **Awning Sign:** A sign which is painted on, printed on, or attached flat against the surface of an awning, including any writing, representation, symbol, logo or any other figure or

similar character intended to be part of the display. The presence of any of the above shall cause the entire awning structure to be considered an awning sign.

- (5) **Back Lit Sign:** A sign illuminated by an internal light source or lighting behind the sign lettering. An example of a back lit sign is a ground sign that is illuminated by several fluorescent bulbs located within the sign cabinet.
- (6) **Banner Sign:** A sign made of fabric, cloth, paper, or other ~~taut non-rigid~~ material that is typically not enclosed in a frame. A ground mounted banner is attached to a pole, frame or fence, or any other similar device. A wall mounted banner is attached to a building<sup>(C2)</sup>. Non-governmental flags shall be considered banners.
- (7) **Billboards:** See "Off-Premise Advertising Sign."
- (8) **Community Special Event Sign:** A temporary sign announcing a specific event of interest to the general public sponsored by a public, quasi-public, civic, religious, or non-profit organization.
- (9) **Construction Sign:** A sign that identifies the owner, lender, contractor, architect, and/or engineer associated with a project under construction.
- (10) **Directional Sign:** A sign, typically installed at the driveway opening, to direct traffic flow, regulate traffic operations, and provide information to motorists entering and exiting a site in conformance with the Michigan Manual of Uniform Traffic Control Devices.
- (11) **Erect:** To build, construct, attach, hang, place, suspend or affix.
- (12) **Flashing Sign:** A sign that contains an intermittent or sequential flashing light source.
- (13) **Freestanding Sign:** A sign attached to the ground by means of a base or pole.
- (14) **Front Lit Signs:** A sign illuminated by an external light source. An example of a front lit sign is a ground sign that is illuminated by a spot light located in front of and directed toward the sign.
- (15) **Gasoline Price Sign:** A sign that is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.
- (16) **Ground Sign:** A three-dimensional, base-mounted freestanding display sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- (17) **Illegal Sign:** A sign which does not meet the requirements of this Article and which has not received legal nonconforming status.
- (18) **Incidental Sign:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.
- (19) **LED.** Light Emitting Diode (LED) utilizing technology of diodes arranged in pixels to create narrow spectrum light, sometimes called electroluminescence.-

- (20) **Mansard:** A slope roof or roof-like facade.
- (21) **Manual Changeable Copy Sign:** A sign on which the message is changed manually through the manipulation of individual letters.
- (22) **Marquee:** A permanent roof-like structure or canopy, supported by and extending from the face of the building, generally constructed to be an integral part of the building.
- (23) **Menu Board (Options Board):** A freestanding sign oriented to the drive-through lane for a restaurant or other business offering drive-through services that advertises the merchandise or services available, and which has no more than twenty (20) percent of the total area of the sign utilized for business identification. The sign may also incorporate a speaker for ordering items.
- (24) **Moving Sign:** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign. Moving signs include any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
- (25) **Moving Image Sign:** An electronic changeable message sign that includes the presentation of text, animation, pictorials and graphics that are displayed, or are capable of being displayed, in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving text or objects, moving patterns or bands of light, or expanding or contracting shapes. This does not include signs that indicate only time, temperature or date, or a flashing sign as herein defined.
- (26) **Mural:** A design or representation which is painted or drawn on the wall of a structure and which does not advertise a business, product, service, or activity.
- (27) **Nameplate:** A on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (28) **Neon Sign:** A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.
- (29) **Nonconforming Sign:**  
A sign that is prohibited under the terms of this Article, but was erected lawfully and was in use on the date of enactment of this Article, or amendment thereto. OR  
A sign that does not conform to the requirements of this Article, but for which a variance has been granted.
- (30) **Obsolete Sign:** A sign that advertises a product that is no longer made or that advertises a business that has closed.
- (31) **Off-Premise Advertising Sign:** A sign that contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located. A "Billboard" is a type of off-premise advertising sign.

- (32) **On-Premise Advertising Sign:** A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located.
- (33) **Parapet:** The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.
- (34) **Pedestrian Sign.** A temporary sign, including by way of example, placards, ~~and~~ sandwich boards, or costumes<sup>(c3)</sup>, held or worn by a person, displayed to passing motorists along major streets, and calling attention to a business, product, service, or event.
- (35) **Pole Sign:** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.
- (36) **Political Sign:** A sign expressing a political opinion or message or relating to matters to be voted on in a local, state, or national election or referendum.
- (37) **Primary Sign:** A sign which has as its principal purpose the advertisement of the use or business conducted on the property.
- (38) **Projecting Sign:** A sign other than a flat wall sign that is affixed to a building or structure, any part of which extends perpendicular more than twelve (12) inches beyond the building wall.
- (39) **Public Sign:** A sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include: legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.
- (40) **Real Estate Sign:** An on-premise temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.
- (41) **Real Estate Development Sign:** A temporary sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located. The sign may also identify the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.
- (42) **Roof Line:** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.
- (43) **Roof Sign:** A display sign that is erected, constructed and maintained above the parapet or the roof line of a building.
- (44) **Secondary Sign:** A sign on the same property as a Primary Sign that serves a secondary purpose other than advertising the business or service conducted on the property.
- (45) **Sign:** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located.

(46) **Sloping Roof Sign:** a sign mounted on a mansard roof or other roof surface that exceeds forty-five (45) degrees in angle relative to horizontal and which is not erected, constructed or maintained above the roof line of a building.

(47) Streamers and Pennants: A long narrow line of material, comprised of numerous small flags or strips of material, of various shapes and sizes, and used for ornamentation and / or attraction. String lights shall not be considered streamers or pennants.

(47)(48) Surface: The part of the sign upon, against or through which the message is displayed or illustrated.

(48)(49) Temporary Sign: A display sign, banner or other advertising device not constructed or intended for long term use constructed of cloth, canvas, paper, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display.

(49)(50) Trailer Sign: A sign of light construction capable of being moved from one location to another usually (but not always) mounted to a chassis with wheels, used for directing attention to a business, commodity, service or entertainment that is conducted, sold or offered on the premises.

(50)(51) Vehicle Sign: a sign painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.

(51)(52) Wall Sign: A display sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or parapet shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

(52)(53) Window Sign: A sign located in or on and affixed to a window, which is intended to be viewed from the outside.

### **Section 90-793. Scope of Requirements.**

It shall be unlawful for any person, firm, or corporation to erect, repair, alter, relocate or maintain on any property within the City any sign, except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

### **Section 90-794. Exempt Signs.**

The following signs are specifically exempt from the permit requirements of this Article, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance.

**TABLE 90-794: EXEMPT SIGNS**

<b>Type of Sign</b>	<b>Requirements</b>
<b>Address Sign</b>	Numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses.
<b>Athletic Field Signs</b>	Signs in athletic fields on school properties, not exceeding thirty-two (32) square feet in display area, not permanently affixed, and oriented away from public streets. These may be off-premise signs.
<b>Barber Pole</b>	No greater than twenty-four (24) inches in any dimension
<b>Bulletin Board</b>	Not over twenty (20) square feet in area for public, charitable or religious institutions; provided that if such signs are electrically illuminated an electrical permit must be obtained.
<b>Community Special Event Sign</b>	May include ground or wall signs, banners, pennants, or similar displays. The number, size and height of such signs shall be subject to Chief Building Official approval. Permitted for 14 days prior to and for duration of the event and not to exceed a total of 30 days. City authorized banners may be displayed with no maximum duration.
<b>Device Sign</b>	Permanent signs on vending machines, fuel dispensing unit, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three (3) square feet in area, limit of one (1) sign per vending machine, fuel dispensing unit, or ice container.
<b>Flag</b>	The maximum height of the flagpole is thirty-five (35) feet, measured from the average surrounding grade. A maximum of three (3) flags, <a href="#">comprised of national, state and one community, school, university or corporate,</a> are allowed per lot. <a href="#">All other flags shall be regulated as banners.</a> Flags may not exceed sixty (60) square feet in area per flag. <a href="#">[CS]</a>
<b>Garage, Yard, and Estate Sale</b>	Garage sale and estate sale signs announcing the sale of household goods, provided the following: there is only one (1) sign per premises; that they are on-premise only, entirely on private property; that they do not exceed six (6) square feet in area; they are removed within one (1) business day after the announced sale; and may be placed no more than six (6) days per calendar year.
<b>Historic Marker</b>	Historical marker including plaques or signs describing a property's official designation as a historical site or structure and containing narrative, not exceeding twelve (12) square feet in area;
<b>Employment Sign</b>	"Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six (6) square feet with a maximum height of four (4) feet.
<b>Incidental Sign</b>	Incidental signs not exceeding a total of two (2) square feet, a total of two (2) signs per business indicating acceptance of credit cards, the location of public telephones, restrooms, restrictions on smoking and restrictions on

**TABLE 90-794: EXEMPT SIGNS**

<b>Type of Sign</b>	<b>Requirements</b>
	building entrances or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
<b>Interior Sign</b>	Any sign which is located completely within an enclosed building, and which is not visible from outside the building.
<b>Memorial Sign</b>	Memorial signs or tablets not exceeding four (4) square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
<b>Nameplate</b>	Signs identifying the occupants of the building, the professional or home occupation, provided such sign shall not exceed two (2) square feet in area; the sign must be attached to an exterior building wall.
<b>Painted wall sign</b>	Signs painted on the exterior surfaces of a building or structure and less than twelve (12) square feet in area. Such signs shall not have raised borders, letters, characters, decorations or lighting appliances
<b>Political sign</b>	Limited to six (6) square feet in residential districts; 32 square feet in non-residential districts per street frontage. No more than one (1) sign per candidate or issue. Political signs shall be removed within five (5) days after the election.
<b>Real Estate Sign</b>	<ul style="list-style-type: none"> <li>a. sign shall be no taller than four (4) feet in Residential Districts and eight (8) feet in Non-Residential Districts;</li> <li>b. one (1) sign permitted per lot. However, two (2) signs are permitted if the lot is a corner lot;</li> <li>c. size of each sign to be a maximum of six (6) square feet for residential properties, ten (10) square feet for multiple-family properties, and thirty-two (32) square feet for non-residential properties;</li> <li>d. sign not to be affixed to other signs, utility poles, fire hydrants or trees;</li> <li>e. sign must be located at least five (5) feet from the public right-of-way; and,</li> <li>f. sign to be removed within five (5) days of the property's sale or lease.</li> </ul>
<b>Real Estate Open House Sign (on-premise)</b>	<ul style="list-style-type: none"> <li>a. only one (1) on-premise;</li> <li>b. each sign shall be a maximum of six (6) square feet in size and four (4) feet in height above grade;</li> <li>c. signs shall not to be affixed to other signs, utility poles, fire hydrants or trees; and</li> <li>d. signs shall not be located in the public right-of-way.</li> </ul>

<b>TABLE 90-794: EXEMPT SIGNS</b>	
<b>Type of Sign</b>	<b>Requirements</b>
<b>Real Estate Open House Sign (off-premise)</b>	<ul style="list-style-type: none"> <li>a. only two (2) signs placed off-premise and one (1) on-premise;</li> <li>b. each sign to be maximum of four (4) square feet in size and three (3) feet in height above grade;</li> <li>c. signs not to be affixed to other signs, utility poles, fire hydrants or trees;</li> <li>d. person or firm placing the signs shall obtain the written permission from the owner or occupant of all properties on which such signs are placed;</li> <li>e. signs allowed for a maximum of eight (8) hours per day; and</li> <li>f. sign to be removed within one (1) hour following closing of open house.</li> </ul>
<b>Religious Symbols</b>	Recognized religious symbols such as, but not limited to, crosses, crucifixes, Star of David, and statuary.
<b>Traffic Control Sign</b>	Traffic or other municipal signs, legal notices, danger signs and such temporary emergency or non-advertising signs, or private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and as may be approved by the Chief Building Official
<b>Vehicle Sign</b>	Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.
<b>Warning Sign</b>	Warning signs, such as no trespassing, high voltage, or dangerous animals; provided such signs shall not exceed two (2) square feet in area and shall be spaced no closer than one hundred (100) feet apart. Governmental agencies and public utilities shall be exempt from these limitations.

