

**BIRCH RUN TOWNSHIP
ORDINANCE # 03-02
SIGN & OUTDOOR ADVERTISING**

AN ORDINANCE TO REPEAL AND REPLACE THE BIRCH RUN SIGN ORDINANCE, CHAPTER FIVE (5) ORIGINALLY ADOPTED AUGUST 14, 1984, BY ADOPTION OF THIS “OUTDOOR ADVERTISING” ORDINANCE.

First Reading: November 11, 2003

Adoption: November 11, 2003

Effective Date: December 12, 2003

Amended May 9, 2006-Ordinance # 2006-01

Purpose

The purpose of this ordinance is to regulate signs and outdoor advertising within the Township so as to protect public safety, health, and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in the Township Master Plan and this ordinance; and enhance the aesthetic appearance and quality of life within the Township. This ordinance shall not be deemed to be part of the Birch Run Township Zoning Ordinance. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Township so as to:

- (1) Realize that the proliferation of signs is unduly distracting to 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;
- (2) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (3) Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the Township’s image, property values, and quality of life.
- (4) Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising, communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- (5) Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- (6) Prevent placement of signs, which will conceal or obscure signs of adjacent uses.
- (7) Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the United States Constitution.
- (8) The regulations and standard of this article are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.

(9) Prevent off-premises signs from conflicting with land uses.

(10) Maintain and improve the image of the Township by encouraging signs of consistent size, which are compatible with and complementary to related buildings and uses, and are harmonious with their surroundings.

(11) Regulate portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

SIGN DEFINITIONS

Business Center

A grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of pylon or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used auto/truck sales shall be considered a separate use in determining the maximum number of pylon signs, provided that the used sales section of the lot includes at least 25 percent of the available sales area.

Sign

Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. However, a “sign” shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

Residential Premises / Non Residential Premises

Residential Premises – shall be defined as premises, which are occupied as a single or multiple residential unit(s), or in the case of a vacant parcel, which is classified in a residential district under the Birch Run Township Zoning Ordinance. (amended 5/9/06-Ordinance #2006-01)

Non-Residential or Commercial Premises – shall be defined to mean premises which are occupied for a purpose other than single or multiple family residences, or in the case of a vacant parcel, which is classified in a district other than residential under the Birch Run Township Zoning Ordinance. (amended 5/9/06-Ordinance #2006-01)

Sign, Area, or Surface Area of a Sign

That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

Sign, Banner- A fabric, plastic, or other sign made of non-rigid material without enclosing structural framework. A banner is also defined not to exceed forty-five (45) square feet in area per sign.

Sign, Banner, Street

Any sign complying with the Saginaw County Road Commission standards.

Sign Billboard

A sign complying with Birch Run Townships Billboard Ordinance.

Sign, Canopy

A non-rigid fabric marquee or awning-type structure, which is attached to the building by supporting framework which includes a business identification message, symbol, and/or logo. See “wall sign.”

Sign, Changeable Message Sign

A permanent reader board attached to a pylon or monument sign or to the exterior of a wall where copy is changed mechanically, electronically or manually, including time/temperature sign.

Sign, Construction Sign

A sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Sign, Directional Sign

A sign, which assists motorists in determining or confirming a correct route, specifically enter, exit, and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a monument or ground sign.

Sign, Electric

Any sign containing electric wiring. This does not include signs illuminated by a separate exterior floodlight source.

Sign, Freestanding

A sign which is affixed to a permanent foundation, but not attached to the building proper.

Sign, Ground Level

The elevation to be used for computing the height of signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.

Sign, Ground Sign

A sign supported by one or more poles, posts, brace(s) or a monument.

Sign, Illuminated

A sign that provides artificial light directly or through any transparent or translucent material.

Sign, Institutional Bulletin Board

A structure containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcements of its services or activities.

Sign, Integral

Name of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).

Sign, Joint Identity

A sign which gives direction and identification to a group of adjacent businesses whether or not under single management or ownership.

Sign, Off-premises Sign

A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

Outlet Shopping Center

A group of twenty-five or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. An outlet shopping center shall be permitted sign approval by an overlay or typical sign schematic. (amended 5/9/06-Ordinance #2006-01)

Sign, Political Sign

A temporary sign used in connection with local, state, or national elections or ballot issues.

Sign, Portable Sign

A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-government flags, searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Sign, Projecting Sign

A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.

Sign, Pylon (pole) Sign

A sign supported on the ground by a pole, braces, or monument, and not attached to any building or other structure.

Sign, Real Estate Sign/Rental

An on-premises temporary sign advertising property or structure's availability for sale or lease.

