

**ZONING ORDINANCE
KEARNEY TOWNSHIP
ANTRIM COUNTY MICHIGAN**

**ARTICLE VIA
KEARNEY TOWNSHIP SIGN ORDINANCE**

Section 6A.01 TITLE. This Ordinance shall be known as the Kearney Township Sign Ordinance.

Section 6A.02 STATEMENT OF PURPOSE. These standards are adopted to:

- A. Maintain and enhance aesthetics of our community.
- B. Enhance pedestrian and traffic safety.
- C. Limit the intrusion of visual messages.
- D. Minimize the adverse effects of signs on nearby public and private property.
- E. Minimize driver distraction.
- F. Encourage native plants and landscaping materials.
- G. Avoid excessive signage.
- H. Protect and enhance the scenic views and natural landscape.
- I. Protect and enhance economic viability by assuring aesthetic appeal for tourists, resorters, visitors and residents.
- J. Promote the use of aesthetically pleasing sign materials and colors.
- K. Avoid obstacles, distractions or traffic hazards which impair a traveler's ability to see pedestrians, traffic signs or vehicles.
- L. Preserve the right to enjoy scenic amenities.
- M. Preserve public health, safety and welfare.
- N. Enhance the effectiveness of necessary directional and warning signs.
- O. Preserve property values.
- P. Provide for the effectiveness of permitted signs.
- Q. Reduce the blighting influence of signs.

- R. Protect the night sky from stray lighting.
- S. Avoid adverse lighting or reflection.
- T. Require structurally safe signs.

The standards in this ordinance are determined to be the minimum necessary to achieve the above stated purposes.

Section 6A.03 DEFINITIONS.

- A. **Abandoned:** A sign shall be deemed abandoned if:
 - 1. It does not display a well-maintained message for a consecutive one hundred twenty (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 Kearney Township.
 - 3. A structure designed to support a sign no longer supports the sign for a period of one hundred twenty (120) consecutive days.
- B. **Directional Sign:** A sign on private property without a commercial message to give directions such as entrance, exit or street number.
- C. **Electronic Message Sign:** A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combination of light emitting diode (LED's), fiber optic, light bulbs or programmable, microprocessor controlled displays. Electronic message signs do not include official or time and temperature signs.
- D. **Governmental Sign:** A sign authorized by this municipality, governmental agency, the State of Michigan, or federal government, for street direction, destination, hazardous condition, or traffic control purposes.
- E. **Ground Sign:** A sign authorized by this municipality, a governmental agency, the State of Michigan, or the federal government, for street direction, destination, hazardous condition, or traffic control purpose.
- F. **Owner:** A person owning a sign.
- G. **Parcel:** Contiguous real estate taxed as a single parcel on one side of a public road.
- H. **Permit:** The authorization for a sign issued by the Designated Agent.
- I. **Person:** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee and their legal successors.

- J. **Projecting Sign:** A sign affixed to any part of a building or structure which extends beyond the building or structure.
- K. **Residential Neighborhood Identification Sign:** A sign at the entrance of a residential neighborhood identifying the neighborhood.
- L. **Roof Sign:** A sign erected, constructed or maintained upon, or which projects above the roof line of a building.
- M. **Shared Sign:** A sign displaying more than one message on one sign: as in a strip mall, industrial park, and/or general office complex. This sign would be in addition to signs authorized in Section 5 of this ordinance.
- N. **Sign:** An object, including a structure, moveable object, wall or image displaying any message visible to the public.
- O. **Special Event Sign:** A sign for events such as grand openings, vehicle shows, displays, craft shows, benefits, fund-raisers, festivals and other limited term events.
- P. **Wall Sign:** A sign attached to, painted upon, placed against or supported by the exterior surface of any building.
- Q. **Video Display Sign:** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding contracting shapes, not including electronic message signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Section 6A.04 SIGNS AUTHORIZED WITHOUT A SIGN PERMIT. Subject to other applicable requirements and permits, the following signs are authorized without a sign permit.

- A. **Small Sign:** One sign per parcel, not illuminated, and not exceeding three (3) square feet in area. The sign may not exceed a height of forty-two inches (42") above ground level. Only one such sign is permitted for each parcel. This sign may carry lawful messages.
- B. **Governmental Sign:** Governmental signs are permitted.
- C. **Directional Signs:** Directional signs are permitted, however:
 1. Only one entrance/exit directional sign per legal driveway.
 2. A directional sign may not exceed one and one half (1.5) square feet.
- D. **Flags:** Two governmental flags are permitted per parcel. A flag pole may not exceed thirty (30) feet above ground level. Non-governmental flags are subject to this ordinance.

- E. **Warning Sign:** Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives are permitted. Warning signs may not exceed three (3) square feet.
- F. **Historical Site Signs:** A sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted. This sign shall not exceed ten (10) square feet.

