

**EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK**

**ORDER NO. 9**

**ORDER OF THE EMERGENCY MANAGER OF THE CITY OF LINCOLN PARK  
REVISE SIGN ORDINANCE**

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BY THE AUTHORITY VESTED IN THE EMERGENCY MANAGER FOR THE CITY OF LINCOLN PARK  
PURSUANT TO MICHIGAN'S PUBLIC ACT 436 OF 2012  
BRAD COULTER, THE EMERGENCY MANAGER, ISSUES THE FOLLOWING ORDER:

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WHEREAS, under the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), Brad Coulter has been appointed as the Emergency Manager (the "EM") of the City of Lincoln Park, County of Wayne, Michigan (the "City"); and

WHEREAS, pursuant to Section 9(2) of Act 436, the EM "shall act for and in the place and stead of" the Mayor, the City Manager, as the Chief Administrative Officer, and of the City Council, as the governing body of the City; and

WHEREAS, Section 9(2) of Act 436 also grants the EM "broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the [City] and the [City's] capacity to provide or cause to be provided necessary governmental services essential to the public health, safety and welfare;" and

WHEREAS, Section 9(2) of Act 436 prohibits, during the pendency of receivership, the Mayor and the Council from exercising "any powers of those offices except as may be specifically authorized in writing by the [EM] or as otherwise provided by [Act 436] and are subject to any conditions required by the [EM];" and

WHEREAS, Section 12(1)(dd) of Act 436 authorizes the EM, "notwithstanding any charter provision to the contrary," to "[e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government" as provided in the Michigan Home Rule City Act, Act 279, Public Acts of Michigan 1909 (the "Home Rule Act"); and

WHEREAS, Section 12(1)(ee) of Act 436 authorizes the EM, "notwithstanding any charter provision to the contrary," to "[t]ake any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government.

The power of the [EM] shall be superior to and supersede the power of any of the foregoing officers or entities;” and

WHEREAS, pursuant to Section 12(2) of Act 436, “during the pendency of the receivership, the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the [EM];” and

WHEREAS, Section 3(k) of the Home Rule Act requires that the City’s charter provide for “adopting, continuing, amending, and repealing the city ordinances;” and

WHEREAS, Chapter V, Section 13 of the City Charter grants to the City Council and, pursuant to the above-referenced sections of Act 436, the EM, “full power by ordinance to continue, amend or repeal, in whole or in part, any existing ordinance;” and

WHEREAS, the current City ordinance covering signs Chapter 1476.06 Unsafe and Unlawful Signs Section (g) reads “Roof Signs. A sign which is erected on or above the roof of a building is hereby prohibited. Such signs shall be reconstructed or removed as herein required. However, the Planning Commission may consider the installation of a sign for commercial and industrial buildings with a pitched roof (see graphic below), provided that the sign shall not extend above the peak of the roof. The permitted area of this type of roof sign shall be counted towards the allowable wall sign area for buildings.”; and

WHEREAS, Chapter 1476.06 Unsafe and Unlawful Signs Section (g) is deemed to be overly prohibitive, does not provide for any allowed variance, and is a disincentive for economic development; and

WHEREAS, the Emergency Manager recognizes the immediate need to grow the tax base by stimulating investment and filling vacant and distressed commercial properties:

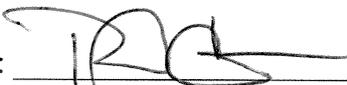
**IT IS HEREBY ORDERED THAT:**

Subsection (g) of Chapter 1476.06, Unsafe Signs and Unlawful Signs, shall be repealed in its entirety and replaced with a new subsection (g), which new subsection shall read as follows:

“(g) Roof Signs. A sign which is erected on or above the roof of a building is hereby prohibited, subject to certain exceptions as defined in this subsection. Such signs may be ordered by the Building Superintendent to be reconstructed or removed as herein required. The Building Superintendent or his/her designee may amend, alter or modify this provision when exigent circumstances as outlined herein warrant same. Such exigent circumstances may include but are not limited to the following: (1) The proposed sign is to be placed on the roof of a building that is being remodeled for use in a distressed economic area, or on a building having been unoccupied or unused for an inordinate amount of time, and the sign would facilitate recognition and advertisement of the building’s occupants to spur economic development. (2) The sign serves as a uniform locational announcement of one or multiple businesses or industries in the premises; (3) The square footage of said sign does not exceed 200 feet; (4) The useful

footage on the sign is shared by all businesses under the roof of said sign. The further conditions shall be imposed upon determination of the propriety of a modification as described herein: (1) Said sign shall meet all other requirements of the various codes and ordinances of the City of Lincoln Park; (2) No other commercial or public speech shall be addressed or featured on said sign, including product advertising or political speech, as the sign is permitted herein solely for the location designation of the contiguous businesses or business concerns under the common roof and walls. Additionally, the Planning Commission may consider the installation of a sign for commercial and industrial buildings with a pitched roof (see graphic below), provided that the sign shall not extend above the peak of the roof. The permitted area of this type of roof sign shall be counted towards the allowable wall sign area for buildings.”

**SO ORDERED** this 14<sup>th</sup> day of January, 2015.

By:   
BRAD COULTER  
Emergency Manager  
City of Lincoln Park

cc: State of Michigan Department of Treasury  
Mayor Thomas E. Karnes  
Members of the Lincoln Park City Council