Sign, Real Estate Open House (temporary)

Temporary signs, which advertise and direct the public to an open house for a building, which is available for sale or lease, with the event, held on a specific day.

Sign, Regulatory Sign

A sign installed by public agency to direct traffic flow, regulate traffic operation or provide any information deemed necessary for public safety, health and welfare. Any of these signs shall be in conformance with the Michigan Manual of Uniform Traffic Control Devices where applicable.

Sign, Setback

A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A Front Setback is measured from the edge of the right of way of any abutting roadway. A Rear Setback is measured from the property line opposite the roadway. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

Sign, Special Purpose Signs

Any other temporary sign. See table of sign standards.

Sign, Temporary Land Development Project Sign

Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcels. See table of sign standards.

Through Lot

A lot or parcel of land having frontage on two (2) approved non-intersecting streets or roads, either public or private. (amended 5/9/06-Ordinance #2006-01)

Sign, Wall Sign

A sign placed flat, adjacent to the building, extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps.

Exempt Signs

The following signs are specifically exempt from the provisions of this Ordinance:

(1) Nameplate: Address, owner or occupant nameplate and other signs of up to two square feet in area attached to a mailbox, light fixture, or an exterior wall.

(2) Integral Signs: Names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other non-combustible material and made an integral part of the structure and not exceeding 25 square feet in area.

(3) Home occupation identification signs, provided that it is a legal home occupation in a residential district, that there is only one sign per parcel, attached to an exterior building wall and does not exceed two square feet in area.

(4) Temporary signs of a religious institution, school, museum, library, community recreation facility/institutional bulletin boards, regardless of the location that are temporary signs, which do not exceed 32 square feet in area, are a maximum of six feet in height, are set back a minimum of 5 feet from any property line or public street right-of-way, and meet the illumination standards of this chapter. The maximum duration of any one sign shall not exceed 30 days in a calendar year. (amended 5/9/06-Ordinance #2006-01)

(5) Construction signs, provided that there shall be only one such sign per development project; with a maximum height of six feet; not exceeding 16 square feet in area for residential projects, a maximum height of six feet and not exceeding 32 square feet in area for non-residential projects; setback are a minimum of 5 feet from any property line or public street right-of-way; and that such signs shall be removed within 14 days of the date an occupancy permit is issued. (amended 4-11-06-Ordinance # 2006-01)

(6) Garage sale and estate sale signs, announcing the sale of household goods, provided that there is only one sign per premise; and two signs off-premise. Entirely on private property; that they are setback a minimum of 5 feet from any property line or public street right-of-way; that they do not exceed six square feet in area, that they are erected no earlier than one business day before and removed within one business day after the announced sale. Premises identification shall be provided on each sign. (amended 5/9/06-Ordinance # 2006-01)

(7) Historical marker: Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding 12 square feet in area.

(8) Signs not exceeding a total of two square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior walls, building entrance or window.

(9) Signs on vending machines, gas pumps, and ice containers indicating the contents, provided that the sign on each device does not exceed two square feet in area.

(10) Signs atop gasoline service station pumps announcing on-premises sales, provided that such sign not exceed two square feet in area.

(11) Signs on gas station pump islands or their structural supports identifying “self serve” and “full serve” operations; provided that there is no business identification or advertising copy on such signs, that there are no more than two such signs per Pump Island and that such signs do not exceed four square feet in area.

(12) Parking lot signs indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of ten feet in height, and do not exceed six square feet in area.

(13) Non-commercial signs: Signs containing non-commercial messages, such as but not limited to those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances provided that such signs do not exceed fifty square feet in area. (amended 4/1/1/06-Ordinance #2006-01)

(14) Flags or insignia of any nation state city, community organization, educational institution, non-commercial enterprise, college or university.

(15) Identification of a residential community: One permanent sign per vehicular entrance identifying residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, provided that the sign is set back from a minimum of 15 feet from any property line or public right-of-way, and do not exceed three square feet in area.

(16) Up to two signs identifying or directing motorists to a rental or management office in a multiple-family development, provided that such signs are maximum of four feet in height, are set back a minimum of 15 feet from any property line or public right-of-way, and do not exceed three square feet in area,

(17) Model signs: Temporary signs directing the public to a model home or unit, provided that such signs are set back a minimum of 5 feet from any property line or public right-of-way and which do not exceed six square feet in area. (amended 5/9/06-Ordinance #2006-01)

(18) Political signs, provided that the property contains a single or multiple residential structure; such signs are not placed within the public street right-of-way line (the zoning administrator shall be consulted regarding placement) at least ten feet apart, and do not exceed 32 square feet for each parcel, such signs are removed within one business day following the election for which they are erected.