**Section 90-795. Prohibited Signs.**

Unless otherwise permitted elsewhere in this Article, the following signs are prohibited in all districts:

<b>TABLE 90-795: PROHIBITED SIGNS</b>
<b>Any sign not expressly permitted.</b>
<b>Balloons exceeding twenty-four (24) inches in diameter or other inflated advertisements,</b> or any structure held erect or partially erect by stationary or moving air, except those less than 24 inches in diameter specifically permitted in 90-799-4.
<del><b>Banners, unless otherwise specifically permitted, and Flags</b></del> <b>Flags</b> , except that a flag of any nation, government or political subdivision is permitted, not exceeding sixty (60) square feet in area, except as specifically permitted in 90-799-4.

<b>Flashing or Intermittent Lighting</b> , except Moving Image signs, as permitted in this Article.
<b>Illegal Signs</b> . Any sign unlawfully installed, erected, or maintained.
<b>Moving Signs</b> , except Moving Image signs, as permitted in this Article <a href="#">[c6]</a> .
<b>Obsolete Signs</b> .
<b>Pedestrian Signs</b>
<b>Pennants and Streamers</b> , except as specifically permitted in 90-799-4.
<b>Projecting Signs</b>
<b>Roof Signs</b> , not including sloping roof signs.
<b>Signs on public property without express permission of the City</b> , including signs mounted to power poles, etc.
<b>Signs that Obstruct Access</b> . Signs which obstruct free access or egress from any building.
<b>Signs that Confuse Traffic</b> . <ul style="list-style-type: none"> <li>a. Any sign that makes use of the words “stop”, “look”, or “danger”, or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.</li> <li>b. Signs that are representations of traffic control devices or signals, such as stop signs, railroad crossings, etc.</li> <li>c. Signs that in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.</li> </ul>
<b>Street Furniture Signs</b> . Signs on street furniture, such as benches and trash receptacles.
<b>String Lights</b> . String lights used for commercial purposes, other than holiday decorations between Thanksgiving and New Years day.
<b>Unsafe Signs</b> . Any sign or sign structure that: <ul style="list-style-type: none"> <li>a. is structurally unsafe;</li> <li>b. constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;</li> <li>c. is capable of causing electric shock to person who comes in contact with it; or</li> <li>d. is not kept in good repair, such that it has broken parts, missing letters, missing panels, <del>or</del> non-operational lights, <u>or is sagging, frayed or faded</u> <a href="#">[c7]</a>.</li> </ul>
<b>Vehicle Signs</b> where the primary purpose of the vehicle (including any trailer) is advertisement

**Section 90-796. General Standards for Permitted Signs.**

**(1) General Provisions.**

**Accessory Signs.** All signs, except off-premise advertising signs shall advertise business transacted or goods sold or produced on the premises. All signs shall meet the requirements of this Article and as required in the Building Code or in other ordinances of the City.

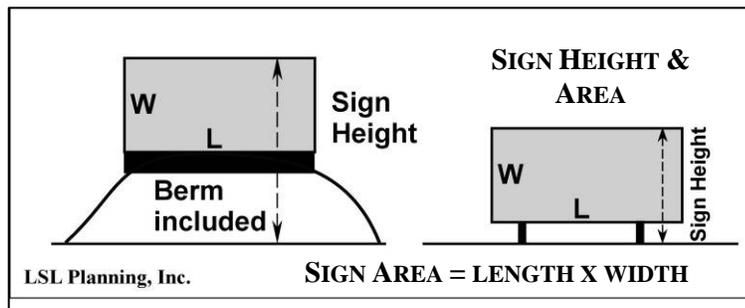
**Surface of Front.** No nails, tacks or wires shall be permitted to protrude in or from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors or other devices that may extend over the top and in front of the advertising structure.

(2) **Measurement of Signs.**

a. **Sign Area.**

1. Sign area shall be measured as the square footage of the sign face area within a single, continuous perimeter composed of any straight line or geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. However, for ground mounted signs, the sign base shall be calculated as part of the sign area and for pole signs, any supports or shrouds whose width exceeds eighteen (18) inches, shall be calculated as part of the sign area. Pole shrouds shall be painted a neutral color and may only have address numbers placed thereon.
2. The area of a pole sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are of equal size, and are no more than two (2) feet apart at any point, the area of one face shall be counted as the sign area. If two back-to-back sign faces are of unequal size, the larger of the two shall be counted as the area of the sign.
3. For buildings containing multiple tenants. When a sign consists of lettering or other sign elements printed, painted or mounted on a wall or a window, the sign area shall be measured by enclosing the edges of the sign elements (i.e. letters, logos) within a parallelogram or rectangle. The sign areas for wall signs and awning signs shall be determined by taking that portion of the wall applicable to each tenant and computing the allowable sign area for that portion of the total wall.

b. **Sign Height.**



**Figure 90-796-2: Sign Area and Height**

1. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of

allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

- (3) **Clear Vision Area.** No sign shall be located within, project into, or overhang the clear vision area as required in Section 90-37; provided a pole sign with a post no larger than one (1) foot in diameter shall be allowed if no part of the sign is lower than ten (10) feet from the adjoining street level.
- (4) **Design and Construction Standards.**
  - a. Compliance with Codes. Signs shall be constructed in a safe and stable manner in accordance with the City's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
  - b. Screening of supports. All wall signs shall be designed so that the supporting framework is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
  - c. Clearance from Utilities. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole.
  - d. Anchoring of temporary signs with cement blocks, tires and other materials not an integral part of the sign design is prohibited.
- (5) **Illumination.**
  - a. Unless otherwise permitted, a sign shall be illuminated only by steady, stationary, shielded light sources directed solely toward the sign (i.e. front lit signs), or internal to the sign or otherwise from behind the characters (i.e. back lit signs).
  - b. The background of front lit signs may be any color, provided they are not reflective at night. However, such signs may use light reflecting lettering and messaging.
  - c. Use of glaring undiffused lights or bulbs shall be prohibited, except that bare bulbs are permitted for holiday lighting.
  - d. Illumination by bare bulbs, neon, luminous tubing or flames is prohibited. Signs shall have no exposed or flashing bulbs. Except as otherwise permitted in this Article, no sign shall contain any visible moving parts or messages.
  - e. Exposed neon or LED lights are permitted, provided the neon or LED is used for lettering and/or images, but not for borders to roofs, walls, or similar architectural features.
  - f. Lights shall be shielded so as not to project directly onto adjoining properties or thoroughfares.

#### **Section 90-797. Signs in Planned Unit Developments**

Signs in Planned Unit Developments shall be subject to a sign plan attached to the site plans approved by via the Planned Unit Development process. Where no sign plan is proposed, signs

shall conform to the requirements of this Article, based upon the use or uses within the approved Planned Unit Development.

**Section 90-798. Specific Sign Requirements: Residential Districts**

Signs for residential and non-residential uses in the Residential Districts are subject to the following:

- (1) **Sign Setbacks for All Uses:** All signs in a Residential District shall be set back a minimum of five (5) feet from any property line and shall be located so that clear vision is maintained at all intersections (see Section 90-61).
- (2) **Adjacent to properties within a Residential District:**
  - a. Non-illuminated signs: Ten (10) feet from any side or rear property line in an adjacent residential district.
  - b. Illuminated signs: Twenty-five (25) feet from any side or rear property line in an adjacent residential district.
- (3) **Real Estate Development and Construction Signs:** Real estate development signs or construction signs shall not exceed thirty-two (32) square feet in area or ten (10) feet in height. No more than one (1) real estate development sign or construction sign shall be permitted per use. Real estate development signs and construction signs may not be illuminated.
- (4) Ground Mounted Banners: One banner, a maximum of 16 sq. ft. and 12 feet in height, shall be permitted in all residential districts, for each street entrance of a parcel. Ground mounted banners on single family residential lots are prohibited. Permits are not required.
- (54) **Illumination of Signs in Residential Districts:**
  - a. Signs permitted in Residential Districts may be front lit only illuminated, unless otherwise prohibited.
  - b. Signs for home occupations may not be illuminated.

(65) **Specific Sign Requirements by Use:** For uses in Residential Districts, the following signs shall be permitted, subject to the requirements of Table 90-798:

**TABLE 90-798: SIGNS IN RESIDENTIAL DISTRICTS**

<b>Use</b>	<b>Sign Type</b>	<b>Maximum Area</b>	<b>Minimum Setback</b>	<b>Maximum Height</b>	<b>Maximum Number of Signs</b>
School, Place of Worship, Group Day care, Group Human care, Cemeteries, Public buildings	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1
	Wall sign	10 % of the area of wall, up to a maximum of 100 sq. ft.	N/A	May not extend above the wall on which the sign is attached	1 per frontage

**TABLE 90-798: SIGNS IN RESIDENTIAL DISTRICTS**

Use	Sign Type	Maximum Area	Minimum Setback	Maximum Height	Maximum Number of Signs
	Moving Image or Manual Changeable Copy sign as part of a ground sign	No more than 40% of the allowed area of the ground sign.	5 ft. from all property lines and outside the clear vision corner	N/A	1
	Trailer sign <sup>1</sup>	40 sq.ft.		6 ft; may not extend above the wall on which the sign is attached	1 per frontage
Public buildings	Wall sign	10 % of the area of wall, up to a maximum of 200 sq. ft.	May not extend above the wall on which the sign is attached	1	
Public parks	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1 per frontage
Residential developments, mobile home parks, apartment complexes	Ground sign	60 sq. ft.	5 ft. from all property lines and outside the clear vision corner	8 ft.	1 per street entrance

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<sup>1</sup> A trailer sign shall not be permitted, if a Changeable Copy or Moving Image sign is located on the premises. A permit shall be obtained and placed on the sign for each week, or part thereof, that the sign is displayed. Permits may be obtained for one week or consecutive multiples thereof, except that no property shall contain temporary signs visible from the street for more than eight weeks per calendar year. After the expiration of the permit, the sign shall be removed from the property or stored in a location that is not visible from the street.