Section 6A.05 SIGNS AUTHORIZED WITH A PERMIT. The Designated Agent may issue a permit for signs in accordance with the following provisions:

- A. **Commercial/Retail Wall and Ground Signs:** This category is intended to include commercial, retail, shopping centers, malls, central business districts, and business developments by any name. One wall sign and one ground sign are permitted for each commercial/retail parcel. Such signs shall not exceed ten percent (10%) of the area of the front face of the building on the parcel or one hundred (100) square feet, whichever is less. A ground sign may not exceed a height of ten (10) feet above the uniform finished grade. Signs may be placed inside the window areas of the buildings in commercial or retail zones. The sign area may not exceed ten percent (10%) of the area of the window. The window sign area shall be deducted from sign area permitted on the parcel.
- B. **Office Wall and Ground Signs:** This category is intended to include general office, service, medical, dental, etc. One wall sign and one ground sign are permitted for each office parcel. Such signs shall not exceed ten percent (10%) of the area of the front face of the building on the parcel, for fifty-six (56) square feet, whichever is less. A ground sign may not exceed a height of eight (8) feet above the uniform finished grade.
- C. **Industrial/Manufacturing Wall and Ground Signs:** This category is intended to include manufacturing, processing, warehousing, mini-storage and industrial research developments. One wall sign and one ground sign is permitted for each industrial/manufacturing parcel. Such signs shall not exceed ten percent (10%) of the area of the front face of the building on the parcel, or fifty-six (56) square feet, whichever is less. A ground sign may not exceed a height of eight (8) feet above the uniform finished grade.
- D. **Agricultural Commercial Wall and Ground Signs:** This category is intended to include farm markets and related activities. Two wall and ground signs are permitted for each agricultural commercial parcel. The aggregate area of all signs shall not exceed thirty (30) square feet. A ground sign may not exceed a height of eight (8) feet above the uniform finished grade.
- E. **Residential Neighborhood Identification Signs:** This category is intended to include the various uses permitted in residential zoning districts.
 - 1. **Residential Neighborhood Signs:** A residential neighborhood (single family subdivision, multiple family, attached housing development, etc) is permitted to have one residential neighborhood identification sign for each entrance street. Such signs shall not extend into any public right-of-way. The face of the sign shall not exceed

twenty-four (24) square feet. The height of the sign may not exceed eight (8) feet above the uniform finished grade.

2. **Non-Dwelling Use Signs:** A non-dwelling use in a residential area such as a school, a religious facility, an institutional use, a club house, etc., is permitted to have one ground sign and one wall sign, neither of which shall exceed fifteen (15) square feet in area. The height of a ground sign may not exceed eight (8) feet above the uniform finished grade.
- F. **Electronic Message Signs:** Will be permitted in the above categories as long as it meets the specified standards. Only ONE (1) electronic message sign will be allowed per site, which must be on-site. Electronic message sign time limits will be one (1) hour before opening time and one (1) hour after closing time.

Section 6A.06 SIGN PERMIT REQUIREMENTS.

- A. **Enforcement:** The Designated Agent shall administer and enforce this sign ordinance.
- B. **Permit:** A permit is not required for "Signs authorized without a permit." A permit must first be obtained from the Designated Agent for all other signs.
- C. **Application:** Application for sign permits shall be made upon a form provided by the Designated Agent for this purpose. 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. Location of the building, structure, and parcel on which the sign is to be attached or erected.
 4. Position of the sign in relation to nearby buildings, structures property lines, and existing or proposed rights-of-way.
 5. One copy 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.
 6. Copy of stress sheets and calculations, if deemed necessary by the Designated Agent, showing the structure as designed for dead load and wind pressure.
 7. Name, address, phone, and if available, fax and e-mail of the person erecting the signs.
 8. Such other information as the Designated Agent may require to show compliance with this sign ordinance, and any other applicable laws.

9. The seal or certificate of a registered structural or civil engineer, when required by the Designated Agent.
 10. The zoning district in which the sign is to be placed.
 11. A notice stating “Any change in the information in this application, such as a change of address, shall be submitted to the Designated Agent within seven (7) days after change.”
- D. **Permit Fees:** Permit fees for signs shall be established by governing body of Kearney Township. The permit fees must relate to the cost of issuing the permit and may vary based on size, type, and height of the sign.
- E. **False Information:** A person providing false information under this Ordinance shall be guilty of a misdemeanor.