(19) Street Banners, advertising a public entertainment or event, provided that they receive a permit from Saginaw County Road Commission, are only used in a location designated by the Township Board, and are erected no more than 14 days before the event they advertised and removed within (48) hours following the event.

(20) Real estate signs, provided that there shall be only one real estate sign per parcel for each public street frontage, such signs are set back a minimum of 5 feet from any property line or public right-of-way, that the maximum height of any such sign shall be 4' 6", and such signs shall not exceed four square feet in size in all areas. (amended 5/9/06-Ordinance #2006-01)

(21) Real estate open house signs (temporary), provided there shall be only two such signs placed off-premises; the size of each sign shall be a maximum of six square feet in size and three feet in height above grade; signs shall not be affixed to other signs, utility poles, fire hydrants or trees; signs may be located in the public right-of-way with Saginaw County Road Commission approval, but shall be placed at least 5 feet from the curb or 15 feet from the pavement edge where there is no curb, the person or firm placing signs on properties shall be allowed for a maximum of eight hours per day, and the signs shall be removed within one hour following the closing of the open house. (amended 5/9/06-Ordinance #2006-01)

(22) Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices.

(23) Window signs within the building.

(24) Warning signs, such as no trespassing, warning of electrical currents or animal, provided that such signs do not exceed two square feet in area.

(25) Flags identifying a business, organization or corporation provided the maximum height of the flagpole is 20 feet measured from the average surrounding grade, the maximum size of each corporate flag is 35 square feet, and there shall be no more than one corporate flag per lot. (amended 5/9/06-Ordinance #2006-01)

(26) Menu Boards, A combined total, 100 sq ft of exterior pre-view, menu boards and the associated speaker boards for an approved drive thru lane provided the total number of boards does not exceed two (2) for each drive-thru window, and they are located between the drive thru lane and the building. (amended 5/9/06-Ordinance #2006-01)

Prohibited Signs.

The following signs shall be prohibited throughout the Township:

(1) Signs which obstruct free access or egress from any building, including those that obstruct any fire escape, required exit way, window, door opening, or that prevent free access to the roof by firefighters.

(2) Signs having moving members or parts excluding barber poles and electronic message boards.

(3) Signs using high intensity or flashing lights, spinners or animated devices.

(4) Exterior string lights used in connection with a commercial enterprise other than holiday decorations, which are strung no more than 60 days before the holiday and removed within thirty days following the holiday for which they were erected.

(5) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.

(6) Signs, which obstruct or impair the vision of motorists or non motorized travelers at any intersection, driveway, within a parking lot or loading area.

(7) Non regulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree or other signs.

(8) Off- premise signs erected for the purpose of advertising a product, event, person, or subject, unless otherwise provided for in this ordinance or covered under the State Highway Act.

(9) Roof signs, any sign erected, constructed, and maintained upon and which projects beyond the roof of the building, unless specifically permitted elsewhere in this ordinance.

(10) Portable signs, as defined, unless otherwise provided for in this ordinance.

(11) Vehicles used as signs. No vehicle may be parked on a residential or a non-residential lot for a time period exceeding 48 hours for the intended purpose (as determined by the Building Official) of advertising a product or serving as a business sign.

General Standards for Permitted Signs.

Signs on residential or non-residential premises which serve a commercial or informational purpose may be permitted subject to the requirements of this section provided that no such sign shall be erected or altered until approved by the Township building inspector and until a permit has been issued. (amended 5/9/06-Ordinance #2006-01)

(1) Sign setbacks.

(a) All signs, unless otherwise provided for, shall be set back as stated in the table of sign regulations. This distance shall be measured at a vertical line perpendicular to the ground and the right-of-way.

(2) Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. (i.e. telephone poles, auto parts, etc.)

(3) Illumination of signs shall be directed or shaded downward so that no direct ray from such illumination shall interfere with the vision of persons on the adjacent streets or of adjacent property owners. The use of colored lights, which maybe confused with traffic signals, will not be permitted.

(4) Underground wiring shall be required for all illuminated signs not attached to a building.

(5) Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

(6) All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind load as determined in the current edition of the Michigan Building Code.

(7) All signs, including any cables, guy wires, or supports shall have a minimum clearance of four feet from any electrical fixture, streetlight or other utility pole or standard.

“Miscellaneous Sign Regulations”- the following additional regulations shall be followed on non-residential sign premises.

