

**KOCHVILLE TOWNSHIP
COUNTY OF SAGINAW
ORDINANCE NO. 16-06**

AN ORDINANCE TO AMEND THE KOCHVILLE TOWNSHIP SIGN ORDINANCE, PREVIOUSLY KNOWN AS ORDINANCE 03-05, PASSED 6-17-2003, AND, ORD. 06-11, REVISED AND PASSED 7-18-2006, AND ORD. 14-08, REVISED AND PASSED 8-26-14.

NOW THEREFORE, KOCHVILLE TOWNSHIP ORDAINS THE FOLLOWING:

§ 153.001 AUTHORITY.

This chapter is enacted pursuant to M.C.L.A. § 41.2, as amended, and M.C.L.A. § 41.181, as amended, and repeals all other sign ordinances of the township.

§ 153.002 TITLE.

This chapter shall be known as the "Kochville Township Sign Ordinance".

§ 153.003 STATEMENT OF PURPOSE.

(A) These standards are adopted to:

- (1) Maintain and enhance the aesthetics of the community;
- (2) Enhance pedestrian and traffic safety;
- (3) Preserve public health, safety and welfare;
- (4) Limit the intrusion of visual messages;
- (5) Minimize the adverse effects of signs on nearby public and private property;
- (6) Minimize driver distraction;
- (7) Protect and enhance the scenic views and natural landscapes;
- (8) Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents;
- (9) Promote the use of aesthetically pleasing sign materials and colors;
- (10) Avoid obstacles, distractions or traffic hazards that impair a traveler's ability to see pedestrians, traffic signs or vehicles;
- (11) Preserve the right to enjoy scenic amenities;
- (12) Enhance the effectiveness of necessary directional and warning signs;
- (13) Preserve property values;
- (14) Provide for the effectiveness of permitted signs;
- (15) Avoid adverse lighting or reflection; and

(16) Require structurally safe signs.

(B) The standards in this chapter are determined to be the minimum necessary to achieve the above stated purposes.

§ 153.004 SUBSTITUTION CLAUSE.

Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.

§ 153.005 DEFINITIONS.

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

ABANDONED. A sign shall be deemed **ABANDONED** if:

- (1) It does not display a well-maintained structure or sign face for a consecutive 120-day period;
- (2) The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the Department;
- (3) A structure designed to support a sign no longer supports the sign for a period of 120 consecutive days; or
- (4) Any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.

AMORTIZATION PERIOD. The time between the date of adoption of this chapter and 2-16-2016.

AREA OF SIGN.

(1) The entire area within a circle, triangle, parallelogram or other geometric configuration enclosing the extreme limits of writing, representation, emblem or any figure or 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.

- (2) For purposes of calculating **SIGN AREA**, the following shall be excluded:
 - (a) The necessary supports or columns on which the sign is attached;
 - (b) The portion of a ground mounted or monument sign that is used as the base; and
 - (c) Any numbers displaying the address of the property.

AWNING SIGN. See **CANOPY SIGN**.

BILLBOARD. A freestanding outdoor sign which advertises an establishment, service, merchandise, use, entertainment, activity product or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot in which the sign is located, and additionally shall include those signs as regulated by the state pursuant to Pub. Act 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*



CANOPY SIGN. Any sign attached to or constructed on a canopy. A **CANOPY** is a permanent roof-like shelter extending from part of or all of a building face.

CHANGEABLE COPY SIGN/READER BOARD. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

CLEAR VISION AREA. The area bounded by the street property lines of corner lots and a line intersecting the street property lines, 30 feet from their point of intersection.

DEPARTMENT. The Building and Zoning Department of Kochville Township.

DIRECTIONAL SIGN. A sign on private property for the purpose of directing traffic onto or off of the premises. **DIRECTIONAL SIGNS** do not require a permit.

ELECTRONIC MESSAGE BOARD.

(1) A variable message sign that utilizes computer generated messages or other electronic means of changing copy.

(2) These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



FLAG. A flag shall mean any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

FREESTANDING SIGN. A sign supported by one or more uprights, braces, pylons or foundation elements located in or upon the ground and not attached to a building.



GOVERNMENTAL SIGN. A sign authorized by this municipality, a governmental agency, the state or the federal government for the benefit of the public. The signs may include safety signs, danger signs, trespassing signs, street direction signs, destination signs, hazardous condition signs or signs for traffic control purposes.

GROUND MOUNTED. See **MONUMENT SIGN.**

INDUSTRIAL CENTER. A coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed and managed on a integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space.

INTEGRAL SIGN. Signs made an integral part of the walls of the structure or roof for farm buildings, or when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction.

MARQUEE. Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.



MENU BOARD. A freestanding sign orientated to the drive-through lane for a restaurant that advertise the menu items available from the drive-through window.

MONUMENT SIGN. A freestanding sign where the base of the sign structure is permanently in the ground or integrated into landscaping or other solid structural features.



NON-CONFORMING SIGN. Any advertising structure or sign which was lawfully erected and maintained prior to the effective date of this chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a sign for which a permit was previously issued that does not comply with the provisions of this chapter.

NON-RESIDENTIAL SIGN. A sign located on a parcel that does not have a dwelling as its principle structure and is located in the CG, AG, R-1, R-1A, R-2, R-3 districts. Examples of the uses that may be associated with non-residential uses in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings and cemeteries.

OWNER. A person owning the sign and/or the property owner upon which the sign is located.

PARCEL. Contiguous real estate taxed as a single parcel on one side of a public road.

PERMIT. The authorization for the installation of a sign issued by the Department.

PERSON. Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee and their legal successors.

PORTABLE SIGN.

