

VILLAGE OF BIRCH RUN
ORDINANCE NO. 97-8

AN ORDINANCE TO AMEND THE VILLAGE OF BIRCH RUN ZONING ORDINANCE, AS ADOPTED IN SEPTEMBER 1989, AS AMENDED; BY AMENDING CHAPTER 5 "SIGNS REGULATIONS" SECTION 504 "EXEMPTIONS" THROUGH THE ADDITION OF SECTION 504(7) "BILLBOARD SIGNS" THERETO.

THE VILLAGE OF BIRCH RUN ORDAINS:

Section 1. Addition of Section 504(7), "Billboard Signs." Section 504, entitled "Exemptions," of Chapter 5, entitled "Sign Regulations," of the Village of Birch Run Zoning Ordinance is hereby amended by adding Section 504(7) to read as follows:

(7) BILLBOARD SIGNS.

(a) Definitions unique to billboard signs:

(1) "Abandoned billboard sign or abandoned billboard structure" means a sign or sign structure the owner of which has failed to secure a permit or has failed to identify the sign or sign structure or has failed to respond to notice issued under this ordinance.

(2) "Billboard sign" means a freestanding sign, which advertises an activity, business, product, or service not sold or conducted on the premise upon which the sign is located.

(3) "Billboard structure" means any assembled components, which make up a billboard sign including, but not limited to, uprights, supports, facing and trim.

(4) "Interstate highways" means a highway officially designated as a part of the national system of interstate and defense highways by the Michigan Department of Transportation (MDOT) and approved by the appropriate authority of the federal government.

(5) "Trivision sign face" means a sign that has three available sides of advertisement which slowly rotate so that only one side of the sign is viewed at any one time.

(b) Area(s) permitted.

Billboard signs shall be permitted adjacent to interstate highways.

(c) Distances Between Signs; Distance From Interchange or Intersections and Setback Requirements

(1) A billboard sign or structure shall be erected no closer than 1,000 feet to another sign or sign structure on the same side of the interstate highway.

(2) A billboard sign or structure shall not be erected within 1000 feet of any interchange or intersection.

(3) A billboard sign or sign structure shall not prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting or merging traffic.

(4) A billboard sign or sign structure shall have a one (1') foot setback from the edge of any right of way.

(d) Type Of Sign Permitted, Maintenance, Abandoned

(1) A billboard structure may contain one (1) or two (2) sides per facing and may be double-faced, back to back, T-type, V-type or trivision.

(2) A billboard sign or structure shall be designed by an architect or engineer licensed in the State of Michigan, and shall comply with the Village of Birch Run Building and Electrical Codes. Signs shall be constructed on structural or tubular steel supports which withstand a thirty (30) pound per square foot wind-stress factor. Wood framed signs are prohibited. All signs shall be on one pole except where multiple poles are required due to adjacent structures. Where the back of the sign is visible, it shall be painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

(3) Billboard signs shall be regularly maintained and in good state of repair. Maintenance shall include, but is not limited to, painting, repainting, cleaning, light bulb replacement. Ripped, tattered, faded or damaged signs or sign structures shall be repaired or removed within ten (10) days of receipt of a notice issued by the Village of Birch Run. Failure to repair or remove a sign or structure within the time set forth in such notice shall constitute abandonment of the sign or structure.

(4) Abandoned signs or structures shall constitute a nuisance per se, and may be removed by the Village of Birch Run at the cost of the owner.

(5) No billboard sign or structure shall be permitted on a parcel which is currently in violation of the Village of Birch Run Zoning Ordinance.

(e) Size, Height and Illumination.

(1) Billboard signs shall not exceed 672 square feet. The square footage is computed from the perimeter of the sign face. The size of odd shaped signs shall be computed by "boxing in" or "squaring off" the odd shape and calculating the square footage of same.

(2) Billboard signs or structures shall not exceed thirty-five (35) feet in height from grade of the interstate highway. The height is determined from the base of the support pole(s) at grade of the interstate highway to the top of the billboard sign or structure, whichever is greater.

(3) Billboard signs shall be illuminated in compliance with Section 507 "Illumination" of this ordinance.

(f) Prohibited Signs.

(1) Billboard signs shall not contain statements, words or pictures of an obscene, indecent or immoral character such as would offend public morals and decency.

(2) Billboard sign shall not purport to regulate, warn or direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device.

(g) Permit.

Except for signs in existence on the effective date of this ordinance, a permit shall be required prior to construction or erection of a billboard sign or structure within the Village of Birch Run. The Village Zoning Administrator shall grant or deny a permit for a billboard sign within a reasonable time after receipt of an application for the permit and payment of the permit application fee. The fee shall be established by resolution of the Village Council. The application shall include:

- (1) an engineered drawing of the proposed structure showing dimensions,
- (2) a description of the location of the proposed sign,
- (3) information identifying the property owner and the party installing the structure, including name(s), address(es), and phone number(s), and \
- (4) authorization of the property owner for erection and maintenance of the sign, if applicable.

A permit shall not be issued for a sign which is in violation of any provision of the Village of Birch Run Zoning Ordinance. A permit is valid for one (1) year from date of issuance. A permit shall become null and void if the sign for which the permit is issued is not completed within the one (1) year period.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

Section 3. Savings. All proceedings pending and all rights and liability existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 4. Effective date. This ordinance shall become effective the 4th day of October, 1997.

Village of Birch Run

By: William J. Buck

I hereby certify that the preceding ordinance was adopted by the Village of Birch Council at its regular meeting held Sept. 15, 1997, and published in the Birch Run Bridgeport Herald on Sept. 24, 1997.

Carol Worden
Carol Worden, Village Clerk