(1) Directional signs: No more than two directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet. A business name, symbol or logo shall not be calculated as part of the allowable sign square footage as specified in the Table of Sign Regulations. (amended 5/9/06-Ordinance #2006)

(2) Ground signs: Ground signs are an alternative to pylon signs, with a minimum setback of five (5) feet from the right-of-way, when located to ensure adequate sight distance for motorists

(3) Billboards: Shall comply with the Township Billboard Ordinance.

(4) Wall, projecting and canopy signs: Canopy signs and projecting signs may be used as an alternative to wall signs listed in the table of regulations, provided that they meet the standards below.

- (a) Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
- (b) Projecting or canopy signs in all districts shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, not project over an alley or private access lane. A projecting sign shall not extend for more than two feet from the building to which it is attached.
- (c) No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.
- (d) Wood posts or supporting arms shall not be used in conjunction with any projecting sign.
- (e) Projecting signs shall not exceed 32 square feet in area.
- (f) Wall signs: Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one foot.

(5) Signs for temporary uses /seasonal events: Temporary uses meeting the standards of Birch Run Townships Sign Permit and/or Special Event or Outdoor Use Ordinance shall be permitted to have on and off- premises signs provided the property contains a non-residential structure, and according to the following:

- (a) A maximum of two on premises signs with a combined maximum of 64 square feet;

- (b) A maximum 15 off- premises signs advertising the event, each no greater than four square feet in area, per side, and spaced at least 100 feet apart, such signs shall not be placed within the public street right-of-way line (the zoning administrator shall be consulted regarding sign placement). All off- premise signs shall be erected no earlier than three days prior to the event; and removed within one day following the event, for which they are erected. A map shall be provide illustrating locations for proposed off–premises signs.
 - (c) A nonrefundable fee shall be required for all such signs to ensure all signs are removed within one business day following the termination of the temporary use or seasonal event.
- (6) Special Purpose Signs. Any other temporary sign, subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and to the location restrictions for permanent sign setbacks. Each such sign shall require a permit if it is to be posted more than 24 hours.

(a) TABLE OF SPECIAL PURPOSE SIGN REGULATIONS (amended 5/9/06-Ordinance #2006-01)

SIGN AREAS	MAXIMUM SIZE	DURATION OF PERMIT	PERMITS PER PARCEL
RESIDENTIAL** commercial uses	32 square feet*	14 days	2 per year
RESIDENTIAL (All Others)	Not Permitted	_____	_____
NON-RESIDENTIAL	32 Square Feet*	30 Days	2 per year
Banners permitted in Non-Residential areas only	45 square feet*	Weekly	Unlimited

*Total area of special purpose signs may be in addition to the total sign area for the parcel as defined by the Table of Permanent Sign Regulations.

** Illumination of special purpose signs in Residential areas is prohibited.

(7) Temporary Land Development Project Signs. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel. Such signs are allowed for a period of one year upon issuance of a permit. Said permit may be extended for one additional year. Total number and size of signs allowed shall be controlled according to the following schedule.

LAND SIZE	TOTAL NUMBER OF SIGNS	MAXIMUM AREA PER SIGN
Less than 1 acre	1	50 sq. ft.
Over 1 / less than 4 acres	1	100 sq. ft.
Over 4 / less than 20 acres	2	150 sq. ft.
Over 20 acres	3	150 sq. ft.

Such project signs shall comply with height and placement regulations for the Sign District in which they are located.

(8) Temporary grand opening signs, one on–premises temporary grand opening sign, a maximum of 32 sq. feet in surface display area per side, a maximum of six feet in height and setback a

minimum five feet from any public street right-of- way may be permitted for a period not to exceed 30 days for those businesses which meet the following conditions: (amended 5/9/06-Ordinance #2006-01)

- (a) The business is new at the particular location: or
- (b) The business is under new ownership; or
- (c) The business has undergone a major expansion which has received a building permit; or
- (d) The business has reopened after being closed for at least one year.

Note: conditions for a permitted temporary grand opening sign shall not include an addition or change in product line, new services, new management or other situations not expressly provided for above.