(1) A sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included, but not limited to, "sandwich" signs and signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another, and which direct attention to the business, profession, or activity conducted on the premises or to a commodity, service, or entertainment that is sold, offered, manufactured, processed, or fabricated on the property. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a **PORTABLE SIGN**.



PROJECTING SIGN. A sign affixed to any part of a building or structure that extends beyond the building or structure by more than 36 inches.



REGIONAL COMMERCIAL CENTER.

(1) A coordinated development of a tract of land with two or more separate commercial buildings with uses classified as regional business uses for zoning purposes.

(2) The development is planned, designed, constructed and managed on a integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space. **REGIONAL COMMERCIAL CENTERS** are greater than 20 acres in site size.

REGIONAL PLAZA/CENTER. Commercial development, usually one store deep. This type of development can include individual buildings on one site or a linear shopping centers with coordinated parking and access. **PLAZA/CENTERS** are less than 20 acres in size. **PLAZA/CENTERS** must have a minimum of three businesses.

REPLACING COPY. Any change consisting of re-lettering, replacing or changing the sign face, repainting, cleaning or other similar non-structural changes.

RESIDENTIAL NEIGHBORHOOD IDENTIFICATION SIGN. A sign at the entrance of a residential neighborhood identifying the neighborhood.

ROOF LINE. The highest point on any building where an exterior wall encloses usable floor space. The term **ROOF LINE** includes the top of any parapet wall; providing, the parapet wall extends around the entire perimeter of the building at the same elevation. The facade of a building is not defined as part of the **ROOF LINE**.

ROOF SIGN. A sign erected, constructed or maintained upon, or which projects above, the roof line of a building.



SIGN. A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution organization or business, or idea and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. This definition includes the base, frame and support members of the sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not **SIGNS**.

SIGN LOCATION. Permitted freestanding or monument signs may be located anywhere on the premises, except in clear vision area or within the proposed right-of-way.

SIGN SETBACK. Where it is specified that a sign must be located a minimum or other certain distance from property lines, or public rights-of-way, or proposed public rights-of-way, the distance shall be measured from the portion of the sign structure nearest to the specified line. For the purpose of this measurement, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity. Unless otherwise noted, all signs shall be set back at the proposed right-of-way line.

SIGN WIDTH. The distance between two sign faces back to back on a freestanding or monument sign shall not exceed six feet measured from the front of each sign face. This applies to parallel and non-parallel sign faces. Signs constructed in a triangular manner shall not exceed six feet at the widest point.

SIGN BOARD OF APPEALS. Is the governing body hearing sign ordinance variance requests.

STREET BANNER. Fabric signs, suspended across public streets advertising a public entertainment or event. The Township Board, County Road Commission and/or State Department of Transportation must specially approve the location and contents of each **STREET BANNER**.

STRUCTURAL ALTERATION.

(1) The modification of a sign and or sign structure that affects size, shape, height or sign location; changes in structural materials; or the addition of electronic elements to a non-electrified sign would be structural alterations.

(2) Exception: **STRUCTURAL ALTERATION** does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging or release and closing clips or other brackets.

TEMPORARY SIGN. The term Temporary Sign shall mean any sign bearing a message which is displayed before, during and after an event, to which the sign relates, and which is scheduled to take place at a specific time and place. A Temporary Sign includes banners, valances, or advertising display constructed of cloth, canvas and fabric, cardboard, plastic, plywood, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

THROUGH LOT. A lot having frontage on two non-intersecting streets.

WALL SIGN. A sign attached to, painted upon, placed against or supported by the exterior surface of any building. **WALL SIGNS** also include marquees and canopy signs.



§ 153.006 PROHIBITED SIGNS.

The following signs are considered to be unsafe, dangerous and hazardous, an attractive nuisance or nuisance, therefore, these signs shall not be permitted, erected or maintained in any zoning district:

(A) Any sign for which a permit has not been issued and which is not a permitted sign is prohibited, excluding any existing legal non-conforming sign;

(B) Signs which incorporate in any manner any flashing or moving lights, not including LED panels.

(C) Street banners, pennants, spinners and streamers, and inflatable figures, except as specifically permitted in accordance with other chapters of this ordinance;

(D) Any sign or sign structure which:

(1) is structurally unsafe;

(2) Constitutes a hazard to the safety or health of person or property by reason of inadequate design, fabrication, mounting or maintenance or because it has been abandoned;

(3) Is not kept in good repair; or

(4) Is capable of causing electrical shocks to persons that may come in contact with it.

(E) Any sign which by reason of its size, location, content, coloring, intensity or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstruction of visibility or creation of driver confusion of any traffic sign or control device on any public street or road;

(F) Any sign which obstructs free ingress or egress from a required door, window, fire escape, driveway or other required access route;

(G) Any sign or other advertising structure or display which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos or other communication methods including, which relate to but not limited to, human genitalia, sexual acts, adult nude human bodies, obscene words or obscene gestures;

(H) Any permanently mounted sign, hereafter existing of which the purpose of the sign has ended, ceases to exist or is over, shall be removed by the owner within 30 calendar days after a business closes or vacates the premises; if the sign face removed exposes any electrical equipment, lighting, etc., it shall be required that the face be replaced with a blank covering.

(I) Any sign, except traffic or other municipal approved signs, as permitted in this chapter that is located in or projects into or over a public right-of-way or dedicated easement;

(J) Any sign that exceeds the height limitation for structures in the zoning district in which it is located, or a wall sign that extends beyond or above the structure to which the sign is affixed, except as may specifically be provided for in other provisions;

(K) Placards, posters, circulars, show bills, handbills, cards, leaflets or other advertising matter, except as otherwise provided herein, shall not be posted, pasted, nailed, placed, printed, stamped or in any way attached to any fence, wall, post, tree, sidewalk, pavement, platform, pole, tower, curbstone or surface in or upon any public easement, right-of-way or any public or private property without the

consent, authorization or ratification of the owner of the property. However, nothing herein shall prevent official notices of the township, school districts, county, state or federal government from being posted on any public property deemed necessary. All placards, posters, circulars, show bills, handbills, cards, leaflets or other advertising matter posted, pasted, nailed, placed, printed, stamped on any right-of-way or public property may be removed and disposed of by the Township Code Enforcement Officer without regard to other provisions of this chapter;

(L) Roof signs, which project above, the roof line of a building.