<b>TABLE 90-798: SIGNS IN RESIDENTIAL DISTRICTS</b>					
<b>Use</b>	<b>Sign Type</b>	<b>Maximum Area</b>	<b>Minimum Setback</b>	<b>Maximum Height</b>	<b>Maximum Number of Signs</b>
Allowed home occupations	Wall sign	2 sq. ft.	N/A	N/A	1
Real Estate Development & Construction Signs	Freestanding	32 sq.ft.	5 ft. from all property lines and outside the clear vision corner	10 ft.	1 per use
Directional signs for non-residential uses	Freestanding	6 sq.ft.	Outside the clear vision corner	3 ft.	1 per driveway

**Section 90-799. Specific Sign Requirements: Non-Residential Districts**

(1) **Permitted Sign Types.**

- a. Permanent signs. Each lot or use shall be permitted primary and secondary signs as listed in Tables 90-799 and 90-799-2. A sign permit is required for all permanent signs.
- b. Temporary signs: See Table 90-48. A permit shall be required for temporary signs. Temporary signs may not be illuminated.
- c. [Window signs: See Table 90-799-2\(c9\).](#)

(2) **Specific Sign Requirements.**

- a. Wall signs
  - 1. One (1) wall sign per principal building, occupied by one tenant, shall be permitted per street frontage on each parcel.
  - 2. Multi-tenant building or shopping center:
    - (i) One (1) wall sign shall be permitted for each tenant having an individual means of public access and shall be placed on the tenant's entry wall space.
    - (ii) Tenants occupying a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each of their wall frontages.
    - (iii) Where several tenants share a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, with the total permitted sign area being allocated among the tenants.

- b. **Awning Signs.** An awning sign may be provided in lieu of a wall or projecting sign. The area of an awning sign shall be considered as part of the permitted area for wall signs as shown in Table 90-799.
- c. **Sloping Roof Signs.** A sloping roof sign may be provided in lieu of an awning or wall sign. The area of a sloping roof sign shall be the same as the permitted area for wall signs as shown in Table 90-799.
- d. **Directional Signs:** Directional signs are permitted as necessary to direct the public to entrances and exits, parking areas and activity areas, as approved on the required site plan. No directional sign may exceed six (6) square feet. A freestanding directional sign may not exceed four (4) feet in height and shall not be located within the clear vision triangle (see Section 90-799-2).
- e. **Marquees.** For the purposes of this Article, any fascia of a marquee shall be considered a wall, and any sign affixed to a marquee shall be subject to the requirements for wall signs.
- f. **Moving Image Signs and Time and Temperature Signs.**
  - 1. Except as otherwise permitted in this Article, a moving image sign or time and temperature sign shall be permitted only as a secondary sign, subject to the limitation in Table 90-799-2.
  - 2. Message changes may occur no less than seven seconds apart. The methods of change shall be limited to instantaneous, roll, splice, unveil, venetian, zoom and fade, as interpreted by the Chief Building Official. Messages or images that scroll across the sign shall not be permitted.
  - 3. Messages may not advertise off-site locations, events or products.

**Off-Premise Advertising Signs.** Off-premise advertising signs (billboards) shall only be permitted as outlined in Section 90-800.

- (3) **Permanent Sign Requirements:** Each use shall be permitted the primary and secondary signs as provided in Tables 90-799 and 90-799-2.

<b>TABLE 90-799: PRIMARY SIGN REQUIREMENTS – NONRESIDENTIAL DISTRICTS</b>									
<b>Sign Type &amp; Requirement</b> (P = Permitted NP = Not Permitted)		<b>Zoning District</b>							
		<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>DC</b>	<b>RO-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>
<b>Wall, Awning, Projecting and Sloping Roof Signs</b>	Wall Sign	P	P	P	P	P	P	P	P
	Awning Sign	P	P	P	P	P	P	P	P
	Sloping Roof Sign	P	P	P	P	P	P	P	P
Maximum Number (for each frontage per tenant or use)		1	1	1	1	1	1	1	1
		No more than 1 wall sign, <u>OR</u> 1 awning sign, <u>OR</u> 1 projecting sign <u>OR</u> 1 sloping roof sign for each frontage per tenant or use							

**TABLE 90-799: PRIMARY SIGN REQUIREMENTS – NONRESIDENTIAL DISTRICTS**

Sign Type & Requirement (P =Permitted NP = Not Permitted)		Zoning District							
		B-1	B-2	B-3	DC	RO-1	I-1	I-2	I-3
<b>Wall, Awning, Projecting and Sloping Roof Signs (cont.)</b> Maximum Total Area Per Use (whichever is less).....	Percent of Wall area to which sign is attached	15%	15%	15%	15%	10%	5%	5%	5%
	Area Square Feet Max.	150	150	150	150	150	100	100	100
Maximum Height per sign		No wall, awning or sloping roof projecting sign shall extend above the wall, roof line, or fascia upon which is attached. A sloping roof sign shall not extend above the roof line.							
Note: If an awning sign is internally illuminated, the entire area of the awning shall be considered a sign									
<b>Pole and Ground Signs</b>	Pole Sign	P	P	P	P	P	P <sup>2</sup>	P	NP
	Ground Sign	P	P	P	P	P	P	P	P
Maximum Number (per lot or frontage)		1	1	1	1	1	1	1	1
		Multiple frontage corner lots are permitted 1 sign per street frontage; total aggregate sign area of all pole signs shall not exceed 120% of area requirements							
		No more than 1 pole sign <u>OR</u> 1 ground sign per lot or frontage as permitted above.							
Maximum Area (square feet)	Pole Sign <sup>3</sup>	100	100	100	100	60	100	100	NP
	Ground Sign <sup>4</sup>	75	75	75	75	60	75	75	75
Maximum Height (feet)	Pole Sign	30	30	30	30	20	30	30	NP
	Ground Sign	12	12	12	12	12	12	12	12
Setback from property lines (feet)	Pole Sign	0	0	0	0	0	0	0	NP
	Ground Sign	5	5	5	5	5	5	5	5

<sup>2</sup> Pole signs shall not be permitted within industrial parks.

<sup>3</sup> If the lot frontage along any one street exceeds one hundred fifty (150) feet, additional display area may be added to a pole sign located along that street at a ratio of one square foot for each two (2) feet of property frontage in excess of one hundred fifty (150) feet, up to a maximum area of two hundred (200) square feet.

<sup>4</sup> The area of the ground sign may be increased to one hundred (100) square feet, if identifying a multi-tenant building or use.

<b>TABLE 90-799: PRIMARY SIGN REQUIREMENTS – NONRESIDENTIAL DISTRICTS</b>								
<b>Sign Type &amp; Requirement</b> (P =Permitted NP = Not Permitted)	<b>Zoning District</b>							
	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>DC</b>	<b>RO-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>
<b>Expressway Business Pole Sign</b>	NP	P	P	NP	NP	P	P	P
Expressway Business Pole Signs shall be permitted only for those businesses abutting an expressway or freeway right-of-way								
Maximum Number per lot	NP	1	1	NP	NP	1	1	1
Maximum Area (square feet)	NP	300	300	NP	NP	300	300	300
Minimum Height (feet) if sign area exceeds 100 square feet	NP	60	60	NP	NP	60	60	60
Maximum Height (feet)	NP	90	90	NP	NP	90	90	90
Location Requirements	The base of the sign shall not be located behind the building containing the use advertised within a required front or secondary front yard. The sign shall be set back at least 100 feet from any residentially zoned property							

<b>TABLE 90-799-2: SECONDARY SIGN REQUIREMENTS – NON-RESIDENTIAL DISTRICTS</b>								
<b>Sign Type &amp; Requirement</b> (P =Permitted NP = Not Permitted)	<b>Zoning District</b>							
	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>DC</b>	<b>RO-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>
<b>Manual Changeable Copy Sign as part of a Wall, Pole or Ground Sign</b>	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1
A Manual Changeable Copy Sign is not permitted on a sign that also has a moving image display or a time and temperature sign								
Maximum Area	No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign							
<b>Time &amp; Temperature Sign as a part of a Wall, Pole or Ground Sign</b>	P	P	P	P	P	P	P	P
Maximum Number (per use)	1	1	1	1	1	1	1	1
A Time and Temperature Sign is not permitted on a sign that								

**TABLE 90-799-2: SECONDARY SIGN REQUIREMENTS – NON-RESIDENTIAL DISTRICTS**

Sign Type & Requirement (P =Permitted NP = Not Permitted)		Zoning District							
		B-1	B-2	B-3	DC	RO-1	I-1	I-2	I-3
		also has an moving image display or a manual changeable copy sign							
Maximum Time & Temp. Area		No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign							
Minimum Display Time Maximum Time & Temp. Area		The time and/or temperature message shall be displayed for a minimum of seven (7) seconds before changing No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign							
<b>Moving Image Sign as a part of a Wall, Pole or Ground Sign</b>		NP	P	P	P	NP	P	P	P
Maximum Number per lot		NP	1	1	1	NP	1	1	1
Maximum Moving Image Display Area		No more than 40% of the allowed area of a pole or ground sign or 30% of the allowed area of a wall or projecting sign							
<b>Directional Sign</b>		P	P	P	P	P	P	P	P
<b>Maximum Number (per entrance/exit)</b>	Per Driveway	1	1	1	1	1	1	1	1
	Site Interior	As approved on the site plan by the Building Official							
<b>Maximum Area (square feet)</b>		6	6	6	6	6	6	6	6
<b>Maximum Height (feet)</b>		3	3	3	3	3	3	3	3

TABLE 90-799-2: SECONDARY SIGN REQUIREMENTS – NON-RESIDENTIAL DISTRICTS									
Sign Type & Requirement (P =Permitted NP = Not Permitted)		Zoning District							
		B-1	B-2	B-3	DC	RO-1	I-1	I-2	I-3
<b>Window Sign (Permanent)</b>		P	P	P	P	P	P	P	P
<b>Maximum Total Area for Window Signs</b> (temporary and permanent)	Percent of <u>wall frontage</u> <u>Window Area</u>	The total of all window signs <u>and banners</u> shall not exceed <u>fifteen twenty-five (25) percent (15%)</u> of the total <u>wall frontage area</u> <u>per business of each window.</u>							
<b>Menu Board or Options Board</b>		P	P	P	P	P	NP	NP	NP
Maximum number per use		One menu/options board and one pre-menu/options board							
Maximum height (feet)		Seven (7)							
Maximum area (square feet)		The menu/options board shall not exceed 44 square feet; the pre-menu/options board shall not exceed 16 square feet							
Location Maximum Total Area for Window Signs Percent of Window Area		Signs shall not be located in the front yard; nor shall the display be visible from any principal street; nor shall the signs be closer than 100 feet to any Residential District							

- (4) **Temporary Sign Requirements.** Temporary signs shall be permitted in the nonresidential districts per Table 90-799-4:

TABLE 90-799-4: TEMPORARY SIGNS – NON RESIDENTIAL DISTRICTS							
Temporary Sign	Type of Sign Permitted	Max. Size	Max. Height	Max. Number	Setback	Permit Required	Permitted Duration
<b>Trailer Sign</b>	As defined	40	6 ft.	1	(b)	Y	(g)
<b>Construction Sign</b>	Ground or Wall	32 sq. ft. (a)	10 ft.	1	(b)	Y	Date of building permit to 1 week after the last construction trade has left

**TABLE 90-799-4: TEMPORARY SIGNS – NON RESIDENTIAL DISTRICTS**

Temporary Sign	Type of Sign Permitted	Max. Size	Max. Height	Max. Number	Setback	Permit Required	Permitted Duration
<b>Window Sign (Temporary)</b>	Paper or Fabric	(e)(i)			(b)	N	No maximum <del>30</del> <u>30</u> days (f)
<b>Real Estate - sale or lease of individual business or lot</b>	Ground or Wall	32 sq. ft.	6 ft.	1 (c)	(b)	N	During periods of rent, lease, sale or availability
<b>Real Estate Development Sign</b>	Ground	32 sq. ft.	10 ft.	1 (c)	(b)	N	Until 75% of the units or sq. ft. of project are sold and/or leased, whichever comes first
<b><u>Ground Mounted Banner</u> <u>Grand Opening Sign or Going Out of Business (not including changes in ownership)</u></b>	Ground, Wall, Banner, Balloons, Pennants and Streamers (as permitted by Chief Building Official)	16 sq. ft.	Ground: <u>4-12</u> ft.  Wall: <u>not higher than roof line</u>	( <del>1</del> )(e)(h)	(b)	<u>N(h)Y</u>	( <del>h)(c)(i)</del> <u>1</u> period of a maximum of <u>30</u> consecutive days
<b><u>Wall Mounted Banner</u></b>	<u>Wall</u>	(i)	<u>Building height</u>	(i)		<u>Y</u>	(i)
<b><u>Streamers and Pennants</u></b>	<u>As defined</u>		<u>Building height</u>		(b)	<u>Y</u>	(j)
<b><u>Balloons</u></b>	<u>As defined</u>	<u>24 inches each</u>	<u>Building height, or 35 ft., whichever is less.</u>	<u>50(k)</u>	(b)	<u>N(k)</u>	(k)
<b><u>Pedestrian Sign</u></b>	<u>As defined</u>	<u>16 sq.ft.</u>	<u>8 ft.</u>	<u>1(l)</u>	<u>Must be on private property</u>	<u>Y(l)</u>	(l)

TABLE 90-799-4: TEMPORARY SIGNS – NON RESIDENTIAL DISTRICTS							
Temporary Sign	Type of Sign Permitted	Max. Size	Max. Height	Max. Number	Setback	Permit Required	Permitted Duration
Community Special Event Sign		(d)			(b)	Y	Up to 3 weeks prior to event and not to exceed a total of 30 days

**Footnotes to Table 90-799-4:**

- a. In the case of maintenance or repair (e.g. roofing, windows, or siding), the maximum sign area shall be six (6) square feet.
  - b. The temporary sign shall be set back at least five (5) feet from any public right-of-way line, easement or private street and twenty-five (25) feet from any residential district property line, and shall be placed to ensure clear sight distances at all intersections.
  - c. On a corner parcel two (2) signs, one (1) facing each street, shall be permitted.
  - d. Community special event signs may include ground signs and/or displays or wall signs, banners, pennants, or similar displays; the number, size and height of the sign(s) shall be subject to Chief Building Official approval.
  - e. The total of all window signs, temporary and permanent, shall not exceed fifteen percent (15%) of the total window area of each window wall frontage area.
  - f. Temporary window signs that are faded, yellowed, ripped, non-taut, or otherwise damaged shall be removed immediately.
- Trailer Sign Requirements. A permit shall be obtained and placed on the sign for each week, or part thereof, that the sign is displayed. Permits may be obtained for one week or consecutive multiples thereof, except that no property shall contain temporary signs visible from the street for more than eight weeks per calendar year. After the expiration of the permit, the sign shall be removed from the property or stored in a location that is not visible from the street.
- g.
  - h. One ground mounted banner shall be permitted per parcel for each 100 feet of frontage or portion thereof. Two additional ground mounted banners shall be allowed by permit for up to a two week period and up to four times annually. Ground mounted banners shall be taut and kept in good repair, or shall be removed.
  - i. Wall banners shall comprise a maximum of fifteen (15%) of the wall frontage area for each business served. The total wall frontage area comprised of both window signs and wall banners may not exceed fifteen (15%) percent. Wall banners are permitted by permit for a maximum of 12 weeks per year. Permits

may be obtained for one week, or consecutive weeks thereof. Wall banners shall be taut and kept in good repair, or shall be removed.

j. Streamers and pennants are allowed per parcel by permit for up to a two week period and up to four times annually. Property owner or landlord approval is required for multiple tenant properties. Streamers and pennants shall be taut and kept in good repair, or shall be removed.

k. A maximum of 50 balloons are allowed per parcel without permit. Additional balloon displays are permitted by permit for up to a two week period and four times annually.

l. One (1) pedestrian sign is permitted for each parcel, or up to two on multiple tenant properties, each with an annual permit[C15]. Property owner approval is required. Excessive driver distraction is prohibited, and shall not constitute an unreasonable hazard to the public.

### **Section 90-800. Off-Premise Advertising Signs**

- (1) Off-premise advertising signs shall be permitted only in the I-1 or I-2 districts on property abutting a freeway right-of-way.
- (2) A drawing with specifications prepared and sealed by a registered engineer or architect of the state shall be filed with the city prior to the construction.
- (3) Off-premise advertising signs may be constructed to a maximum size of 672 square feet per face, provided they are located within 100 feet of a freeway right-of-way. Any off-premise advertising sign placed farther than 100 feet from the freeway right-of-way shall not exceed 300 square feet per face.
- (4) Off-premise advertising signs to be located on property abutting a freeway shall be placed within 100 feet of the freeway right-of-way, except a three hundred (300) foot setback shall be required from the intersection of any freeway access or egress and the intersecting street.
- (5) Except as noted in subsection (5)a, below, no off-premise advertising sign shall be constructed closer than seven hundred fifty (750) feet to another off-premise advertising sign in any direction. Except that no two off-premise advertising signs located on the same side of a freeway may be closer than one thousand five hundred (1,500) feet. Distances are to be measured along the freeway right-of-way line.
- (6) Off-premise advertising signs shall not exceed the building height restrictions for the zone where erected.
- (7) Off-premise advertising signs located adjacent to a major thoroughfare shall be at least 500 feet from any Residential District.
- (8) Tri-vision off-premise advertising signs are allowed, but message changes may occur no less than seven (7) seconds apart.
- (9) Off-premise advertising signs may incorporate a moving image sign, subject to the following:

- a. No off-premise LED advertising sign utilizing a moving image display shall be constructed closer than four thousand (4,000) feet to another off-premise LED advertising sign utilizing a moving image display. Off-premise LED advertising signs may only be constructed to replace existing off-premise advertising signs.
- b. The entire sign face shall be a moving image display and shall only convey a single product or message at any one time.
- c. Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be stationary. No elements of the display may move, flash or scroll, except to change from one display to the next.
- d. Displays may change no less than seven (7) seconds apart. Each change shall be a fade from one display to the next, with the duration of the transition (fade-out/fade-in) no less than one half (1/2) of a second.
- e. Maximum brightness of a video display or electronic graphic display sign shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign must have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise. For those electronic signs equipped with automatic dimmer features to adjust brightness levels for ambient light, it shall be required that the sign software be set to "automatic" in order to comply with levels of brightness as set forth in this section.

**Section 90-801. Nonconforming Signs.**

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this Article, but were lawfully established prior to its adoption. The intent of this Article is to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this Article. Therefore, the purpose of administering this Article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights.

- (1) **Alteration or Reconstruction.** A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with this Article, except that nonconforming signs shall comply with the following regulations:
  - a. **Repairs and Maintenance.** Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of surface panels provided the new panels are no larger than the existing panels; or, repair or replacement of electrical wiring or electrical devices.

- b. **Nonconforming Manual Copy Change, Moving Image Signs and Time and Temperature Signs.** The message on a nonconforming manual copy change, moving image or time and temperature sign may be changed, provided that the change does not create any greater nonconformity.
  - c. **Substitution.** No nonconforming sign shall be replaced with another nonconforming sign.
  - d. **Discontinuance.** A nonconforming sign shall not be re-established after the activity, business, or use to which it related has been discontinued for ninety (90) days or longer.
- (2) **Continued Use of Nonconforming Sign Structure.** Any new occupant or owner of the premises shall be required either to remove or bring the sign into compliance with this Article.

**Section 90-802. Dangerous, Unsafe, Abandoned and Illegally Erected Signs**

- (1) Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Chief Building Official to the health or safety of the public shall be removed or repaired according to the process outlined in (5) below.
- (2) **Dangerous Signs.** Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the City and the cost thereof charged against the owner of the property on which it was installed.
- (3) **Abandoned Signs.** Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is no longer offered shall be deemed abandoned, unless it is determined that business is temporarily suspended due to a change in ownership or management. In any case, however, if the structure remains vacant for at least six (6) months, it shall be considered abandoned for purposes of this section. The owner or lessee of the premises shall take any one of the following alternatives relative to the abandoned sign: removal, replace the sign faces with blanks, or cover the sign faces. Any covering on a sign face shall be maintained, clean, and in good condition or the Chief Building Official may require replacement of the covering, placement of sign blanks, or sign removal, as noted in paragraph (5) below.
- (4) **Illegally Erected Signs.** The Chief Building Official shall order the removal of any sign erected illegally in violation of this Article, according to the process outlined in (5) below.
- (5) **Process for Enforcing Violations.** For violations of this Article, the Chief Building Official shall send notice, by certified mail addressed to the property owner and to the owner of the sign if not the property owner, at their last known address. The notice shall describe the violation and require removal or repair. Should the sign not be removed or repaired within the time specified, the City shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

**Section 90-803. Administration**

- (1) **Sign Permits.** Except where otherwise noted, permits shall be required for signs. Where required, permits shall be processed according to the following:

- (2) **Application.** Applications for sign permits shall be made upon forms provided by the City, and shall contain or have attached thereto the following information:
- a. Name, address and telephone number of the applicant;
  - b. Location of building, structure or lot to or upon which the sign or other advertising structure is to be attached or erected;
  - c. Position of the sign or other advertising structure in relation to nearby buildings or structures;
  - d. Two (2) blueprints or ink drawings or the plans and specifications and the method of construction and attachment to the building or in the ground;
  - e. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city; provided that where the Chief Building Official deems it advisable, he may require the approval of the structural design by a registered professional engineer;
  - f. Name of the person erecting the structure;
  - g. Written consent of the owner as to where the sign is to be erected on vacant land; and
  - h. Such other information as the Chief Building Official shall deem necessary to show full compliance with this and all other laws and ordinances of the City.
- (3) **Fee.** Every applicant, before being granted a sign permit, shall pay to the city treasurer a permit fee as shall be established by resolution of the city council from time to time.
- (4) **Review of Application and Issuance of Permits**
- a. Chief Building Official Review. The Chief Building Official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
  - b. Issuance of a Permit. Following review and approval of a sign application, the Chief Building Official shall have the authority to issue a sign permit.
  - c. Exceptions. A sign shall not be enlarged or relocated except in conformity with the provisions of this Article for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, changing sign panels, or changing of the message on the sign where the sign is designed for such changes (such as manual changeable copy lettering or numbers on a gasoline price sign).
- (5) **Inspection and Maintenance**
- a. **Inspection of New Signs.**
    1. All signs for which a permit has been issued shall be inspected by the Chief Building Official when erected. Approval shall be granted only if

the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.

2. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Chief Building Official when such fastenings are to be installed so that inspection may be completed before enclosure.
- b. **Inspection of Existing Signs.** The Chief Building Official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Chief Building Official shall determine whether the sign is adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
- c. **Correction of Defects.** If the Chief Building Official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make or cause the sign to be made safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the Chief Building Official.

~~Section 2. This ordinance shall be in full force and effect on the 20th day of January, 2009.~~

~~I hereby certify that the above entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the 5th day of January, 2009.~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Heidi A. Isakson

\_\_\_\_\_ Wyoming City Clerk

~~Ordinance No. 20-08~~

## MEMORANDUM

DATE: October 6, 2010

TO: Curtis L. Holt, City Manager

FROM: William D. Dooley, Director of Public Works

SUBJECT: State Mandated Speed Limit Changes

In November 2006, the Michigan Legislature enacted Public Act 85 requiring that all Michigan municipalities re-establish their speed limits based upon one of two criteria: the 85<sup>th</sup> percentile speed or a new “half-mile access point” criteria. Wyoming chose to use the 85<sup>th</sup> percentile speed because it is a highly researched and well established scientific method utilized by law enforcement and traffic experts throughout the United States. The access point criteria is a largely untested method established by the Michigan State Police, which results in generally higher speed limits throughout Wyoming. Because the Michigan Legislature mandated that Wyoming comply with one of these two methods, we have chosen the method which is in the best interest of Wyoming’s residents and those who utilize Wyoming’s streets.

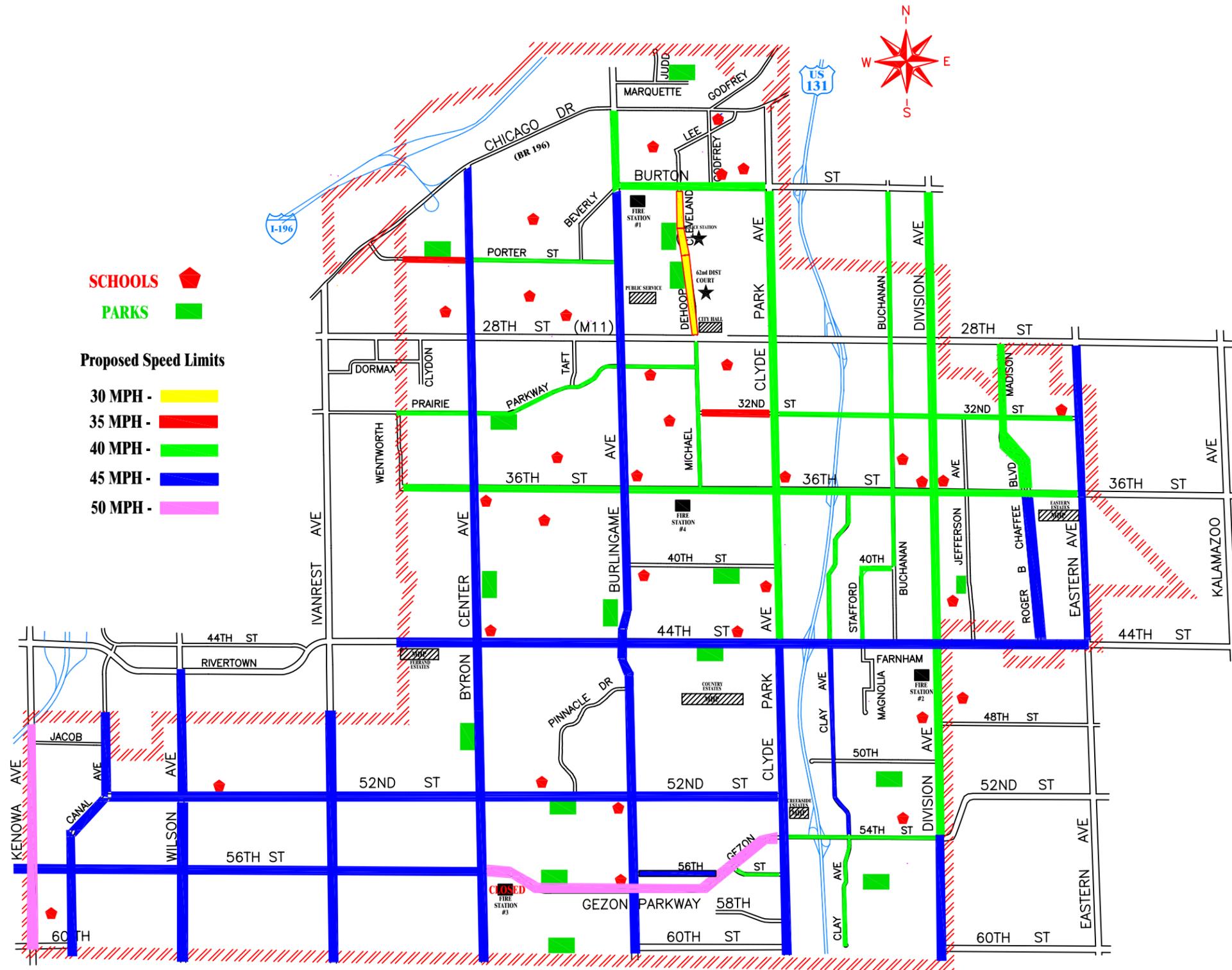
To be clear, with the passage of Public act 85 in 2006, the Michigan Legislature removed the City Council’s authority to establish speed limits within Wyoming’s city limits. Some Wyoming residents and motorists will welcome the new speed limits while others may be very unhappy. Unfortunately, there is nothing that the City Council, Police Department or Public Works Department can do but to comply with the new state law.

As we discussed with the City Council last spring, the 85<sup>th</sup> percentile speed counts have been taken and the new state mandated speed limits have been identified and reviewed with the Police Department (see attached map). Beginning on October 12, the existing speed limit signs will be replaced with new speed limit signs in compliance with Public Act 85. The east-west “streets” will be addressed first, moving from the south end of Wyoming to the north end. The north-south “avenues” will be addressed second, from the west side of Wyoming to the east side. The new signs will be in place by the end of December.

If the City Council has any questions, Jim Carmody and I will be happy to address their questions at their October 11 Study Session. Lieutenant Gary Megge, Director of the Michigan State Police Traffic Services Department, may also be available to answer any questions.

Attached: Map

# CITY OF WYOMING MICHIGAN



## Memorandum

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**To:** Curtis Holt, City Manager  
**From:** Gerald Caron, Superintendent  
**Date:** October 5, 2010  
**Re:** Capital Project Status

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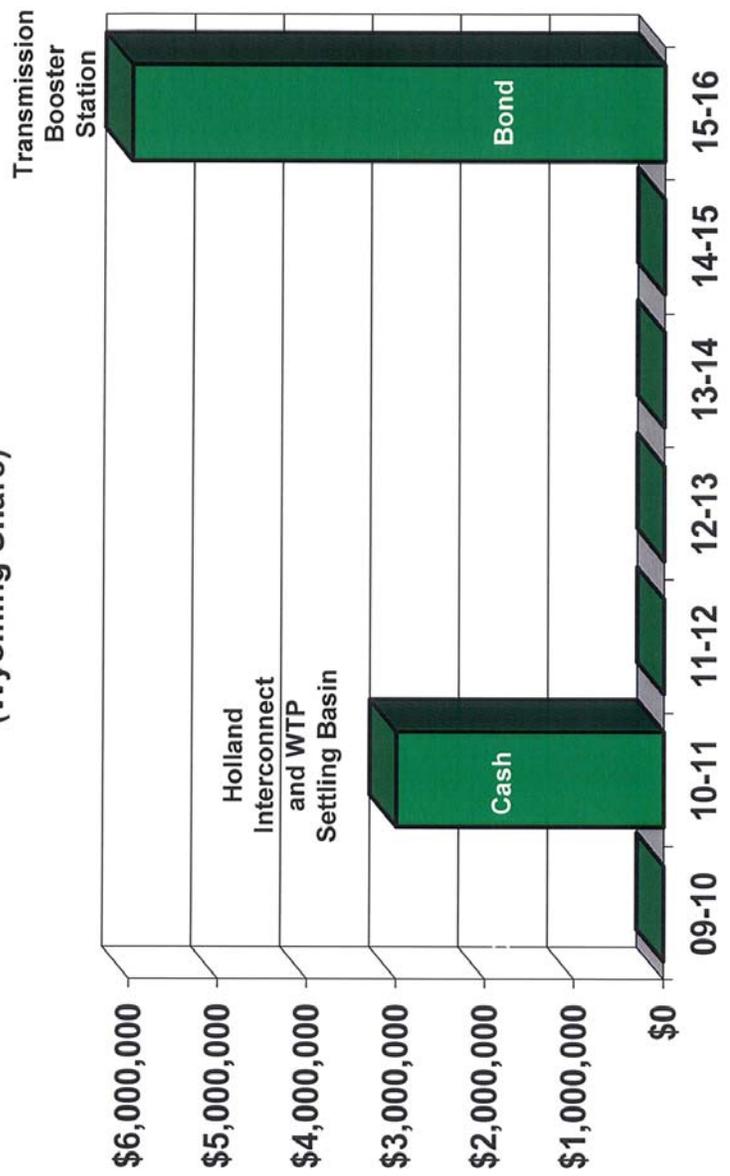
As you are aware, we are nearing completion of our water plant phase 1B and our raw water main and carbon feed projects. Expected completion on both of these projects is prior to the end of this calendar year. We have talked to the City Council during our budget discussion about three other future projects. I have attached a graph from that budget discussion. The projects that have been discussed include the Holland Interconnect, the renovation of our slow mix and settling basin in the north plant, and a future booster pump station on the transmission main.

The Holland interconnect project is currently on a hold status. We are continuing to work with the City of Holland to finalize an interconnect agreement which we will bring to the City Council for approval when completed. The design and construction schedule is currently on hold due to funding issues and project priority. We had hoped to secure drinking water revolving loan funds for this project. Unfortunately we were not high enough on the priority list to get this funding. In addition, the City of Holland has had a change in their priority for capital projects resulting in a mutually agreed indefinite delay in the start of this project.

The renovation of the slow mix and setting basin at the north treatment plant has been a priority for the City staff and listed as a high priority in our MDNRE Sanitary Survey. Our hope with the 1B project was to utilize unused contingency funds to complete this repair. As you may recall, this repair was cut from the project in change order #1 to get the project within a fundable range. Now that the 1B project is nearing completion we believe we will have adequate funds to make this needed repair and would propose moving ahead with construction of this project following the high demand season next summer.

The future transmission booster station is not scheduled until sometime around fiscal year 2015/16. This could change to an earlier fiscal year if water demands start to exceed our pumping ability due to hot dry summers. Our treatment plant is capable of producing 120 million gallons per day but we are limited to pumping between 100 and 110 million gallons through the transmission mains without the booster station.

# Water Treatment Projects (Wyoming Share)



## MEMORANDUM

To: Bill Dooley, P.E. – Director of Public Works  
From: Tom Kent – Deputy Director of Public Works  
Date: October 05, 2010  
RE: Update on Contract Negotiations – Wholesale Water Customers

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In anticipation of the completion of the expansion of the Donald K. Shine Water Treatment Plant, we have been reevaluating the current wholesale water customer contract language and rate methodology with representatives from our wholesale water customers. Mr. Jeff Gritter of Byron Township, Ms. Julie Meza of the Charter Township of Gaines, Mr. Ken Krombeen and Mr. Ron Carr of the City of Grandville, and Mr. Tom Chase and Mr. Ron Woods from the City of Kentwood have all participated extensively in this process. For professional assistance throughout the process, we enlisted the legal expertise of Mr. Don Schmidt of the law firm of Miller Canfield and the rate methodology expertise of Mr. Bill Stannard and Mr. Tom Beckley of Raftelis Financial Consultants. Both firms and their representatives are recognized as experts in their respective fields of interest.

This entire rate and contract review process has been conducted in a very open and transparent manner including our sponsorship of several workshop forums with all representatives mentioned above in attendance along with City staff. There were many opportunities for our wholesale customer representatives to ask questions and provide input and the quality of the final product is reflective of the consensus building process that was used. This review process was very similar to the process used to successfully develop new contract language and rate methodology for our wholesale wastewater customers in 2006.

We are now in the final stages of formally adopting these new contracts and anticipate bringing them before the City Council for review and approval in the next few months. Based upon the recent progress we have made with the City of Grandville and the City of Kentwood, I believe these two contracts will be executed ahead of the contract with Byron and Gaines Townships.

## Wholesale Water Contracts

### Page Two

For your review, I have attached a copy of Exhibit B, which is an integral part of the new contracts. Exhibit B is a detailed description of how rates are calculated and applied using the utility basis methodology. As you know, the utility basis methodology as described in the American Water Works Association M1 manual entitled Principles of Water Rates, Fees and Charges is recommended by the U.S. Environmental Protection Agency but more importantly, this methodology is required by Michigan law MCLA 123.141 for water systems that supply greater than 1% of the population of the State (currently 9.97 million). The City of Wyoming water system currently supplies water to approximately 220,000 people in the service area.

## **Exhibit B**

### **Basis for Determining Wholesale Water Rates**

This exhibit outlines the process for determining the allocation of costs among the City of Wyoming's retail and wholesale water customers. The methodology used for rate calculations is the utility basis methodology, which is an industry standard methodology. The utility basis methodology and the base-extra capacity calculation used in this example are derived from the American Water Works Association Manual M1, Principles of Water Rates, Fees, and Charges.

Under the utility basis the revenue requirements recovered from customers consist of:

- Operation and maintenance expense;
- Depreciation expense; and
- Return on rate base (rate base as defined in the AWWA Manual M1 and below)

Depreciation expense represents the loss in value of the property, plant and equipment used in providing water service through wear and tear, deterioration, and obsolescence. The return on rate base provides funds to the owning utility for the interest cost associated with the debt financed capital improvements and a fair rate of return on the owning utility's equity in the assets used to provide water service to the non-owner customers. The rate of return is calculated from the 25-Bond Revenue Bond Index published by The Bond Buyer for the twelve month period corresponding to the fiscal year plus a margin of 2.0%. In the event that The Bond Buyer should discontinue publication of the 25-Bond Revenue Index, then the rate of return will be determined in accordance with a mutually agreed upon method of calculation.

The rate base typically consists of the depreciated original cost of the facilities providing water service. Typically, the rate base shall also include an allowance for working capital (limited to a maximum of 45 days Operating and Maintenance (O&M) expense plus 12.5 % of annual debt service) and, if applicable, inventories and construction work in progress.

This exhibit will outline the calculations used in determining the rates based on this industry standard methodology.

### ***Cost of Service***

Table 1 summarizes the overall cost of service for the utility basis as determined by City Staff each year. Costs are allocated to operating expense and capital costs. Under the utility basis there are two components of capital cost, depreciation and return. Depreciation is based on depreciation of the utility's assets as documented in the City of Wyoming's Comprehensive Annual Financial Report. Total return is then calculated by subtracting the depreciation from the cash basis capital costs.

**Table 1****Total Cost of Service**

<b>Revenue Requirements</b>	<u>Operating Expense</u>	<u>Capital Cost</u>	<u>Total</u>
Operations & Maintenance Expense	\$ 12,658,060		\$ 12,658,060
Ottawa County Capital Return Payment	2,612,013		2,612,013
Debt Service		4,869,981	4,869,981
Revenue Financed Capital		1,200,000	1,200,000
<b>Total</b>	<b>\$ 15,270,073</b>	<b>\$ 6,069,981</b>	<b>\$ 21,340,054</b>
<b>Revenue Requirements met from Other Sources</b>			
Other Operating Revenue	\$ (470,000)	\$ -	\$ (470,000)
Operating Fund Interest Income	(137,154)		(137,154)
Ottawa County Capital Return Payment	(2,612,013)		(2,612,013)
Bond Reserve Interest Income		(109,485)	(109,485)
Surplus / (Deficit)		(541,508)	(541,508)
<b>Total</b>	<b>\$ (3,219,167)</b>	<b>\$ (650,994)</b>	<b>\$ (3,870,160)</b>
<b>Net Costs to be Recovered through Rates/Contracts</b>	<b>\$ 12,050,906</b>	<b>\$ 5,418,987</b>	<b>\$ 17,469,893</b>
<b>Restatement of Net Costs (Utility Basis)</b>			
Operations & Maintenance	\$ 12,050,906	\$ -	\$ 12,050,906
Capital Costs			
Depreciation		2,871,484	\$ 2,871,484
Return		2,547,503	\$ 2,547,503
<b>Total</b>	<b>\$ 12,050,906</b>	<b>\$ 5,418,987</b>	<b>\$ 17,469,893</b>

**Units of Service**

The next step is to develop unit costs for O&M expense, depreciation expense, and rate of return. To develop the unit costs it is necessary to develop appropriate units of service for cost allocation. The O&M costs are allocated based on actual units of service for the fiscal year (i.e., the amount of usage by each customer in the fiscal year). These units of service for the example year are shown in Table 2.

Maximum day peaking factors for allocation of O&M costs are based on current usage information provided by the City for the three most recent calendar years. The maximum day peaking factor is based on a peak period (the highest three-day consumption of each wholesale customer as well as the City's retail customers as a whole over the past three most recent fiscal years). These peaking factors shall be updated annually based on the latest available information.

Unless actual operational data is available on a customer's hourly usage, it is assumed that the maximum hour peaking to maximum day peaking factor is 1.20, this ratio is applied to the maximum day peaking factor to arrive at the maximum hour peaking factor for each customer. If in the future reliable maximum hour peaking data is available for customers, it should be used in place of this assumption.

The capital costs, depreciation and rate of return, are allocated based on contract capacity. The breakdown of the contract capacities of the City's various customers and retail customers is shown in Table 3. These allocations of the total treatment plant capacity (currently 120 MGD) are based upon maximum day usage projections derived from previous flow studies. It is understood that, with the exception of Ottawa County, the listed contract capacities in Table 3 are not purchased capacities and shall be used only for the calculation of the rates presented herein. If, in the future, contract capacity allocations are revised by the mutual consent of the parties involved, the revised contract capacity allocations shall be used in the calculation of rates.

The calculation of the contract units of service based on contract capacities is shown in Table 4. The maximum day and maximum hour values for contract usage in Table 4 are based on estimated usage when the City's water system capacity is fully utilized. For Ottawa County, their maximum day usage is 43% of the system's total 120 MGD capacity. Ottawa County's contract maximum day and maximum hour peaking factors are assumed to be the same as their current usage factors in Table 2. The estimated maximum day usage is allocated as indicated in Table 3 and average day usage for the other wholesale customers is based upon previous flow projection studies. The contract capacity maximum day peaking factors are then calculated from the projected maximum day and average day usage. Maximum hour peaking factors are based on the same 1.20 maximum hour to maximum day peaking factor used for current usage.

**Table 2**



**Current Usage Units of Service for Operating & Maintenance Costs**

	Total Annual MG	Average Day MG/day	Maximum Day		Maximum Hour		Accounts	Bills	Equivalent Meters	Pipeline Meters		
			Factor	Total Usage MG/day	Extra Capacity MG/day	Factor					Total Usage MG/day	Extra Capacity MG/day
<b>Wholesale</b>												
Subtotal Ottawa County	5,032	13.8	245%	33.8	20.0	294%	40.5	6.8	1	12	13	
Georgetown Township	56	0.2	281%	0.4	0.3	338%	0.5	0.1	1	12	1	
City of Kentwood	1,020	2.8	219%	6.1	3.3	263%	7.3	1.2	1	12	2	
Byron-Gaines Townships	1,717	4.7	234%	11.0	6.3	281%	13.2	2.2	1	12	1	
City of Grandville	794	2.2	244%	5.3	3.1	293%	6.4	1.1	1	12	1	
Subtotal Other Wholesale Customers	3,588	9.8	233%	22.9	13.1	279%	27.5	4.6	4	48	5	
<b>Total Wholesale</b>	<b>8,620</b>	<b>23.6</b>	<b>240%</b>	<b>56.7</b>	<b>33.0</b>	<b>288%</b>	<b>68.0</b>	<b>11.3</b>	<b>5</b>	<b>60</b>	<b>-</b>	<b>18</b>
<b>Wyoming Retail</b>	<b>3,633</b>	<b>10.0</b>	<b>195%</b>	<b>19.4</b>	<b>9.4</b>	<b>234%</b>	<b>23.3</b>	<b>3.9</b>	<b>22,500</b>	<b>90,000</b>	<b>30,019</b>	<b>-</b>
<b>Total Units of Service</b>	<b>12,253</b>	<b>33.6</b>	<b>227%</b>	<b>76.1</b>	<b>42.5</b>	<b>272%</b>	<b>91.3</b>	<b>15.2</b>	<b>22,505</b>	<b>90,060</b>	<b>30,019</b>	<b>18</b>

**Table 3****Contract Capacity Allocations**

	MGD
Ottawa County (43%)	51.6
City of Wyoming (57%)	
Projected Wholesale Contracts	
Georgetown	0.5
Kentwood	7.0
Byron-Gaines	15.0
Grandville	7.5
Subtotal Wholesale Contracts	30.0
Wyoming Retail Allocation	38.4
Subtotal City of Wyoming	68.4
Total Treatment Plant Capacity	120.0