TABLE OF REGULATIONS – SIGNS (amended 5/9/06-Ordinance #2006-01)

³ Sign Locations	^{1,5} Total Sign Area Per Parcel	Sign Type	Setbacks	⁵ Number of Signs Per Parcel	^{1,5} Maximum Sign Size Per Parcel	Height
AGRICULTURAL ⁴ A-1/A-2	107 sq ft per parcel	Ground Sign (Free Standing)	Front: 5' @ Side: 5' Rear: 5'	1 per parcel	32 sq ft	6'
		Wall: Canopy: Projection: Roof: Integral: High Profile:	N/A ---- ---- ---- N/A ----	No limit Not allowed Not allowed Not allowed 1 per parcel Not allowed	50 sq ft ---- ---- ---- 25 sq ft ----	On wall ---- ---- ---- On wall ----
RESIDENTIAL ⁴ R-1	Non-Residential use 64 sq ft	Ground Sign (Free Standing)	Front: 5'@ Side: 5' Rear 5'	1 per parcel	32 sq ft	6'
	Residential 27 sq ft	Wall:	N/A	No limit	32 sq ft	On wall
		Canopy: Projection: Roof: Integral: High Profile:	---- ---- ---- N/A -----	1/ dwelling Not allowed Not allowed Not allowed 1 / dwelling/ non residential Not allowed	2 sq ft ---- ---- ---- 25 sq ft ----	On wall ---- ---- ---- On wall ----
⁴ RESIDENTIAL R-2, R-3, R-MF, R-MHC	89 sq ft per parcel	Ground Sign (Free Standing)	Front: 5'@ Side: 5' Rear: 5'	1 / parcel	32 sq ft	6'
		Wall: Canopy: Projection: Roof: Integral: High Profile:	N/A ---- ---- ---- N/A ----	1 per parcel Not allowed Not allowed Not allowed 1 / parcel Not allowed	32 sq ft ---- ---- ---- 25 sq ft ----	On wall ---- ---- ---- On wall ----

Must be 10 feet above a sidewalk and 15 feet above a driveway/ *may be used as an alternative to wall signs. See definition section in ordinance.*

@ May not obstruct vision of drivers.

¹ Doubled signage provision (²) may not exceed the maximum sign size per ground signs.

² Advertising utilizing this provision is limited to the Industrial regulations for any additional ground signs.

³ References to property classifications within the ordinance are for reference purposes only.

⁴ Illumination of signage in these areas is prohibited.

⁵ Allowable signage doubled for thru lots in commercial & industrial districts only. (see definitions)

⁶ 20% of the buildings road frontage area calculated by its length times its actual height. Not to exceed 600 sq ft maximum for the building.

TABLE OF REGULATIONS – SIGNS (CONT) (amended _____)

³ Sign Locations	^{1,5} Total Sign Area Per Parcel	Sign Type	Setbacks	⁵ Number of Signs Per Parcel	^{1,5} Maximum Sign Size Per Parcel	Height
Non-Residential C-1, C-2	1175 sq ft per parcel (depends on number of businesses.)	Ground Sign (Free Standing)	Front: 5’@ Side: 5’ Rear: 5’	1 per parcel	64 sq ft	14’
		Ground Sign ² Joint identity	Front: 5’@ Side: 5’ Rear: 5’	1 per business center	150 sq ft	21’
		Wall: Canopy: Projection: Roof: Integral: High Profile:	N/A # # N/A N/A Previous existing location	No limit No limit 1 per parcel Not allowed 1 per parcel Share existing sign	# 6 150 sq ft 32 sq ft ---- 25 sq ft 2-300 sq ft 3-350 sq ft 4-400 sq ft	On wall On wall On wall ---- On wall Existing pole height plus new sign face
Non-Residential All Industrial	725 sq ft per parcel	Ground Sign (Free Standing)	Front: 5’@ Side: 5’ Rear: 5’	1 per parcel	32 sq ft	6’
		Ground Sign ² Joint Identity	Front: 5’ @ Side: 5’ Rear: 5’	1 per business center	100 sq ft	18’
		Wall: Canopy: Projection: Roof: Integral: High Profile:	N/A # # N/A N/A ----	No limit 1 per parcel 1 per parcel Not allowed 1 per building Not allowed	# 6 150 sq ft 32 sq ft ---- 25 sq ft ----	On wall On wall On wall ---- On wall ----

Must be 10 feet above a sidewalk and 15 feet above a driveway / *may be used as an alternate to wall signs. See definition section in ordinance.*

@ May not obstruct vision of drivers.

² Advertising using this provision is limited to the Industrial regulations for any additional ground signs

³ References to property classifications within this ordinance are for reference purposes only.

⁴ Illumination of signage in these areas is prohibited.

⁵ Allowable signage doubled for thru lots in the commercial and industrial districts only. (see definitions)

⁶ 20% of the buildings road frontage area calculated by its length times its actual height. Not to exceed 600 sq ft maximum for the building.

The following regulations shall be included in the design of all ground signs.