(M) No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly-owned property, a public right-of-way (such as a street or sidewalk) or a proposed public right-of-way;

(N) Signs which obstruct free use of a roadway, required door, window, fire escape or other required exit way. No sign may obstruct the clear vision area.

(O) Off-Premise Portable signs located on vacant parcels except those with valid permits as required by the Michigan Department of Transportation and regulated by the Highway Advertising Act, 106 of 1972, being M.C.L.A. §§ 252.301 *et seq.*

§ 153.007 SIGNS AUTHORIZED WITHOUT A PERMIT.

The following signs are permitted without a sign permit in all zoning districts where the principle permitted use to which they are related is a permitted use in that district:

(A) Address numbers, nameplates (including apartment units and office suites) identifying the occupant or address of a parcel of land;

(B) Signs painted on or permanently attached to legally licensed vehicles that are used upon the highways for transporting persons, goods or equipment;

(C) Traffic or other municipal signs including, but not limited to, the following: legal notices, historic site designations, municipal facility directional signs, street or traffic signs, railroad crossing signs, danger and other emergency signs as may be approved by the Township Board or any federal, state or county agency having jurisdiction over the matter of the sign. The signs may be located in any zoning district. However, all signs on governmental property on which a municipal building is located shall meet the commercial zoning district requirements state herein;

(D) Community special event signs approved by the Township Board;

(E) Temporary signs not exceeding 6 square feet in area, four feet in height in residential districts, except in the R-1A Residential / Agricultural District, for a temporary seasonal retail business operation. In agricultural, commercial and industrial districts, the sign shall be limited to 32 square feet in area and 8 feet in height;

(F) Flags of government, civic, philanthropic, educational, religious organizations and other public entities.

(G) Temporary Signs

- (1) No temporary sign shall be placed closer than ten (10) feet from the edge of the road or placed in such a way that it obstructs visibility of pedestrians and motorists at intersections and driveways.
- (2) No temporary sign shall be placed on any public property.
- (3) Temporary signs are not permitted on vacant parcels of land without the owner's permission.
- (5) Signs that are found within 10 feet of the road, or which obstructs visibility creating a safety hazard may be removed without notice by the township.
- (6) A temporary sign of which the purpose of the sign has ended, ceases to exist, or is over, such signs shall be removed within 10 days.

(H) Agricultural Signs

(I) Painting, re-painting, cleaning, maintenance, repair and change of sign message or graphics shall not be considered erection or alteration of a sign which requires issuance of a permit, provided that no structural alterations or additions to the display area are made;

(J) Private traffic control signs on private property such as directional signs. The signs may not exceed one and one-half square feet or three feet in height; and

(K) Directional signs not larger than four feet in height and one and one-half square feet in size.

§ 153.008 SIGNS AUTHORIZED WITH A PERMIT.

The Department may issue a permit for signs in accordance with the following provisions.

(A) *Agricultural, flood plain, conservation district signs.*

(1) *Wall, residential.* One wall sign is permitted on a dwelling structure. The sign may be up to six square feet in size and be placed anywhere on the wall of the structure.

(2) *Wall, non-residential.* A wall sign is permitted on the principal structure of a non-residential use. The sign may be up to 32 square feet in size and be placed anywhere on the wall of the structure. Non-residential uses with greater than 400 lineal feet of frontage on one road or located on a corner lot may have two wall signs, each no greater than 32 square feet in size.

(3) *Integral sign, non-residential.* One integral sign may be incorporated into the structure of the non-dwelling on the parcel.

(4) *Freestanding/monument non-residential use.* One freestanding or monument sign is permitted for each parcel. The freestanding or monument sign may not exceed a height of 8 feet above the uniform finished grade or 50 square feet in size.

(a) *Corner lots.* Non-residential uses on a corner lot may be permitted two signs of up to 50 square feet each and eight feet in height if they are located a minimum of 100 feet from the intersection and any other sign.

(b) *Entrance signs.* In addition to the above-mentioned regulations, if the non-residential use is located on a parcel of at least five acres in size, a monument or ground mounted sign is permitted at no more than two entrances. Each sign must comply with the following regulations.

1. Each monument or ground mounted sign may be up to 24 square feet in area and five feet in height for each entrance from a public road.
2. These ground mounted or monument signs are only allowed if the other signs on the parcel are farther than 100 feet from the entrance.

(c) *Electronic message boards prohibited.* No portion of these signs is permitted to be an electronic message board.

(5) *Neighborhood.* A single-family residential neighborhood, mobile home park or multiple-family residential development is permitted to have two monument signs identifying the residential neighborhood for each street entrance. The signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed 24 square feet. Both signs must be the same size. The height of the signs may not exceed five feet above the uniform finished grade.

(6) *Portable.* One portable sign is permitted per improved parcel. The sign shall not exceed 50 square feet in area and shall not exceed a total of 60 days in any calendar year. Exception: Where multiple tenants occupy a tenant space on a single parcel, no more than 2 portable signs, not exceeding 50 square feet, may be placed at any 1 time, placed no closer than 100 feet apart.

(7) *Electronic message boards.* A sign or portion thereof that is an electronic message board shall not be greater than 36 square feet in area and shall comply with the following regulations.