**Table 4****Contract Units of Service for Capital Costs**

	Total Annual MG	Average Day MG/day	Maximum Day			Maximum Hour			Accounts	Bills	Equivalent Meters	Pipeline Meters
			Factor	Total Usage MG/day	Extra Capacity MG/day	Factor	Total Usage MG/day	Extra Capacity MG/day				
Wholesale												
Subtotal Ottawa County	7,169	19.6	263%	51.6	32.0	315%	61.9	10.3	1	12	-	8
Georgetown Township	55	0.2	355%	0.5	0.4	426%	0.6	0.1	1	12	-	2
City of Kentwood	1,278	3.5	200%	7.0	3.5	240%	8.4	1.4	1	12	-	2
Byron-Gaines Townships	2,190	6.0	250%	15.0	9.0	300%	18.0	3.0	1	12	-	1
City of Grandville	971	2.7	280%	7.4	4.8	336%	8.9	1.5	1	12	-	1
Subtotal Other Wholesale Customers	4,493	12.3	244%	30.0	17.7	292%	36.0	6.0	4	48	-	6
Total Wholesale	11,662	32.0	255%	81.6	49.6	306%	97.9	16.3	5	60	-	14
Wyoming Retail	6,398	17.5	254%	38.4	20.9	305%	53.5	15.1	22,500	90,000	30,019	-
Total Units of Service	18,060	49.5	243%	120.0	70.5	306%	151.4	31.4	22,505	90,060	30,019	14

**Cost Allocation**

The base-extra capacity method of cost allocation is employed to separate capital and O&M costs into four primary components: (1) base costs, (2) extra capacity costs, (3) customer costs, and (4) direct fire protection costs.

1. Base costs are defined as those costs associated with meeting average day annual customer demands.

2. Extra capacity costs are those costs that are associated with meeting customer demands beyond that required to meet average day demands and can be further subdivided into costs necessary to meet maximum day extra capacity and maximum hour extra capacity needs in excess of maximum day demand.
3. Customer costs are related to the cost of serving customers unrelated to the amount of water usage for items such as meter reading, billing, customer accounting and include the maintenance and capital costs related to meters and services.
4. Fire protection costs apply solely to the direct fire protection function related to the O&M and capital costs associated with public fire hydrants.

Table 5 shows the allocation of the operating and maintenance costs (as shown previously in Table 1) to various categories of expense and across several customer classifications. Costs are separated between various activities and then further allocated to the customer classes of: (1) common to all customers, (2) common to all customers except Ottawa County and Grandville, (3) customers who benefit from the City's local distribution system, (4) fire protection costs, and (5) pipeline meter costs. The three classifications of common to all customers; common to all customers except Ottawa County and Grandville; and customers who benefit from the City's local distribution system are further allocated to base, maximum day, and maximum hour costs. The classification, common to all customers, also has meters and billing cost components.

The allocation of depreciation cost and plant investment illustrated in Tables 6 and 7 below are derived using the same categories of expense and customer classifications as described above for the operating and maintenance costs in Table 5. Plant investment is the original cost of the assets less accumulated depreciation (net book value) and includes working capital (limited to a maximum of 45 days O&M plus 12.5 % of annual debt service) and inventories.

**Table 5**

**Operating and Maintenance Cost Allocation**

Total Cost of Service	Common to All Customers					All Except Ottawa County & Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Administration	\$ 1,464,122	\$ 382,297	\$ 487,721	\$ 1,374	\$ -	\$ 74,722	\$ 29,306	\$ 33,345	\$ 12,530	\$ 335,234	\$ 63,535	\$ 24,955	\$ 8,918	\$ 10,185
Pumping & Treatment	\$ 6,468,602	2,854,975	3,613,627	-	-	-	-	-	-	-	-	-	-	-
T&D Storage - E of Gezon	\$ 31,349	-	-	-	-	-	-	-	-	-	22,508	8,841	-	-
T&D-Gezon Station	\$ 574,805	-	-	-	-	-	224,062	254,942	95,801	-	-	-	-	-
T&D-Storage/W of Gezon	\$ 39,837	-	29,335	10,502	-	-	-	-	-	-	-	-	-	-
Trans & Dist-Mains	\$ 1,091,706	-	-	-	-	-	-	-	-	446,507	463,248	181,951	-	-
T&D-Pipeline to Gezon	\$ 153,778	67,871	85,907	-	-	-	-	-	-	-	-	-	-	-
T&D - Pipeline Meters	\$ 77,870	-	-	-	-	-	-	-	-	-	-	-	-	77,870
Trans & Dist-Meters	\$ 914,123	-	-	-	-	-	-	-	-	914,123	-	-	-	-
Trans & Dist-Hydrants	\$ 68,180	-	-	-	-	-	-	-	-	-	-	-	68,180	-
Trans & Dist-Services	\$ 1,202,398	-	-	-	-	-	-	-	-	1,202,398	-	-	-	-
Customer Accounting	\$ 571,290	-	-	-	-	571,290	-	-	-	-	-	-	-	-
<b>Totals O&amp;M Expenses</b>	<b>\$12,658,060</b>	<b>\$ 3,305,143</b>	<b>\$ 4,216,590</b>	<b>\$ 11,876</b>	<b>\$ -</b>	<b>\$ 646,012</b>	<b>\$ 253,369</b>	<b>\$ 288,287</b>	<b>\$ 108,331</b>	<b>\$ 2,898,262</b>	<b>\$ 549,290</b>	<b>\$ 215,746</b>	<b>\$ 77,098</b>	<b>\$ 88,056</b>
Less: Interest Income	\$ (137,154)	\$ (35,812)	\$ (45,688)	\$ (129)	\$ -	\$ (7,000)	\$ (2,745)	\$ (3,124)	\$ (1,174)	\$ (31,404)	\$ (5,952)	\$ (2,338)	\$ (835)	\$ (954)
Less: Other Revenue	\$ (470,000)	\$ (122,722)	\$ (156,564)	\$ (441)	\$ -	\$ (23,987)	\$ (9,408)	\$ (10,704)	\$ (4,022)	\$ (107,614)	\$ (20,395)	\$ (8,011)	\$ (2,863)	\$ (3,270)
<b>Net O&amp;M Expenses</b>	<b>\$12,050,906</b>	<b>\$ 3,146,609</b>	<b>\$ 4,014,338</b>	<b>\$ 11,306</b>	<b>\$ -</b>	<b>\$ 615,026</b>	<b>\$ 241,216</b>	<b>\$ 274,460</b>	<b>\$ 103,135</b>	<b>\$ 2,759,244</b>	<b>\$ 522,943</b>	<b>\$ 205,398</b>	<b>\$ 73,400</b>	<b>\$ 83,832</b>

	Common to All Customers					All Except Ottawa County & Grandville			Distribution System Customers			Fire Protection	Pipeline Meters
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour		
Administration	26.11%	33.31%	0.09%	0.00%	5.10%	2.00%	2.28%	0.86%	22.90%	4.34%	1.70%	0.61%	0.70%
Pumping & Treatment	44.14%	55.86%											
T&D Storage - E of Gezon										71.80%	28.20%		
T&D-Gezon Station						38.98%	44.35%	16.67%					
T&D-Storage/W of Gezon		73.64%	26.36%										
Trans & Dist-Mains									40.90%	42.43%	16.67%		
T&D-Pipeline to Gezon	44.14%	55.86%											
T&D - Pipeline Meters													100.00%
Trans & Dist-Meters									100.00%				
Trans & Dist-Hydrants												100.00%	
Trans & Dist-Services									100.00%			0.00%	0.00%
Customer Accounting					100.00%								

**Table 6**

**Depreciation Expense Allocation**

Total Depreciation	Common to All Customers					All Except Ottawa County & Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Assets West of Gezon	\$ 1,852,971	\$ 764,026	\$ 1,088,946	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Assets at Gezon	\$ 745,324	-	-	-	-	251,574	312,629	181,122	-	-	-	-	-	-
Transmission & Distribution	\$ 102,186	-	-	-	-	-	-	-	34,725	40,279	27,182	-	-	-
Meters & Services	\$ 93,346	-	-	93,346	-	-	-	-	-	-	-	-	-	-
Hydrants	\$ 9,316	-	-	-	-	-	-	-	-	-	-	9,316	-	-
General Plant	\$ 68,341	-	-	2,429	-	19,662	24,434	14,156	2,190	2,540	1,714	1,216	-	-
<b>Total Plant Investment</b>	<b>\$ 2,871,484</b>	<b>\$ 764,026</b>	<b>\$ 1,088,946</b>	<b>\$ -</b>	<b>\$ 95,775</b>	<b>\$ -</b>	<b>\$ 271,235</b>	<b>\$ 337,062</b>	<b>\$ 195,277</b>	<b>\$ 36,915</b>	<b>\$ 42,819</b>	<b>\$ 28,896</b>	<b>\$ 10,532</b>	<b>\$ -</b>

	Common to All Customers					All Except Ottawa County & Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Assets West of Gezon	41.23%	58.77%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Assets at Gezon	0.00%	0.00%	0.00%	0.00%	0.00%	33.75%	41.95%	24.30%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Transmission & Distribution	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	33.98%	39.42%	26.60%	0.00%	0.00%	0.00%
Meters & Services	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Hydrants	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	0.00%	0.00%
General Plant	0.00%	0.00%	0.00%	3.55%	0.00%	28.77%	35.75%	20.71%	3.20%	3.72%	2.51%	1.78%	0.00%	0.00%

**Table 7**

**Plant Investment Allocation**

Total Plant Investment	Common to All Customers					All Except Ottawa County and Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Assets West of Gezon	\$ 127,809,771	\$ 52,699,122	\$ 75,110,649	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Assets at Gezon	\$ 21,882,248	-	-	-	-	7,386,042	9,178,583	5,317,623	-	-	-	-	-	-
Transmission & Dist.	\$ 2,420,794	-	-	-	-	-	-	-	822,630	954,217	643,946	-	-	-
Meters & Services	\$ 912,614	-	-	912,614	-	-	-	-	-	-	-	-	-	-
Hydrants	\$ 456,900	-	-	-	-	-	-	-	-	-	-	456,900	-	-
General Plant	\$ 412,876	-	-	14,677	-	118,785	147,614	85,520	13,230	15,346	10,356	7,348	-	-
<b>Plant in Service Total</b>	<b>\$ 153,895,203</b>	<b>\$ 52,699,122</b>	<b>\$ 75,110,649</b>	<b>\$ -</b>	<b>\$ 927,291</b>	<b>\$ -</b>	<b>\$ 7,504,827</b>	<b>\$ 9,326,197</b>	<b>\$ 5,403,143</b>	<b>\$ 835,860</b>	<b>\$ 969,564</b>	<b>\$ 654,302</b>	<b>\$ 464,248</b>	<b>\$ -</b>
Working Cap. & Inv.	\$ 1,506,363	\$ 393,326	\$ 501,792	\$ 1,413	\$ -	\$ 76,878	\$ 30,152	\$ 34,307	\$ 12,892	\$ 344,906	\$ 65,368	\$ 25,675	\$ 9,175	\$ 10,479
<b>Total Plant Investment</b>	<b>\$ 155,401,566</b>	<b>\$ 53,092,448</b>	<b>\$ 75,612,441</b>	<b>\$ 1,413</b>	<b>\$ 927,291</b>	<b>\$ 76,878</b>	<b>\$ 7,534,979</b>	<b>\$ 9,360,504</b>	<b>\$ 5,416,035</b>	<b>\$ 1,180,765</b>	<b>\$ 1,034,931</b>	<b>\$ 679,977</b>	<b>\$ 473,423</b>	<b>\$ 10,479</b>

Notes

Working capital and inventories are 45 days of operating and maintenance expense

	Common to All Customers					All Except Ottawa County and Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Assets West of Gezon	41.23%	58.77%												
Assets at Gezon						33.75%	41.95%	24.30%						
Transmission & Distribution									33.98%	39.42%	26.60%			
Meters & Services				100.00%										
Hydrants													100.00%	
General Plant	0.00%	0.00%	0.00%	3.55%	0.00%	28.77%	35.75%	20.71%	3.20%	3.72%	2.51%	1.78%	0.00%	

## Unit Costs

The unit costs for O&M, depreciation and plant investment are presented in Table 9. The unit costs for O&M are calculated by dividing each of the allocated costs in Table 5 by the appropriate units in Table 2 (Current Usage Units). The unit costs for depreciation expense and plant investment are calculated by dividing each of the allocated costs in Tables 6 and 7 by the appropriate units in Table 4 (Contract Units).

For plant investment the unit costs are further multiplied by the rate of return to apply to the units used by each respective customer. For the wholesale customers, the rate of return is based on the City's weighted average cost of capital. This amount is determined by taking the weighted average interest rate of the City's outstanding debt of the water system and the City's equity position, which is assigned an interest rate of the Bond Buyer 25 Bond-Revenue Bond Index<sup>1</sup> plus 2.0%. A summary of these calculations is shown in Table 8. Once the amount of costs recovered from the wholesale customers from plant investment is determined, the rate of return for Wyoming retail customers can be calculated. In this example, calculation of the rate of return for the Wyoming retail customers is 0.19%, but this percentage will vary based on capital requirements for each year, debt service requirements, and other factors.

The total cost for each of the wholesale customers and the Wyoming retail customers as a whole is then determined by multiplying the unit costs in Table 9 by the units of service for each of the wholesale customers and Wyoming retail customers shown in Tables 2 and 4, resulting in the costs by customer shown in Table 10.

**Table 8**



### *Rate of Return Calculation*

Total Plant Investment	\$ 155,404,168
Outstanding Debt	\$ 57,015,543
Average Interest Rate	4.28%
Equity	\$ 98,388,625
Bond Buyer Revenue Bond Index	4.98%
Return on Equity	6.98%
Weighted Average Cost of Capital	<u>5.99%</u>

<sup>1</sup> The Bond Buyer Revenue Bond Index as of December 10, 2009 was 4.98%.

**Table 9**



*Unit Costs*

Total Cost of Service	Common to All Customers					All Except Ottawa County and Grandville			Distribution System Customers			
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour	
<b>Net Operating &amp; Maintenance Cost</b>												
Units of Service	12,253	42	15	30,019	90,060	6,426	19	7	3,875	10	4	
Expenses	\$ 12,050,906	\$ 3,146,609	\$ 4,014,338	\$ 11,306	\$ -	\$ 615,026	\$ 241,216	\$ 274,460	\$ 103,135	\$ 2,759,244	\$ 522,943	\$ 205,398
Unit Cost	\$ 256.80	\$ 94,475.80	\$ 743.23	\$ -	\$ 6.83	\$ 37.54	\$ 14,166.27	\$ 13,944.44	\$ 712.15	\$ 51,080.39	\$ 49,249.29	
<b>Depreciation Expense</b>												
Units of Service	18,060	71	31	30,019	90,060	9,920	34	20	6,701	22	15	
Expense	\$ 2,871,484	\$ 764,026	\$ 1,088,946	\$ -	\$ 95,775	\$ -	\$ 271,235	\$ 337,062	\$ 195,277	\$ 36,915	\$ 42,819	\$ 28,896
Unit Cost	\$ 42.31	\$ 15,441.43	\$ -	\$ 3.19	\$ -	\$ 27.34	\$ 9,979.95	\$ 9,979.95	\$ 5.51	\$ 1,971.32	\$ 1,877.32	
Wholesale Customer Units	4,493	18	6	-	48	3,522	13	5	303	1	0	
Total Wholesale Depreciation	\$ 736,710	\$ 190,084	\$ 272,855	\$ -	\$ -	\$ 96,306	\$ 128,565	\$ 44,974	\$ 1,668	\$ 1,635	\$ 623	
<b>Plant Investment</b>												
Units of Service	18,060	71	31	30,019	90,060	9,920	34	20	6,701	22	15	
Expense	\$ 155,401,566	\$ 53,092,448	\$ 75,612,441	\$ 1,413	\$ 927,291	\$ 76,878	\$ 7,534,979	\$ 9,360,504	\$ 5,416,035	\$ 1,180,765	\$ 1,034,931	\$ 679,977
Unit Cost	2,939.81	1,072,196.92	45.04	30.89	0.85	759.58	277,151.51	276,794.58	176.22	47,646.21	44,176.36	
Wholesale Customer Return Rate	\$ 176.13	\$ 64,236.33	\$ 2.70	\$ 1.85	\$ 0.05	\$ 45.51	\$ 16,604.41	\$ 16,583.02	\$ 10.56	\$ 2,854.53	\$ 2,646.65	
Wholesale Customer Units	4,493	18	6	-	48	3,522	13	5	303	1	0	
Total Wholesale Customer Return	\$ 2,382,029	\$ 791,364	\$ 1,135,075	\$ 16	\$ -	\$ 2	\$ 160,287	\$ 213,903	\$ 74,731	\$ 3,196	\$ 2,368	\$ 878
Wyoming Customer Return Rate	\$ 8.07	\$ 2,942.65	\$ 0.12	\$ 0.08	\$ 0.00	\$ 2.08	\$ 760.64	\$ 759.66	\$ 0.48	\$ 130.77	\$ 121.24	
Wyoming Customer Units	6,398	21	15	30,019	90,000	6,398	21	15	6,398	21	15	
Total Wyoming Return	\$ 165,474	\$ 51,618.97	\$ 61,476.84	\$ 1.86	\$ 2,544.95	\$ 210.85	\$ 13,337.09	\$ 15,891.11	\$ 11,440.94	\$ 3,094.19	\$ 2,731.90	\$ 1,825.97
Wholesale Customer Rate of Return	5.99%											
Wyoming Rate of Return	0.27%											
Total System Rate of Return	1.64%											

**Notes**

Wholesale customer depreciation and return excludes Ottawa County.

**Table 10**



**Total Costs by Customer Class (Test Year 2011)**

Total Cost of Service	Common to All Customers					All Except Ottawa County & Grandville			Distribution System Customers			Fire Protection	Pipeline Meters	
	Base	Max. Day	Max. Hour	Meters	Billing	Base	Max. Day	Max. Hour	Base	Max. Day	Max. Hour			
Ottawa County	\$ 3,245,684	\$ 1,292,297	\$ 1,887,740	\$ 5,020	\$ -	\$ 82	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,545
Georgetown Township	\$ 112,739	\$ 26,464	\$ 56,967	\$ 65	\$ -	\$ 83	\$ 6,062	\$ 14,418	\$ 3,953	\$ -	\$ -	\$ -	\$ -	\$ 4,727
City of Kentwood	\$ 1,707,686	\$ 540,915	\$ 593,246	\$ 914	\$ -	\$ 83	\$ 130,244	\$ 142,755	\$ 53,094	\$ 176,973	\$ 44,287	\$ 15,791	\$ -	\$ 9,384
Byron-Gaines Townships	\$ 2,905,104	\$ 919,372	\$ 1,313,904	\$ 1,646	\$ -	\$ 83	\$ 222,119	\$ 335,358	\$ 107,930	\$ -	\$ -	\$ -	\$ -	\$ 4,692
City of Grandville	\$ 1,099,354	\$ 416,080	\$ 677,706	\$ 794	\$ -	\$ 83	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,692
Other Wholesale Customers	\$ 5,824,883	\$ 1,902,832	\$ 2,641,823	\$ 3,419	\$ -	\$ 330	\$ 358,424	\$ 492,532	\$ 164,978	\$ 176,973	\$ 44,287	\$ 15,791	\$ -	\$ 23,496
Total Wholesale	\$ 9,070,567	\$ 3,195,128	\$ 4,529,563	\$ 8,438	\$ -	\$ 412	\$ 358,424	\$ 492,532	\$ 164,978	\$ 176,973	\$ 44,287	\$ 15,791	\$ -	\$ 84,041
Wyoming Retail	\$ 8,399,326	\$ 1,557,991	\$ 1,769,678	\$ 2,886	\$ 98,296	\$ 614,825	\$ 322,276	\$ 364,301	\$ 210,671	\$ 2,625,447	\$ 526,549	\$ 221,190	\$ 85,218	\$ -
Totals	\$ 17,469,893	\$ 4,753,119	\$ 6,299,241	\$ 11,324	\$ 98,296	\$ 615,237	\$ 680,700	\$ 856,832	\$ 375,649	\$ 2,802,420	\$ 570,836	\$ 236,981	\$ 85,218	\$ 84,041

## Wholesale Rates

For the wholesale customers, the operating and maintenance costs are recovered through a volume charge for actual usage while the capital charges (depreciation and plant investment) are recovered through fixed monthly charges based on each customer's current contract capacity. The monthly capital charge and per ccf volume charge that this results in is presented in Table 11.

**Table 11**



**Wholesale Rate Calculations**

	Total Costs		Usage (in MG)	Rates	
	Capital Costs	O&M Costs		Monthly Capital	Volume (per MG)
Georgetown Township	\$ 59,469	\$ 53,125	56	\$ 4,956	\$ 940.54
City of Kentwood	\$ 791,660	\$ 915,717	1,020	\$ 65,972	\$ 898.00
Byron-Gaines Townships	\$ 1,673,998	\$ 1,228,874	1,717	\$ 139,500	\$ 715.59
City of Grandville	\$ 593,612	\$ 505,742	794	\$ 49,468	\$ 636.63

## Annual True-Up

The calculations in this exhibit will be repeated after each year using audited O&M expenses, depreciation, and plant investment information as well as actual metered usage for allocation of O&M expenses, which will determine the actual cost of service for each wholesale customer. The sum of the revenues collected during the period will be compared to the actual cost, if the City has over-collected from a wholesale customer, a credit will be issued on the customer's next billing for the full amount over-collected, and if the City has under-collected from the wholesale customer, a charge will be placed on the customer's next bill for the full amount.