- (1) Landscaping: A landscaped area shall be provided for each ground sign. The landscaped area must contain a minimum of two (2) square feet for each square foot of the sign area. The area shall consist of a minimum of 50% perennial plantings. The landscape design must be approved by either the Planning Commission or the Building Department, during their respective reviews.

NON CONFORMING SIGNS

Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this ordinance, but were lawfully established prior to its adoption. Signs for which the Zoning Board of Appeals has granted a variance prior to the effective date of this ordinance and can be documented are exempt and shall not be defined as non-conforming. It is the intent of this ordinance to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much as a subject of public health, safety and welfare as the prohibition of new signs in violation of this ordinance. Therefore, the purpose of administering this ordinance is to remove nonconforming signs while minimizing economic burden on the sign owner. A nonconforming sign maybe continued and shall be maintained in good condition as described elsewhere in this Ordinance. However, the following alterations are regulated:

- (1) A nonconforming sign shall not be structurally altered or repaired so as to prolong its life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- (2) Another nonconforming sign shall not replace a nonconforming sign without further review.
- (3) A nonconforming sign shall not be reestablished after the use to which it related has been discontinued for 90 days or longer
- (4) A nonconforming sign shall not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50 percent (50%) of the replacement cost as determined by the Administrator.

Sign Permit Requirements.

- (1) Permit: A permit is not required for "Exempt Signs". A permit must first be obtained from the Building Department for all other signs.
- (2) Application: Applications for Sign Permits shall be made upon a form provided by the Department for this purpose. The applicant shall provide the following information.
 - (a) Name, address, phone, fax and e-mail if possible, of the person (s) applying for the permit
 - (b) Name, address, phone, fax and e-mail if possible, of the person (s) owning the parcel upon which the Sign is proposed to be located.
 - (c) Name of business, address and parcel number of the property on which the sign is or will be located.
 - (d) Identification of the type of sign (monument, freestanding, wall etc.)

- (e) Two copies of the plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
- (f) Copy of stress sheets and calculations, if deemed necessary by the Building Department, showing the structure as designed for dead load and wind pressure as determined in the building code.
- (g) Name, address, phone, fax and e-main if possible of the Company erecting the Sign.
- (h) Such other information as the Building Department may require to show compliance with this Sign Ordinance, and any other applicable laws.
- (i) The seal or certificate of a registered structural or civil engineer, when required by the Building Department.
- (j) The Residential or Non-residential area where the Sign is proposed to be located.

(3) Site Plan: Two copies of a sketch illustrating where the sign will be on the site with setbacks accurately dimensioned. The sketch should also include the location of all existing buildings, roads, parking areas, signs, entrances and exits on the site.

(4) Sign Drawings: Three copies of a drawing of the proposed sign(s) shall include all of the following detailed information.

- a. Height of the sign above finished grade.
- b. Surface of the sign (material, color and dimensions)
- c. Dimensions and display area of the proposed sign.
- d. Such other information as deemed necessary by the Building Department.

(5) Temporary Sign: All information required for the submission of permanent signs shall be required for the submission of a temporary sign.

(6) Review Process: The Building Inspector or his/her designee(s) shall have the sole authority to approve or deny applications for temporary or permanent signs. The Inspector or designee shall review the application for conformance with the requirements of the Ordinance. The Building Inspector or his/her designee may refer any application for sign approval to the Sign Board of Appeals for their review. The application shall be either approved or denied within a reasonable time frame as follows:

- (a) Sign applications that conform to all applicable Ordinance standards shall be approved.
- (b) All applications for sign permits that are incomplete or do not meet the requirements of this Ordinance shall be denied.
- (c) An approval of a sign permit may be conditioned upon compliance with reasonable conditions or limitations regarding the character of the sign, the surroundings in which it is to be displayed, and the purpose of this Ordinance.
- (d) Approved applications for permanent signs shall be reviewed by the Birch Run Township Building Department for conformity with all Building Codes in effect in the Township and if in compliance therewith, the Building

Inspector shall issue the appropriate sign permit.

- (e) Permit Fees: Permit fees for Signs shall be established by resolution of the governing body of this Municipality. The Permit Fees must relate to the cost of issuing the permit and the inspections to achieve compliance with this Ordinance, and may vary based on the size, type, and height of the Sign.
- (f) False Information: A person providing false information under this Ordinance shall be guilty of a civil infraction.
- (g) Permits issued: Applicants meeting the provisions of this Ordinance shall be issued a permit within fourteen (14) days of submitting a complete application.

Administration and Appeals of Sign Ordinance Standards.