(a) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during day light hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

(b) Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust brightness to conform with applicable brightness specifications as ambient light levels change at each sign location due to sunrise, sunset, prevailing weather conditions or otherwise.

(c) No additional electronic message board is permitted on the building if it is visible from a public road.

(B) *R-1, R-2, R-3 residential zoning districts.*

(1) *Wall, residential.* One wall sign is permitted on a dwelling structure. The sign may be up to six square feet in size and be placed anywhere on the wall of the structure.

(2) *Wall, non-residential.* A wall sign is permitted on a non-residential use. The sign may be up to 32 square feet in size and be placed anywhere on the wall of the structure. Non-residential uses with greater than 400 lineal feet of frontage on one road or located on a corner lot may have two wall signs, each no greater than 32 square feet in size.

(3) *Wall/marquee, residential multiple-family.* One wall sign is permitted on a non-dwelling. The sign may be up to 32 square feet in size and be placed anywhere on the wall of the structure. Non-dwelling uses with greater than 400 lineal feet of frontage on one road or located on a corner lot may have two wall signs, each no greater than 32 square feet in size.

(4) *Neighborhood.* A residential neighborhood is permitted to have two monument residential neighborhood identification signs for each street entrance. The signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed 24 square feet. Both signs must be the same size. The height of the signs may not exceed five feet above the uniform finished grade.

(5) *Freestanding/monument residential multiple-family use.* A residential multiple-family use is permitted to have one freestanding/monument sign not to exceed 32 square feet in area and five feet above the uniform finished grade.

(6) *Portable.* One portable sign is permitted per improved parcel, not to exceed 50 square feet and shall not exceed a total of 60 days in any calendar year.

(7) *Electronic message boards.* A sign or portion thereof that is an electronic message board shall not be greater than 36 square feet in area and shall comply with the following regulations.

(a) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during day light hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

(b) Each electronics message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each sign location due to sunrise, sunset, prevailing weather conditions or otherwise.

(c) No additional electronic message board is permitted on the building if it is visible from a public road.

(C) ***B-1 Office Business,***

(1) *Freestanding/monument.*

(a) One freestanding or monument sign is permitted for each B-1, office or business developed parcel with up to 400 lineal feet in frontage on the public right-of-way. The signs shall not exceed 50 square feet in size, limited to two faces back to back and a height of eight feet above the uniform finished grade. All freestanding/monument signs shall be landscaped with 2 square feet of landscaping for each square foot of sign face.

(b) For parcels with greater than 400 lineal feet or frontage and less than 20 acres in size, one 50 square foot sign is permitted for each 400 lineal feet and fraction thereof. Each sign must be located at least 100 feet from any other sign on the same parcel and 25 feet from any side lot line and must not block an existing property owner's previously erected sign.

(c) If the lot is a through lot, this 400-foot regulation applies to each road frontage as calculated independently of one another. If the lot is a corner lot, each road frontage shall be calculated independently on their own true road frontage measured along the road right-of-way intersection.

(2) *Wall/marquee sign.* A wall sign may not project more than 12 inches from the surface of the building to which it is mounted or into any right-of-way.

(3) *Projecting sign.* A projecting sign may not project from the wall of the structure more than 36 inches or any higher than the height of the wall, nor less than nine feet above the average grade of a walking surface, limited to a maximum of 20 square feet and to one projecting sign per business.

(4) *Awning or canopy signs.* Awning or canopy signs shall not project more than seven feet from the surface to which it is attached nor less than nine feet above the average grade of a walking surface. Awning or canopy signs shall not extend more than 24 inches above the roof line.

(5) *Portable.* One portable signs is permitted per improved parcel, not exceed 50 square feet in area and shall not exceed a total of 60 days in any calendar year.

(6) *Street banners.* Street banners may extend across a public right-of-way subject to approval of township administration and the County Road Commission or State Department of Transportation, but in no case may be displayed more than 14 days before an event and seven days after an event.

(7) *Electronic message boards.* A sign or portion thereof that is an electronic message board shall not be greater than 36 square feet in area and shall comply with the following regulations.

(a) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during day light hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

(b) Each electronics message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each sign location due to sunrise, sunset, prevailing weather conditions or otherwise.

(c) No additional electronic message board is permitted on the building if it is visible from a public road.

(8) *Billboards.* Billboards are regulated through Pub. Act 89 of 2009, being M.C.L.A. Chapter 252.

(9) *Directional signs.* A sign on private property for the purpose of directing traffic onto or off of the premises. Directional signs do not require a permit. However:

(a) Only one set of entrance/exit directional signs is allowed per legal driveway.

(b) A directional sign may not exceed one and one-half square feet or more than four feet in height; and

(c) Directional signs must not be within the road right-of-way and must not use blinking lights.

(10) *Menu board.*

(a) A freestanding sign orientated to the drive-through lane for a restaurant that advertise the menu items available from the drive-through window, and which has no more than 20% of the total area for a sign utilized for business identification. A menu sign may be no larger than 90 square feet.

(b) Not more than two menu boards are allowed per site.

(D) ***B-2 Neighborhood Business, B-3 Commercial Zoning Districts.***

(1) *Freestanding/monument.*

(a) One freestanding or monument sign is permitted for each B-2 and B-3, community commercial development parcel with up to 400 lineal feet in frontage on the public right-of-way. The signs shall not exceed 64 square feet in size, limited to two faces back to back and a height of 12 feet above the uniform finished grade. All freestanding/monument signs shall be landscaped with 2 square feet of landscaping for each square foot of sign face.

(b) For parcels with greater than 400 lineal feet of frontage, one 64 square foot sign is permitted for each 400 lineal feet and fraction thereof. Each sign must be located at least 100 feet from any other sign on the same parcel, and 25 feet from any side lot line and must not block an existing property owner's previously erected sign.