Section 6A.07 PROHIBITED SIGNS. The following limitations, obligations, and prohibitions apply to all signs:

- A. **Absence of Permit:** Any sign for which a permit has not been issued and which is not a permitted sign is prohibited.
- B. **Public Property:** No portion of a privately-owned sign, or its supporting structures, such as poles or cable, 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.
- C. **Internally Lit-Light Background Sign:** Internally lit signs with a transparent or light background color are prohibited. Dark back ground internally lit signs are permitted when in compliance with other provisions of this ordinance.
- D. **Video Display Signs:** Video display signs are prohibited.
- E. **Revolving Signs:** A revolving sign is prohibited.
- F. **Traffic Interference:** A sign (other than a traffic sign installed by a Governmental entity) shall not simulate or imitate the size, lettering or design or any traffic sign in such manner as to interfere, mislead, or confuse the public.
- G. **Parked Vehicle:** Any sign on a motor vehicle or trailer which is parked in a position visible to traffic on a public road or parking area for a period longer than six (6) days in a sixty (60) day period is prohibited.
- H. **Portable and Special Event Signs:** Portable/moveable signs such as wheeled devices and sandwich boards, for a period of six (6) days in a sixty (60) day period are prohibited.

Section 6A.08 CONSTRUCTION REQUIREMENTS.

- A. **Material:** Signs should be made of materials that are weather tolerant.

- B. **Codes:** All signs shall conform to the latest edition of the applicable Building and electrical codes.
- C. **Fastenings:** All signs must remain safe and secure during the period of use.
- D. **Fire Escapes:** A sign may not obstruct a fire escape.
- E. **Lighting:** External lighting must be directed down only. A shield on top is required. Side shields may be necessary so that it will not glare into the road or adjacent property. Flashing, rotating and intermittent lighting are prohibited.
- F. **Proximity to Electrical Conductors:** Signs and all supporting structures shall be no closer to electric utilities than is permitted by applicable codes. No sign, including cables and supports shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
- G. **Sanitation:** Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
- H. **Landscaping:** The area beneath and around a sign shall be landscaped with native plants and material so as to complement the site and integrate the sign with buildings, parking areas and natural site features.
- I. **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.

Section 6A.09 NON-CONFORMING SIGNS.

- A. **Intent:** This Ordinance is intended to encourage the eventual elimination of signs, which do not comply with the ordinance. The elimination of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of any signs in violation of this ordinance. Therefore, this ordinance attempts to realize the removal of non-conforming signs and to avoid any unreasonable invasion of established property rights.
- B. **Continuance:** A non-conforming sign may be continued as long as it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. It may not be reestablished as non-conforming after damage or destruction.
- C. **Nuisance:** An unsafe or abandoned sign is declared a public nuisance which shall be removed.

Section 6A.10 FIRST AMENDMENT PROTECTION. The placement of directional signs, residential signs, neighborhood signs, historical site, signs and flags is specifically authorized in this ordinance. All other signs allowed under this ordinance may contain any lawful message.

Section 6A.11 ADMINISTRATION.

- A. **Administrator:** The Kearney Township Board shall appoint a designated agent to administer and enforce the terms and conditions of this ordinance and all other provisions relating to signs.
- B. **Enforcement:** The Designated Agent shall issue permits, as required by this ordinance. The Designated Agent shall also enforce the requirement that all signs properly comply with this ordinance by procuring a permit. The Designated Agent shall make such inspections as may be necessary and shall initiate appropriate action to enforce compliance with this ordinance and other applicable sign laws.
- C. **Powers:** The Designated Agent shall have the power and authority to administer and enforce this ordinance. Including among such powers are the following specific powers:
1. Every sign for which a permit is required shall be subject to the inspection and approval by the Designated Agent. The Designated Agent may request a drawing and/or photo with the proposed sign's specifications.
 2. Upon presentation of proper identification to the sign owner or owner's agent, the Designated Agent 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 Designated Agent may enter the sign area for purposes of inspection or remediation. When on private property, the Designated Agent shall observe rules and regulations concerning safety, internal security, and fire protection. If the Designated Agent 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 Designated Agent 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 Designated Agent to enter the sign area and to inspect the property.
 3. Upon issuance of a stop order from the Designated Agent, 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 owner of the parcel, the sign owner, or to the person performing the work. The stop order shall state the conditions under which work may be resumed. The Antrim County Sheriff Department shall have authority to enforce a stop order.
 4. The Designated Agent has the authority to revoke any permit authorized by this ordinance if the sign violates this ordinance or another law, provided the Designated Agent shall offer the sign owner an opportunity to be heard by the governing body. 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 governing body shall consider the merits of the case and shall present a written opinion prior to any action. If, however, the Designated Agent believes the health, safety, or welfare of the citizens is endangered by any violation of this ordinance, the Designated Agent may immediately revoke any sign permit.

5. A sign installed after the effective date of this ordinance, and not conforming to this ordinance, shall be removed by the owner. The sign owner shall not be entitled to compensation for the sign removal and shall reimburse Kearney Township for any costs incurred in connection with the removal.
6. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00) for each violation. Each day on which a violation occurs shall constitute a separate offense. In addition, injunctive and equitable relief, to assure compliance with this ordinance.