- (1) Administrator: The Township Supervisor shall constitute the Sign Administrator for the purpose of this Ordinance and appoint personnel to administer and enforce the terms and conditions of this Ordinance and all other provisions related to Signs.
- (2) Enforcement: The Building Department shall issue Permits, as required by this Ordinance. The Department shall also ensure Signs comply with this Ordinance and any other applicable law. The Department shall also enforce the requirements that all Signs properly comply with this Ordinance by procuring a Permit. The Department shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this Ordinance and other applicable Sign laws.
- (3) Building Department Powers: The Department shall have the power and authority to administer and enforce this Ordinance. Included among such powers are the following specific powers:
 - (a) Every Sign for which a Permit is required shall be subject to the inspection and approval of the Department. When deemed advisable, a Sign may be inspected at the point of manufacture.
 - (b) Upon presentation of proper identification to the Sign Owner or Owner's agent, the Department may enter the Sign area for purposes of inspecting the Sign, Sign structure, and any fasteners securing the Sign to a building or support.

In cases of emergency, where imminent hazards to persons or property are known to exist, and where the Sign Owner, or Owner's agent, is not readily available, the Department may enter the Sign area for purposes of inspection and remediation. When on private property, the Department shall observe rules and regulations concerning safety, internal security, and fire protection.

If the Department is denied admission to inspect any sign, inspection shall be made only under authority of a warrant issued by a court of proper jurisdiction. When applying for such warrant, the Department shall submit an

affidavit setting forth a belief that a violation of this Ordinance exists with respect to a particular Sign, and the reasons for forming this belief. The affidavit shall designate the place and name of the Person believed to own or possess the Sign. If the court finds probable cause exists for the search of the Sign, and supporting structures, then a warrant authorizing the search shall be issued. The warrant shall describe the property with sufficient certainty to identify the same. This warrant shall constitute authority for the Department to enter the Sign area and to inspect the property.

- (c) Upon issuance of a Stop Order from the Department, work on any Sign that is being conducted in any manner contrary to this Ordinance shall be immediately stopped. This notice and order shall be in writing and shall be given to the property Owner of the Parcel, the Sign Owner, or to the person performing the work. The Stop Order shall state the authority to enforce a Stop Order.
 - (d) The Department has the authority to revoke any Permit authorized by this Ordinance if the Sign violates this Ordinance or another law, provided that the Department shall offer the Sign owner an opportunity to be heard. The Person whose Permit is under consideration shall be given at least ten (10) days' written notice of the time, place, and reason for the hearing. The Sign Owner and/or Person identified in the Permit shall be permitted to present relevant facts and legal argument concerning the pending revocation. Following this hearing, the Department shall consider the merits of the case and shall present a written opinion prior to any action. If, however, the Department believes the health, safety, or welfare of the citizens are endangered by any violation of this Ordinance, the Department may immediately revoke any Sign Permit.
 - (e) A Sign installed after the effective date of this Ordinance, and not conforming to this Ordinance, shall be removed immediately by the Owner. The Sign Owner shall not be entitled to compensation for the Sign removal and shall reimburse the Department for any costs incurred in connection with the removal.
 - (f) Any Person violating any provisions of this Ordinance shall be guilty of a civil infraction. Each day on which a violation occurs shall constitute a separate offense. In addition, the municipal attorney is authorized to take all action, legal, injunctive and equitable, to assure compliance with this Ordinance.
- (4) Sign Board of Appeals: The Birch Run Township Zoning Board of Appeals shall constitute the Sign Board of Appeals for the purpose of this ordinance and a quorum shall consist of three (3) members.
 - (5) Appeals Authorized:
 - (a) Any person allegedly aggrieved by a decision of the building inspector or code enforcement officer relative to the placement, area, height and construction of a sign may appeal such decision to the Township Sign Board of Appeals. Such appeal shall be taken to the Building Department.