(c) If the lot is a through lot, this 400-foot regulation applies to each road frontage as calculated independently of one another. If the lot is a corner lot, each road frontage shall be calculated independently on their own true road frontage measured along the road right-of-way from the intersection.

(2) *Regional Commercial Centers.*

(a) A Regional Commercial Center sign, not to exceed 150 square feet and 12 feet in height, is permitted for each public road frontage or at no more than 2 entrances, subject to the following.

1. Signs must incorporate brick, stone, or decorative block as part of the sign structure and have 2 square feet of landscaping for each square foot of sign face, consisting of shrubs, flowers, or grasses, or a combination of such, as approved by the zoning administrator, and separated by protective edging from the surrounding grass area. This area must also have ground cover consisting of decorative stone or mulch over a weed barrier.

(3) *Wall/marquee sign.* A wall sign may not project more than 12 inches from the surface of the building to which it is mounted or into any right-of-way.

(4) *Projecting sign.* A projecting sign may not project from the wall of the structure more than 36 inches or any higher than the height of the wall nor less than nine feet above the average grade of a walking surface, limited to a maximum of 20 square feet and to one projecting sign per business.

(5) *Awning or canopy signs.* Awning or canopy signs shall not project more than seven feet from the surface to which it is attached not less than nine feet above the average grade of a walking surface. Awning or canopy signs shall not extend more than 24 inches above the roof line. In no event may awning or canopy signs project into the right-of-way.

(6) *Portable.* One portable sign is permitted per improved parcel, and shall not exceed 50 square feet in area and shall not exceed a total of 60 days in any calendar year. Where multiple tenants occupy a tenant space on a single parcel, no more than two portable signs, not exceeding 50 square feet, may be placed at any 1 time, placed no closer than 100 feet apart.

(8) *Street banners.* Street banners may extend across a public right-of-way subject to approval of Saginaw Charter/Kochville Township administration and the County Road Commission or State Department of Transportation, but in no case may be displayed more than 14 days before an event and seven days after an event.

(9) *Electronic message boards.* A sign or portion thereof that is an electronic message board shall not be greater than 36 square feet in area and shall comply with the following regulations.

(a) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during day light hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

(b) Each electronics message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each sign location due to sunrise, sunset, prevailing weather conditions or otherwise.

(c) No additional electronic message board is permitted on the building if it is visible from a public road.

(10) *Directional signs.*

(a) A sign on private property for the purpose of directing traffic onto or off of the premises. Directional signs do not require a permit;

(b) However:

1. Only one set of entrance/exit directional signs is allowed per legal driveway;
2. A directional sign may not exceed one and one-half square feet or more than four feet in height; and
3. Directional signs must not be within the road right-of-way and must not use blinking lights.

(11) *Menu board.*

(a) A freestanding sign orientated to the drive-through lane for a restaurant that advertise the menu items available from the drive-through window, and which has no more than 20% of the total area for a sign utilized for business identification. A menu sign may be no larger than 90 square feet.

(b) Not more than two menu boards are allowed per site.

(E) ***Industrial/manufacturing signs - M1 and M2 Districts.***

(1) *Freestanding/monument.*

(a) One freestanding or monument sign is permitted for each industrially developed parcel with up to 400 lineal feet in frontage on the public right-of-way. The signs shall not exceed 64 square feet in size, limited to two faces back to back and a height of ten feet above the uniform finished grade.

(b) For parcels with a greater than 400 lineal feet of frontage, one 64 square foot sign is permitted for each 400 feet and fraction thereof. Each sign must be located at least 100 feet from any other sign on the same parcel, and 25 feet from any side lot line and must not block an existing property owners previously erected sign.

(c) If the lot is a through lot, this 400-foot regulation applies to each road frontage as calculated independent of one another. If the lot is a corner lot, each road frontage shall be calculated independently on their own true road frontage measured along the road right-of-way intersection.

(2) *Industrial centers.*

(a) Two signs, not to exceed 74 square feet each and 12 feet in height, are permitted for each public road frontage.

(b) One monument or ground mounted sign is permitted at no more than two entrances. The monument or ground mounted signs may be up to 24 square feet and five feet in height, for each entrance from a public road. These ground mounted or monument signs are only allowed if the other signs on the parcel are farther than 100 feet from the entrance.

(3) *Wall/marquee sign.* A wall sign may not project more than 12 inches from the surface of the building to which it is mounted or into any right-of-way.

(4) *Portable.* One portable sign is permitted per improved parcel, and shall not exceed 50 square feet in area and shall not exceed a total of 60 days in any calendar year.

(5) *Electronic message boards.* A sign or portion thereof that is an electronic message board shall not be greater than 36 square feet in area and shall comply with the following regulations.

(a) If signs are determined to be a nuisance or traffic hazard, the maximum brightness for the sign shall be reduced so not to exceed an illumination of 5,000 NITS (candelas per square meter) during day light hours or 1,000 NITS (candelas per square meter) during the period from sunset to sunrise, as measured from a sign face at maximum brightness.

(b) Each electronic message board shall have a dimmer control to produce a distinct illumination change from a higher illumination level to a lower one for the period of time from sunset to sunrise. Each sign must appropriately adjust display brightness to conform with applicable brightness specifications as ambient light levels change at each sign location due to sunrise, sunset, prevailing weather conditions or otherwise.

(c) No additional electronic message board is permitted on the building if it is visible from a public road.

(6) *Billboards.* Billboards are regulated through Pub. Act 89 of 2009, being M.C.L.A. Chapter 252.

