

Au Train Township Ordinance For the Regulation of Billboards

Purpose: This ordinance is enacted for the primary purpose, goals and objectives for maintaining traffic safety and for the prevention of traffic hazards, minimizing visual pollution, and the preservation or use of natural landscapes and protection of community character. Further, this ordinance is intended to maintain the scenic character of this particular area.

Definitions of Billboards/Signs: An outside sign advertising services, products, activities, persons or events that are not made, produced, assembled, stored, distributed, leased, sold or conducted upon the premises upon which the billboard/sign is located.

1. Permanent Billboards(s)/Signs— Any signage as described above that is placed along a state, federal or county road right-of-way with the intent of not removing said signage. This also includes signage that advertises seasonal or temporary operations exceeding ninety (90) days whether the signage is stationary or removed daily.
2. Temporary Billboard(s)/Signs— Any signage as described above that is placed with the intent of removing said signage upon completion of the advertised event, assembly or sale (Real Estate only) or within seven (7) days from the completion of the advertised event, assembly or sale.

Regulation of Billboards

Under Public Act 153 of 1990, the Highway Act of 1972 was amended to allow all general law and charter townships full authority to regulate billboards. Billboards may be established within business, commercial, industrial or town development districts bordering interstate highways, freeways or state primary highways and county roads provided that they meet the conditions set forth by MDOT, County Road Commissions and this ordinance.

1. No more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. Double-faced billboard structures (structures having back-to-back billboard faces) and v-type billboard structures having only one face visible to the traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirements set forth in Subsection 2 below.
 - a. Billboards shall be prohibited along the following designated corridors of special scenic and/or historic significance: cemeteries, parks, and other local scenic attractions.
 - b. Temporary signs must be free standing. They must be removed upon completion of said event or within seven (7) days of completion. Permits are not needed for temporary signs.
2. Billboards shall be located within 1000 feet of another billboard abutting either side of the same street, road or highway.
3. No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this distance shall be 300 feet.

4. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary line of the premises on which the billboard is located.
5. The surface display area of any side of a billboard shall not exceed 300 square feet. In the case of billboard structures with tandem or stacked faces, the combined display surface may not exceed 300 square feet. If a billboard abuts a portion of a two lane roadway with a posted speed limit of 45 mph or less than the allowed square footage shall be 75 square feet instead of the 300 square footage.
6. Advertisements smaller than the dimensions listed above shall be referred to as "signs" or billboards for clarification.
7. On secondary residential roads, no billboards shall be located within 200 feet of an existing residence, church or school. All signs or billboards found on these roads must be free standing.
8. The height of a billboard shall not exceed 30 feet above the grade of the ground on which it is located or the grade of the abutting roadway, whichever is higher. However, on residential roads, these heights shall not exceed 15 feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher.
9. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or roadway, the path of oncoming traffic or any adjacent premises. No billboard shall have flashing or intermittent lights, or shall the lights be permitted to rotate or oscillate.
10. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can be expected to occur in the vicinity. Billboards/signs advertising services or products must be constructed in such a manner as to appear professional in nature and not provide for visual pollution. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of the message.
11. A billboard established within a business, commercial, industrial or town development district bordering interstate highways, freeways or primary highways as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) shall , in addition to complying with the above conditions, shall also comply with all applicable provisions of said Act and the regulations promulgated there under as may be amended from time to time and those of this ordinance and those of the County Road Commission. Evidence of said compliance must be provided to the township board prior to a permit being issued by the township, this is to include evidence of permit renewal.
12. A person, firm or corporation shall not erect a billboard/sign within AuTrain Township without first obtaining a permit from the township, which permit shall be granted upon showing compliance with the provisions of this Ordinance and payment of a fee therefore. Permits shall be issued for a period of three (3) years, but shall be renewable upon inspection of the billboard/sign by the township designated official confirming continued compliance with this Ordinance and payment of the billboard/sign fee. The amount of the permit fee required hereunder shall be established by resolution of the AuTrain Township Board and shall bare a reasonable relation to the cost and expense of administering this permit requirement. Reasonable costs and expenses shall include, but not be limited to, time and materials. The AuTrain Township Board shall further have the right to amend the aforementioned resolution from time to time within the limits of reasonableness.
13. Upon this ordinance becoming effective, individuals who have billboards/signs will be given thirty (30) days to comply with the requirements of this ordinance.

Enforcement

A person responsible for violation of this ordinance shall be guilty of a Civil Infraction as defined in revised Judicature Act of 1961 (Excerpt) of Act 236 of 1961, as amended, Section 113, MCL 600.113, punishable by civil fine according to the following schedule: First offense, \$50.00: Second offense within one year, \$100.00,; Third offense and subsequent offenses within one year, \$150. For purposes of computing the one year period, time shall run from the date of the first offense.

Effective Date

This ordinance shall take effect on July 18, 2008. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Approved by the Au Train Township Board at a Regular Board Meeting held on June 11, 2008

Motion made for approval by: Trustee Gramm

Second: Treasurer Clapp

Ayes: Gramm, Clapp, Steinhoff, Rogers

Nays: None

Motion declared passed by the Au Train Township Trustee/Acting Chair Gramm.

By: Mary F Rogers 6/11/2008
Mary F. Rogers, Clerk Date:

Appeared for publication on: June 18, 2008 In the Munising News.