- (b) Whenever the strict application of requirements from this ordinance may pose a demonstrable hardship or practical difficulty with regard to placement, area, height and construction of a sign, an appeal for variance from such requirements may be filed with the Building Department on a form provided for such purpose.
 - (c) The Administrator or his/her designee(s) shall then place the appeal on a special meeting of the Sign Board of Appeals within forty-five (45) days of filing .
 - (d) Within ninety (90) days of receipt, the board of appeals shall render a final decision in accordance with the provisions of this ordinance.
 - (e) Any decision of the Sign Board of Appeals shall not become final until the expiration of five (5) Township business days from the date of the decision, unless the board finds that immediate effect is necessary to preserve a substantial property right, and so certifies in the record of the decision.
- (6) Fees: Any person filing an appeal with the Township Sign Board of Appeals shall fill out the necessary appeal form provided by the Building Department and shall pay the appropriate fee, as established by resolution of the Township Board.
- (7) Appeal Procedure:
- (a) The Administrator or his/her designee shall give notice of all hearings to all owners of record of real property within three hundred (300) feet of the premises in question; such notice shall be delivered by first class mail addressed to the respective owners at the address given in the last assessment roll.
 - (b) All persons appealing shall be required to appear in person or to be represented by a duly authorized agent.
 - (c) The Sign Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
 - The relevant administrative records and administrative orders issued herein relating to the appeal.
 - The appeal form.
 - The requisite written findings of fact, the conditions attached, the decisions and orders by the Sign Board of Appeals disposing the appeal, signed by the chairman of the board.
 - (d) The appellant shall be prepared to furnish a site drawing, photograph, and any other means of proof, to the Sign Board of Appeals to demonstrate that a hardship or practical difficulty exists.

(8) Action of Sign Board of Appeals:

- (a) The Sign Board of Appeals shall have the power to modify or reverse, wholly or partly, the notice or order, and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the Sign Board of Appeals finds that there is a practical difficulty or undue hardship resulting from the application of the provisions of this ordinance, and that such extension is in harmony with the general purpose of this ordinance to secure the public health, safety and welfare.
- (b) The Sign Board of Appeals shall return a decision upon each petition within Forty five (45) days after a request or appeal has been filed, unless a longer time is agreed upon by the parties concerned; however, the Sign Board of Appeals may not order action on a petition until the next scheduled meeting.
- (c) The concurring vote of a majority of the members of the Sign Board of Appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the building official or code enforcement officer; or to decide in favor of the applicant on any matter upon which the Sign Board of Appeals is required to consider or to effect any variation of the provisions of this ordinance.
- (d) After a variance has been denied in whole or on part by the Sign Board of Appeals, then such petition shall not be resubmitted for a period of one (1) year from the date of the last denial, provided however, that a denied variance may be reconsidered by the Sign Board of Appeals within said one (1) year period, when, in the opinion of the building official, or code enforcement officer or Sign Board of Appeals, newly discovered evidence or changed conditions warrant such reconsideration.
- (e) Scope of Hearing: At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.

(9) Stay: An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Sign Board of Appeals, that by reasons of facts stated in the certificate, imminent harm to persons or property exists, in which case the proceedings shall not be stayed, except by an order of a court of competent jurisdiction.

(10) Adjustment in size and location. The Birch Run Township Sign Board of Appeals may, upon application by the property owner, make reasonable adjustment in the size and location requirements for any sign, where such action meets all of the following standards:

- (a) A variance is deemed in the public interest; and
- (b) The variance would not adversely affect properties in the immediate vicinity of the proposed sign; and
- (c) The alleged hardship or practical difficulties supporting the variance request results from conditions that do not generally exist throughout the Township, and denial or a variance would preclude all reasonable use of the property; and,

- (d) Granting a variance would result in substantial justice being done, considering the public interests protected by the standards of this chapter, the individual hardships that would be suffered by denial of the variance and the rights of others throughout the Township whose property may be affected by granting the variance; and,
- (e) The type of sign has been designed to make it compatible with the surrounding area.

(11) Violations. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, use or maintain any sign in the Township, or cause or permit the same to be done, contrary to or in violation of any of the standards and regulations of this Ordinance. Any such violation, including the failure to remove a sign when directed under the authority of this Ordinance, shall constitute a Municipal Civil Infraction punishable in accordance with such ordinance and procedure in effect.

(12) Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction adjudges any part, sentence, paragraph, section, or clause unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

(13) Savings Clause. All proceedings pending and all rights and liability existing, acquired or incurred at the time the Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

(14) Publication. Publish a proper summary of this ordinance in the *Birch Run/Bridgeport Herald* within 30 days after adoption. (MCL 41.184(3))

(15) Repeal. All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

(16) Effective Date. December 12, 2003

I hereby certify that the preceding Ordinance was adopted by the Birch Run Township Board at its regular meeting held on November 11, 2003 and published in the *Birch Run/Bridgeport Herald* on December 10, 2003.

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Amy Cook, Its Clerk

I hereby certify that the preceding Ordinance amendment was adopted by the Birch Run Township Board at its regular meeting held on May 9, 2006 and published in the *Birch Run/Bridgeport Herald*.

Amy Cook, Its Clerk

mws/03 ordinance
mws/06 amendment