<i>Regulations for Signs That Require a Permit—Also See Regulations in the Text by Zoning District</i>			
<i>Zoning Districts</i>	<i>Sign Type</i>	<i>Maximum Sign Size per Parcel</i>	<i>Height</i>
Agricultural/Conservation Greenbelt	Wall, residential	6 sq. ft.	Wall height
	Wall, non-residential	32 sq. ft.	Wall height
	Integral, non-residential	no limit	No limit
	Freestanding/monument	50 sq. ft.	8 ft.
	Neighborhood	24 sq. ft.	5 ft.
	Portable	50 sq. ft.	8 ft.
	Electronic message board	36 sq. ft.	8 ft.
Residential R-1, R-2, R-3	Wall, residential	6 sq. ft.	wall height
	Wall, non-residential	32 sq. ft.	wall height
	Wall/marquee multiple-family	32 sq. ft.	wall height
	Neighborhood	24 sq. ft.	5 ft.
	Freestanding/monument, multiple-family	32 sq. ft.	5 ft.
	Freestanding/monument, non-residential	50 sq. ft.	8 ft.
	Portable	50 sq. ft.	8 ft.
	Electronic message board non-residential	36 sq. ft.	8 ft.
Commercial B-1	Freestanding/monument	50 sq. ft.	8 ft.
	Wall/marquee	no limit	wall height
	Awning/canopy	see text	see text
	Projecting sign	see text	see text
	Portable	50 sq. ft.	8 ft.
	Street banner	see text	see text

	Electronic message board	36 sq. ft.	8 ft.
Commercial B-2, B-3	Freestanding/monument	64 sq. ft.	12 ft.
	Regional commercial center	150 sq. ft.	12 ft.
	Wall/marquee	no limit	wall height
	Awning/canopy	see text	see text
	Projecting sign	see text	see text
	Portable	50 sq. ft.	8 ft.
	Street banner	see text	see text
	Electronic message board	36 sq. ft.	12 ft.
	Special event sign	see text	see text
Industrial M-1, M-2	Freestanding/monument	64 sq. ft.	10 ft.
	Regional industrial center	74 sq. ft.	12 ft.
	Electronic message boards	36 sq. ft.	10 ft.
	Portable	50 sq. ft.	8 ft.
<u>NOTES TO TABLE:</u>			
—The future right-of-way line is determined by referencing the official right-of-way map kept by the State Department of Transportation and the County Road Commission.			
—Billboards are regulated through Pub. Act 89 of 2009, refer to M.C.L.A. Chapter 252.			

§ 153.009 BONUS PROVISIONS.

(A) A twenty percent (20%) bonus in sign area will be allowed if at least fifty percent (50%) of the total sign structure is comprised of brick, stone or architectural block.

(B) In zoning districts where landscaping is not specifically required, a ten percent (10%) bonus in the size of the sign may be given for any freestanding or monument sign that is erected in a landscaped area. The landscaped area must contain a minimum of two (2) square feet for each square foot of the sign area. The landscape design must be approved by the Zoning Administrator, or the Planning Commission as part of the site plan approval, if required.

CONSTRUCTION REQUIREMENTS

§ 153.020 CODES.

All signs shall conform to the latest edition of the applicable Building and Electrical Codes.

§ 153.021 FASTENINGS.

(A) All signs must remain safe and secure during the period of use.

(B) All parts of the signs, including bolts and cables, shall remain painted and free of corrosion.

§ 153.022 FIRE ESCAPES.

A sign may not obstruct a fire escape.

§ 153.023 IDENTIFICATION.

All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.

§ 153.024 DISPLAY OF STREET ADDRESS.

(A) The street address number shall be displayed on the primary freestanding identification sign for each premises on land located in any commercial or industrial district.

(B) Display of street address numbers shall conform with the following standards.

(1) Address number shall be displayed on the sign face or on the supporting structure of the sign, at a minimum height of two feet above grade.

(2) The height of numbers shall be eight inches.

(3) If the premises which are identified by a primary freestanding identification sign contain more than one street address number, the street address number displayed on the sign shall identify the lower and upper ends of the address range to which the sign pertains.

(4) Display of street address numbers on a sign structure shall not be considered a sign subject to the regulations contained in unless the height of the address numbers exceeds eight inches, in which case the street address number shall be considered a sign, subject to the limitations on size and number signs contained in this chapter.

§ 153.025 RESPONSIBILITY FOR COMPLIANCE.

The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign and the area around the sign.

ILLUMINATION

§ 153.040 STATE ELECTRICAL CODE.

Any electrical illumination of a sign shall be done in full compliance with the State Electrical Code, as amended and adopted by the township.

§ 153.041 SHADING.

The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.

§ 153.042 INTERMITTENT LIGHTS.

(A) Except as otherwise provided for in this ordinance, no sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color.

(B) Beacon lights are not permitted.

§ 153.043 COLORED LIGHTS.

No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

§ 153.044 REFLECTION.

Neither the direct, nor reflected, light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.

§ 153.045 EXPOSED BULBS.

No exposed reflective type bulbs, no strobe lights and no incandescent lamps, any of which exceed 40 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

NON-CONFORMING SIGNS

§ 153.060 INTENT.

This subchapter is intended to encourage the eventual elimination of signs that do not comply with the chapter. The elimination of non-conforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs in violation of this chapter. Therefore, this chapter attempts to realize the removal of non-conforming signs and to avoid any unreasonable invasion of established property rights.

§ 153.061 CONTINUANCE.

(A) A non-conforming sign may be continued during the useful life of the sign if it is maintained in good condition. It shall not, however, be replaced by another non-conforming sign. A non-conforming sign shall be brought into conformance upon a change of ownership or change of tenant. It may not be structurally altered so as to prolong the useful life of the sign. It may not be reestablished after damage or destruction if the Zoning Department determines that the estimated cost of reconstruction exceeds 50% percent of the estimated replacement costs.

(B) All non-conforming signs in existence at the time of adoption of this chapter are presumed to have a useful life that ends on 2-26-2016, after which time, they must come into conformance with this chapter.

(C) Any non-conforming sign owner who believes their non-conforming sign has a useful life beyond 2-26-2016, may file a petition with the Sign Board of Appeals, no earlier than 2-26-2015, requesting determination be made that a non-conforming sign's useful life be extended beyond 2-26-2016.

(D) The Sign Board of Appeals, after hearing as provided in this chapter, may determine that the sign has a different useful life than established by the chapter, and if so, shall determine the remaining useful life of the sign.

(E) All petitions to extend the useful life of a non-conforming sign shall include the following information:

- (1) Copies of all leases for the sign for the last five years;
- (2) Copies of all maintenance records for the sign for the last five years;
- (3) A description of all deferred maintenance on the sign that needs to be accomplished and the estimated cost;
- (4) The square footage of the sign;
- (5) The height of the above ground level;
- (6) A drawing showing the position of the sign and all other structures on the parcel and all roads abutting the property;
- (7) Date when sign was installed; and
- (8) Initial capital cost of sign.

§ 153.062 NUISANCE.

An unsafe or abandoned sign that is declared a public nuisance shall be removed.

§ 153.063 INVENTORY.

The Department shall inventory all non-conforming signs within one year of the adoption of this chapter.

PERMIT REQUIREMENTS

§ 153.075 PERMIT.

A permit is not required for "signs authorized without a permit". A permit must first be obtained from the Zoning Department for all other signs. The permit process is not intended to review the content of the message to be displayed.

§ 153.076 APPLICATION.

(A) Applications for sign permits shall be made upon a form provided by the Zoning Department for this purpose.

(B) The application shall contain the following information.

- (1) Name, address, phone and, if available, fax and e-mail of the person applying for the permit;
- (2) Name, address, phone and, if available, fax and e-mail of the person owning the parcel upon which the sign is proposed to be placed;
- (3) Address and permanent parcel number of the property on which the sign is or will be located;
- (4) Identification of the type of sign (monument, freestanding, wall and the like);
- (5) Name of business or name of premises to which the sign belongs or relates;
- (6) 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;
- (7) Copy of stress sheets and calculations, if deemed necessary by the Department, showing the structure as designed for dead load and wind pressure as determined by the Building Code;
- (8) Name, address, phone and, if available, fax and e-mail of the person erecting the sign;
- (9) Other information as the Department may require showing compliance with this chapter and any other applicable laws;
- (10) The seal or certificate of a registered structural or civil engineer, when required by the Department;
- (11) The zoning district in which the sign is to be placed; and
- (12) A notice stating: "Any change in the information in this application, such as a change of address, shall be submitted to the Department within seven days after the change".

§ 153.077 SITE PLAN.

(A) Two copies of a sketch illustrating where the sign will be on the site with setbacks accurately dimensioned.

(B) The sketch should also show the location of all existing buildings, roads, parking areas, signs, entrances and exits on the site.

§ 153.078 SIGN DRAWING.

Two 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) The proposed graphic images and text to be displayed on the sign; and

(E) Additional information and detail as the Director of Community Development deems necessary and/or pertinent to the application.

§ 153.079 NEIGHBORHOOD IDENTIFICATION SIGNS.

(A) Applications for neighborhood identification signs shall include the following additional documents and information:

(1) A description of the property interest of the applicant and any other parties interest to the site where the identification sign will be located;

(2) Evidence, satisfactory to the Township Attorney, of the right to construct the identification sign on the site;

(3) Existing or proposed sign and landscape easement(s) for the identification sign; and

(4) Existing or proposed neighborhood identification sign construction and maintenance agreement.

(B) Applications for neighborhood identification signs shall be submitted and reviewed separately from the subdivision or site plan review process.

§ 153.081 REVIEW PROCEDURES.

(A) The Zoning Administrator or delegate shall have the authority to approve or deny applications for permanent signs. The zoning department shall review the application for conformance with the

requirements of this chapter. The Department 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 seven calendar days, excluding the day the application was received and township recognized holidays, for the following reasons.

(1) Sign applications that conform to all applicable chapter standards shall be approved.

(2) All applications for sign permits that are incomplete or do not meet the requirements of this chapter shall be denied.

(3) All sign applications must be submitted by the owner.

(4) 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 chapter.

(5) Approved applications for permanent signs shall be reviewed by the 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.

(B) The Department shall cause the applicant to be notified of the approval or denial via first class mail or other electronic means. The Township shall notify the applicant within seven calendar days, excluding the day the application was received and township recognized holidays.

§ 153.082 PERMIT FEES.

Permit fees for signs shall be established by resolution of the governing body of the township. The permit fees are based on the total cost of the sign.

§ 153.083 FALSE INFORMATION.

A person providing false information under this chapter shall be guilty of a civil infraction.

§ 153.084 PERMITS ISSUED.

Applicants meeting the provision of this chapter shall be issued a permit within 14 days of submitting an approved application.

ADMINISTRATION

§ 153.095 ADMINISTRATOR.

The Zoning Department (“Department”) shall appoint personnel to administer and enforce the terms and conditions of this chapter and all other provisions relating to signs.

§ 153.096 ENFORCEMENT.

The Department shall issue permits, as required by this chapter. The Department shall also ensure signs comply with this chapter and any other applicable law. The Department shall also enforce the requirement that all signs properly comply with this chapter by procuring a permit. The Department shall make inspections as may be necessary and shall initiate appropriate action to enforce compliance with this chapter and other applicable sign laws.

§ 153.097 DEPARTMENT POWERS.

(A) The Department shall have the power and authority to administer and enforce this chapter.

(B) Included among the powers are the following specific powers.

(1) 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.

(2) (a) 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.

(b) 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 or remediation. When on private property, the Department shall observe rules and regulations concerning safety, internal security and fire protection.

(c) 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 the warrant, the Department shall submit an affidavit setting forth a belief that a violation of this chapter 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 warrant to inspect 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 work order from the Department, work on any sign that is being conducted in any manner contrary to this chapter shall be immediately stopped. This notice and order shall be in writing and shall be given to the owner of the parcel, the sign owner, or to the person performing the work. The stop work order shall state the conditions under which work may be resumed. The Police Department shall have authority to enforce a stop work order.

(D) The Department has the authority to revoke any permit authorized by this chapter if the sign violates this chapter 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-

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 is endangered by any violation of this chapter, the Department may immediately revoke any sign permits.

(E) A sign installed after the effective date of this chapter, and not conforming to this chapter, shall be removed 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 provision of this chapter 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 chapter.

SIGN BOARD OF APPEALS

§ 153.110 GENERALLY.

The Township Planning Commission shall constitute the Sign Board of Appeals.

§ 153.111 APPEALS AUTHORIZED.

(A) (1) Any person allegedly aggrieved by a decision of the Department or the Administrator, as appointed pursuant to § 153.095, relative to the placement, area, height and construction of a sign may appeal the decision to the Township Sign Board of Appeals.

(2) The appeal shall be filed with the Township Zoning Administrator.

(B) The Sign Board of Appeals shall have power to interpret the provisions of this chapter in a way as to carry out the intent and purpose of this chapter. The authority to alter or change this chapter is reserved to the Township Board.

(C) Whenever the strict application of requirements of this chapter may pose demonstrable hardship or practical difficulty with regard to placement, area, height and construction of a sign an appeal for variance from the requirements may be filed with the Zoning Administrator on a form provided for that purpose.

(D) The Sign Board of Appeals shall have the power to interpret the provisions of this chapter in a way as to carry out the intent and purpose of this chapter. The authority to alter or change this chapter is reserved to the Township Board.

(E) The Zoning Administrator or his or her designee(s) shall then place the appeal on a regular meeting agenda of the Board of Appeals within 45 days of filing.

(F) Within 60 days of receipt, the Sign Board of Appeals shall render a final decision in accordance with the provisions of this chapter.

(G) Any decision of the Board shall not become final until the expiration of five 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.

§ 153.112 FEES.

Any person filing an appeal with the Township Sign Board of Appeals shall fill out the necessary appeal form provided by the Zoning Administrator and shall pay a filing fee, as established by resolution of the Township Board.

§ 153.113 APPEAL PROCEDURE.

(A) The Zoning Administrator or his or her designee(s) shall give notice of all hearings to all owners of record of real property within 300 feet of the premises in question; the 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 Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:

(1) The relevant administrative records and administrative orders issued herein relating to the appeal;

(2) The appeal form;

(3) The requisite written findings of fact, the conditions attached the decisions and orders by the Board of Appeals disposing the appeal, signed by the Chairperson of the Board; and

(4) Any other documentation submitted in support or opposition of the appeal.

(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.

§ 153.114 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 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 chapter, and that the extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.

(B) The Sign Board of Appeals shall return a decision upon each petition within 60 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 its regularly scheduled meeting.

(C) The concurring vote of a majority of the members present 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 required to consider or to effect any variation the provisions of this chapter.

(D) After a variance has been denied in whole or in part by the Sign Board of Appeals, then the petition shall not be resubmitted for a period of one year from the date of the last denial; provided however, that, a denied variance may be reconsidered by the Sign Board of Appeals within the one-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 the reconsideration.

(E) 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.

§ 153.115 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 reason 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.

§ 153.116 VARIANCES.

A variance may be allowed by the Sign Board of Appeals in cases only involving practical difficulties or unnecessary hardships when the evidence in the official record of the appeal supports all of the following affirmative findings:

(A) The alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the township;

(B) The alleged hardships or practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, or mere inability to attain a higher financial return;

(C) (1) Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance

of the variance, and will not be contrary to the public purpose and general intent and purpose of this chapter.

(2) The above findings of fact shall be made by the Sign Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories above. Every finding of fact shall be supported in the record of the proceedings of the Board.

(D) In the case of an appeal for extension of the useful life of a non-conforming sign, the Sign Board of Appeals finds that there is significant useful life remaining in the sign based on recent maintenance and initial capital costs that has not been amortized by the owner or lessee.

§ 153.117 REVIEW BY CIRCUIT COURT.

Any party aggrieved by a final decision of the Board of Appeals may obtain a review thereof both on the facts and the law in the County Circuit Court.

§ 153.118 PENALTY

(A) A violation of this chapter shall be a civil infraction and shall be punishable by a fine of not more than \$250.00. Any further violation of this chapter shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.

(B) Any violation of, or failure to comply with, this chapter is hereby declared to be a nuisance per se and may be abated by any and all available means, including without limitation, equitable relief by any court of competent jurisdiction. Any person violating this chapter shall pay the cost and expenses, including reasonable attorneys' fees, incurred by the township abating the nuisance.

§ 153.119 SEVERABILITY CLAUSE.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the Kochville Township Board that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Publication and Effective Date:

This ordinance shall take effect 30 days after adoption and publication.

Motion by _____ Support by _____,
to adopt *Ordinance 16-06*, known as the Kochville Township Sign Ordinance.

YEAS:

NAYS:

ABSTAINS:

ABSENT:

James Loiacano, Supervisor
Kochville Township

Kevin Machata, Clerk
Kochville Township

Certification

State of Michigan, County of Saginaw:

I the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No. 16-06, adopted by the Township Board of Trustees of the Township on the Nineteenth day of December, 2016, was recorded in full in the minutes of the meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: December 19, 2016

Kevin Machata, Kochville Township Clerk

Date of Publication:

Newspaper: