



# Brighton City Council Meeting

200 N First St • City Hall Council Chambers • Brighton, Michigan 48116  
(810) 227-1911 • [www.brightoncity.org](http://www.brightoncity.org)

**July 20, 2023 – 6:30 p.m.**

## **AGENDA**

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Consider approval of the agenda
5. Consider approval of consent agenda items

### **Consent Agenda Items**

- a. Approval of Minutes: [regular meeting of July 6, 2023](#)
- b. Approval of [Appointments to the Downtown Development Authority](#)
- c. Approval of [Appointments to the Planning Commission](#)

### **Correspondence**

6. Call to the public
7. Presentation of the Robertson Brothers donation
8. Proclamation: Brighton Area Historical Society
9. Staff updates
10. Updates from Councilmember liaisons to various boards and commissions

### **Public Hearing**

11. [Conduct a public hearing, second reading, and consider adoption of Ordinance 602: amendments and reorganization of Chapter 66 – Signs, of the City of Brighton Code of Ordinances](#)

### **New Business**

12. [Discussion and conduct a first reading for proposed ordinance 604: amendments to Chapter 46 and Chapter 70 of the City of Brighton Code of Ordinances regarding open burn and consider setting a public hearing for August 17, 2023](#)

### **Discussion**

13. Legal Counsel

### **Closed Session**

14. Consider entering into closed session for strategy session connected with the negotiation of a collective bargaining agreement pursuant to MCL 15.268 (c) of the Open Meetings Act

### **Other Business**

15. Call to the public
16. Adjournment



# Brighton City Council Meeting

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(810) 227-1911 • www.brightoncity.org

## MINUTES OF THE REGULAR MEETING OF THE BRIGHTON CITY COUNCIL HELD ON JULY 6, 2023

### 1. Call to order

Mayor Tobbe called the regular meeting to order at 6:30 p.m.

### 2. Pledge of Allegiance

### 3. Roll call

Present were Mayor Tobbe, Mayor Pro Tem Bohn, Councilmembers: Albert, Emaus, Gardner, Gipson, and Pettengill.

Staff Present: City Manager Gretchen Gomolka, City Clerk Tara Brown, Deputy DPS Director Corey Brooks, Regulatory Compliance/Water Treatment Superintendent Josh Bradley, Community Development Manager Mike Caruso, Human Resources Manager Michelle Miller, Chief Brent Pirochta, Attorney Stephanie Morita, and Attorney Sarah Gabis. There were approximately five people in the audience.

### 4. Consider approval of the agenda

Motion by Councilmember Gardner, seconded by Councilmember Gipson to approve the agenda as presented. The motion carried, 7-0.

### 5. Consider approval of consent agenda items

Motion by Councilmember Emaus, seconded by Councilmember Gardner to approve the consent agenda items as presented. The motion carried, 7-0.

#### Consent Agenda Items

- a. Approval of Minutes: regular meeting of June 15, 2023
- b. Approval the purchase of an Advantage Rapid Response safe from 360 Life Safety
- c. Approval of the purchase of ballistic plates from Pro-Tech not to exceed the purchase price of \$13,835
- d. Approval to purchase SWAT ballistic plates from Pro-Tech not to exceed the purchase price of \$3,300
- e. Approve the purchase of a Lazer X-Series Turf Mower from Weingartz in the amount of \$11,145

#### Correspondence

### 6. Call to the public

Mayor Tobbe opened the call to the public at 6:32 p.m.

Todd Buckley spoke regarding item 11 on the agenda, asking for another look at the proposed ordinance to ensure that hobby users are still permitted to use drones in the city.

Ken Schmenk thanked all who participated in the 4<sup>th</sup> of July parade and all staff, participants, and Meijer for all their efforts to make this parade a success.

Hearing and seeing no further comment, the call to the public was closed at 6:37 p.m.

### 7. Staff updates

Clerk Brown stated that the City of Brighton tent will be at the farmers market this Saturday, July 8, 2023 to answer questions, hand out freebies, and gather feedback.

Community Development Manager Caruso stated the Planning Commission will kick off the Master Plan review on September 18, 2023.

Superintendent Bradley provided several updates about the Main Street Streetscape, Grand River project, sidewalk removal and replacement, DPW garage, hot patch repairs, Wastewater Treatment Plant claricone #3 rehabilitation, Brighton Cove lift station, Summit Street water tower interior painting, Nelson Street SCADA work, water main installation at the Vistas on 2<sup>nd</sup> Street.

#### **8. Updates from Councilmember liaisons to various boards and commissions**

Councilmember Albert thanked the police department, Brighton Area Fire Authority, and all departments that made the parade a success. Mr. Albert stated that it was perhaps the best and longest 4<sup>th</sup> of July parade that he can remember attending.

Councilmember Emaus stated the Downtown Development Authority met on June 27, 2023, to execute two CSX lease agreements and terminate the LETS shuttle service.

Councilmember Gardner noted the Brighton Arts and Culture Commission will meet on July 10, 2023. Ms. Gardner thanked the city staff, Meijer, Brighton Area Fire Authority, and the police department for making all the necessary arrangements to ensure the city was able to hold the 4<sup>th</sup> of July parade this year. And a huge thanks to the firefighter who was on top of ladder 31 operating the spray hose.

Councilmember Pettengill thanked the twenty-seven volunteers that were out from Livingston Family Medicine Residency who donated their time to make improvements at the Imagination Station.

Councilmember Gipson thanked all that were involved with making the parade such a success. He noted the time and dedication of staff and various authorities who worked hard to formulate a route and plan.

Mayor Tobbe also thanked all who were able to make this year's 4<sup>th</sup> of July parade such a success even with all of the construction, teams worked together to find the best plan and route to ensure safety. Mr. Tobbe also thanked Community Development Manager Caruso for going above and beyond to help a resident after hours.

#### **Discussion**

#### **9. Consider Entering into Closed Session to Receive a Written Attorney-Client Privileged Communication Pursuant to section 8(1)(h) of the Open Meetings Act, MCL 15.268(1)(h)**

**Motion** by Councilmember Gardner, seconded by Councilmember Albert to enter into closed session at 7:02 p.m. to receive a written attorney-client privileged communication pursuant to section 8(1)(h) of the Open Meetings Act.

**The motion carried by roll call vote, 7-0.**

**Motion** by Councilmember Gipson, seconded by Councilmember Pettengill to come out of closed session at 8:30 p.m. **The motion carried, 7-0.**

#### **New Business**

#### **10. Consider approval to purchase an E.H. Wachs valve maintenance trailer from Wachs Utility Products for \$92,599.81**

**Motion** by Councilmember Pettengill, seconded by Councilmember Emaus to approve the purchase of an E.H. Wachs valve maintenance trailer from Wachs Utility Products for \$92,599.81. **The motion carried, 7-0.**

#### **11. Conduct a first reading and set a public hearing for August 17, 2023, for proposed ordinance 603: amendments to Chapter 42 "Environment," regulating the operation of unmanned aircraft (drones) of the City of Brighton Code of Ordinances**

**Motion** by Councilmember Gipson, seconded by Councilmember Emaus to table the first reading and set a public hearing for August 17, 2023, for proposed ordinance 603: amendments to Chapter 42 "Environment," regulating the operation of unmanned aircraft (drones) of the City of Brighton Code of Ordinances. **The motion carried by roll call vote, 7-0.**

**12. Conduct a first reading and set a public hearing for August 17, 2023, for proposed ordinance 604: amendments to Chapter 46 and Chapter 70 of the City of Brighton Code of Ordinances regarding open burning**

**Motion** by Councilmember Gipson, seconded by Councilmember Emaus to table the first reading and set a public hearing for August 17, 2023, for proposed ordinance 604: amendments to Chapter 46 and Chapter 70 of the City of Brighton Code of Ordinances regarding open burning. **The motion carried, 7-0.**

**13. Consider approval of an agreement with Aylwayrd Consultants, LLC DBA Abilita-Lansing to enter into a thirty-six-month agreement to review the telecommunications system to receive recommendations for improvements and possible savings**

**Motion** by Councilmember Emaus, seconded by Councilmember Albert to approve the agreement with Aylwayrd Consultants, LLC DBA Abilita-Lansing to enter into a thirty-six-month agreement to review the telecommunications system to receive recommendations for improvements and possible savings. **The motion carried, 7-0.**

**Other Business**

**14. Call to the public**

Mayor Tobbe opened the call to the public at 8:58 p.m. Hearing and seeing no comment, the call to the public was closed.

**15. Adjournment**

**Motion** by Councilmember Albert, seconded by Councilmember Gipson to adjourn the meeting at 8:58 p.m. **The motion carried (7-0).**

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Tara Brown, City Clerk



# City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

JULY 20, 2023

**SUBJECT: CONSIDER APPROVAL OF APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY**

**ADMINISTRATIVE SUMMARY**

- The Downtown Development Authority consists of thirteen members. The city has received five applications to fill two vacancies on the board. One of the applicants, Ashley Israel is seeking reappointment. The remaining applicants have not served on this board in the past and are seeking to fill the vacancy left by Lisa Nelson's departure. Please see the applications and resumes attached.

Prepared by: Gretchen Gomolka, City Manager

Attachments: Applications  
Resumes



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: ashley israel Email: ashley@detroitdevelopment.com

Address: (a) [REDACTED] Phone: (a) [REDACTED]

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Review                           | <input type="checkbox"/> Election Commission     |
| <input type="checkbox"/> Brighton Arts & Culture Commission        | <input type="checkbox"/> Planning Commission     |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Zoning Board of Appeals |

Years as City Resident: n/a

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):  
none

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?  
long serving current member

Experiences that are relevant to request: owner of brighton mall

**I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.**

Signature: Ashley Israel Digitally signed by Ashley Israel Date: 2023.06.08 10:04:42 -04'00' Date: 6/8/2023

*Please only submit this page.*

<b>For Office Use Only</b>	
Received By: _____	Date: _____

**ASHLEY J. ISRAEL**  
5640 W. Maple Road, Suite 101  
West Bloomfield, MI 48322  
Telephone: (248) 865-8864  
Facsimile: (248) 538-5234

(a) [REDACTED]

**WORK EXPERIENCE**

- 2004 – Present**      **Ashmark Construction, LLC**  
Member, Commercial Construction Company
- 2020 – Present**      **Ashmark Construction Contractors Inc. (Florida)**  
Member, Commercial Construction Company
- 1992 – Present**      **Israel & Weinbaum, P.L.C.**  
Principal Member - Law Office  
Private practice, including all aspects of real estate and commercial litigation and practice.
- 1992 – Present**      **Dale Investment Co., Inc.**  
Vice-President  
Commercial Real Estate owner and management company, including development of construction of commercial properties.
- Detroit Development Co., Inc.**  
President  
Commercial Real Estate owner and management company, including development of construction of commercial properties.
- Property portfolio includes ownership interest in **Brighton Mall Shopping Center, Brighton, MI** and Charrington Square Shopping Center, Brighton Township, MI.
- 1990 – 1992**      **Feiler, Joelson, Lakind & Rosenberg**  
Law office - Legal Associate  
General civil litigation practice.
- 1988 – 1990**      **Sommers, Schwartz, Silver & Schwartz**  
Law office – Legal Associate  
Commercial and banking law practice.
- 1985 – 1987**      **Brown & Weider Solicitors, London, England**  
Articled Clerk

**PROFESSIONAL QUALIFICATIONS**

- 2006 – Present**      State of Michigan Associate Broker License
- 2006 – Present**      State Certified Licensed Water Operator
- 1994 – Present**      Licensed Attorney Admitted to Practice in Good Standing Before Supreme Court of The United States

- 1992 – Present** Licensed Attorney Admitted to Practice in Good Standing Before The 6<sup>th</sup> Circuit Court of Appeals (Case Published)
- 1988** Master of Laws in Banking Law (L.L.M.)  
Boston University Law School, Boston, Mass
- Licensed Attorney Admitted to Practice in Good Standing Before the State of Michigan  
(Circuit & Court of Appeals)  
Federal District Court, Eastern District of Michigan
- Oakland County Bar Association - Former District Court Case Evaluator
- Oakland County - Former Circuit Court Case Evaluator
- Former Associate Member – The Royal Chartered Institute of Arbitrators
- 1987** Admitted – Solicitor to Supreme Court of England and Wales (Retired)
- 1983** Bachelor of Laws (L.L.B.) with honors  
London School of Economics, University of London
- 1979** Westminster School, Deans Yard, London

### **PUBLICATIONS**

- 1990** **Michigan Bar Journal**  
A pre-1992 guide to Europe for the American Attorney
- 1989** **Oakland County Bar Journal**  
An Englishman's view of two legal systems



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: HEIDI KASAB Email: hkasab@comcast.net

Address: (a) [REDACTED] Phone: (a) [REDACTED]

Attached Resume Yes:  No:  (a) Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Review                           | <input type="checkbox"/> Election Commission     |
| <input type="checkbox"/> Brighton Arts & Culture Commission        | <input type="checkbox"/> Planning Commission     |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Zoning Board of Appeals |

Years as City Resident: \_\_\_\_\_

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):

N/A

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?

I HAVE A VESTED INTEREST IN THIS COMMUNITY  
AND GENUINELY CARE ABOUT THE CITY & THE PEOPLE

Experiences that are relevant to request: \_\_\_\_\_

SEE RESUME

I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.

Signature: Heidi Kasab Date: 6.29.23

Please only submit this page.

**For Office Use Only**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_



June 29, 2023

Ms. Michelle Miller, Human Resources  
City of Brighton  
200 North First Street  
Brighton, MI 48116

Dear Ms. Miller:

Re: Downtown Development Authority Letter of Interest

I am writing to convey my interest in the vacant board position on Brighton's Downtown Development Authority.

As you will see from my attached resume, my qualifications speak for themselves. I have accumulated over 25 years of experience being a small business owner, 16 years of experience as a restaurateur, and 9 years working as a board member for two separate entities.

My husband Tony Kasab and I have been business owners in the Brighton area for over 13 years. We genuinely care about the city of Brighton, the people and Brighton's future. We have a vested interest in this community. Jameson's is a proud member of the Believe in Brighton campaign, a strong supporter of many local charities, and Brighton High School's athletic programs.

I look forward to hearing from you. My cell is (a) [REDACTED] and my email is (a) [REDACTED]

Thank you for your time and consideration. It would be my honor to serve the city of Brighton.

Respectfully,

A handwritten signature in black ink that reads "Heidi Kasab".

Heidi Kasab, Owner  
Jameson's Irish Pub & Dueling Piano Bar

# Heidi M. Kasab

Restaurateur, Small Business Owner, Board Member

(a) [Redacted]

## PROFILE

Restaurateur with 16 years of experience, small business owner with 25 years of experience, and board member with 9 years of experience.

### **Restaurateur**

2016 – Present, Royal Oak, MI

Currently own and operate *Duggan's Irish Pub* in Royal Oak, Michigan.

2010 – Present, Brighton, MI

Currently own and operate *Jameson's Irish Pub & Dueling Piano Bar* in Brighton, Michigan.

2007 – 2016, Royal Oak, MI

Owned and operated the following restaurants in Royal Oak, Michigan.

*Woody's Diner*

*526 Main Dueling Piano Bar*

*Tequila Blue Nightclub*

*ONYX Steakhouse*

### **Small Business Owner**

1998 --- Present, Milford, MI

Currently own and operate *KSK & Associates*, an environmental consulting group. Broker hazardous and non-hazardous waste removal and disposal.

### **Board Membership**

2007 – 2016, Royal Oak, MI

*Royal Oak Restaurant Association*, Treasurer

Strategized to attract people downtown. Organized pub crawls and events to generate funds for local charities such as Boys and Girls Club, CARE House of Oakland County, Royal Oak Animal Shelter, etc. Coordinated yearly events such as Arts, Beats & Eats.

2000 – 2004

*Women on the Move, College is an Option*

The University of Michigan, Dearborn, MI

Program introduced the University of Michigan to women receiving services through area non-profit agencies. Women learned how to further their education, classroom expectations, campus support groups and received mentorship from faculty and staff.

## EDUCATION

The University of Michigan

*Psychology major with Early Childhood Education minor*

Dearborn, MI

Davenport University

*Business Administration*

Dearborn, MI

## DETAILS

(a) [Redacted]

### PLACE OF BIRTH

Dearborn, MI

### NATIONALITY

American

### DRIVING LICENSE

Full

### LINKS

Linkedin

### SKILLS

Public Relations

Customer Service

Communications

Strategic Planning

Business Development

Community Outreach

Fundraising

Management

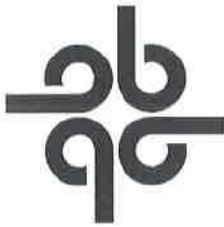
### AWARDS

*Chancellor's Staff*

*Recognition Award for Exceptional Performance* in recognition of generous and outstanding contributions toward achievement of the University of Michigan's mission

*"U Make a Difference"*

Award for positive influence and contributions to the University of Michigan



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

RECEIVED BY  
JUN 30 2023  
CITY OF BRIGHTON

**Applicant:**

Name: Lynn Wilde Email: Lynn@awildetheatre.com  
Address: (a) Phone: (a)

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Review                           | <input type="checkbox"/> Election Commission     |
| <input type="checkbox"/> Brighton Arts & Culture Commission        | <input type="checkbox"/> Planning Commission     |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Zoning Board of Appeals |

Years as City Resident: 0

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):

None

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?

I have been involved in several non-profit boards and I understand how they work. As a female business owner in downtown Brighton, I would like to help make a difference and be part of its continued success.

Experiences that are relevant to request: Worked with the Northville DDA for eight years and after 30+ years, I just retired as a board member and President of the Pinckney Players. The players are a non profit community theatre in Pinckney.

**I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.**

Signature: Lynn Wilde Date: 06/28/2023  
*Please only submit this page.*

<b>For Office Use Only</b>	
Received By: _____	Date: _____

# Lynnette M. Wilde

lynnwilde@hotmail.com

Linkedin.com/in/lynn-wilde-concannon/

(a)

**Objective:** Seeking employment as a CSA with Edelman Financial Engines

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## Knowledge, Skills, Abilities

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- Excellent phone skills answering/redirecting phone calls and taking messages in a professional and courteous manner
  - Excellent people skills greeting people, clients, and others to develop and maintain relationships
  - Highly organized, detail oriented, self-motivated, self-starter, and a team player
  - Experience doing payroll, billing, invoices to clients/others, payroll checks, books for the business, and other clerical functions
  - Data entry of client information into databases, searches, and retrievals, based on operational needs
  - Experience as hiring manager in checking applicant references, new hire orientation and associated tracking and documentation
  - Experience doing billing for U of M Surgery Associates and patient disability paperwork
  - Assist Boards of Directors and other directors in support of various tasks (proof and distribute minutes, status updates, follow up on director actions)
  - Experience with Microsoft office which includes Word, Excel, and PowerPoint, Google Doc's including Google Drive, calendar and other google applications and databases
  - In charge of office inventory/equipment and management (order supplies, call for service, etc.)
  - Work well under pressure and doing multiple concurrent tasks
  - Experience in event planning, and fundraiser events
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## EXPERIENCE

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### Haley Law Firm PLC

Site Acquisition

Brighton, Michigan

March 2022-present

Researching and negotiating lease contracts for wireless telecommunications sites

- Researching zoning and building requirements for new build and equipment upgrades to wireless communication towers. Completing the required paperwork so the work can be completed in a timely fashion
- Finding property owners in designated areas provided by the carrier to negotiate new build sites
- Researching property owners for buildings to complete leases
- Completing lease contracts for new site locations and for in-building sites

### Enter Point Advisor Network

Life and Annuity Manager of New Business

Brighton, Michigan

Jan. 2019-March 2022

Worked as the Administration Assistant and promoted two weeks later to Life and Annuity Manager for new business and contracting.

- In charge of all new business for Life Insurance and Annuity's for new clients. Working with Insurance Carriers and the agents to get policies in forced
- Executive Assistant to the CEO And COO
- Contracting & licensing for all our agents and in charge of all office needs
- Office Manager for our day-to-day needs
- Work with our CEO on her personal book of business, client services and CRM updates

### Right at Home

Senior Administrative Assistant

Brighton, Michigan

May 2018- Jan. 2019

- Answers telephone, directs calls and greeting and assists everyone who comes into the office
- Administration of the Maximizer database for all new clients, prospective clients, associates, and vendors
- Sets appointments for new applicants, and explains the initial application process
- Assists with recruiting, i.e. tracking incoming calls, number of applicants, and new hires
- Website creation including content, photos, video and related articles

- Researched information for mailing pieces to generate new leads for realtors
- Created social media content for marketing resources

### **Tipping Point Theatre**

Development & Marketing Director

Northville, Michigan

Dec 2009 – October 2017

- Demonstrated leadership, independence, integrity and strong communication skills
- Developed and implemented marketing plans and placed advertisement on social media, radio and other media formats. Wrote content for press release, correspondence, and solicitation letters
- Managed apprentice's and volunteers at the theatre and scheduled their day-to-day calendars around the theatre's needs (both inside and outside) and any additional projects
- Planned trade show events to advertise the theatre, from targeting the events, getting staff and volunteers to cover the shifts, and gathering the supplies needed for the booth. Organizing the setting up and break down of the events and follow up after the events with additional information, or follow through on additional information needed
- Created budgets for all events using Excel spread sheets and financial numbers for all grants

### **The Purple Rose Theatre Company**

Assistant Development Director

Chelsea, Michigan

Sept 1996 – Dec 2009

- Generated income for annual operations through grants, foundation, corporations, major gift giving and individual donors. Acknowledge gifts and donations in a timely manner
- Coordinated special events, movie premieres and golf outing which brought in over half a Board of Directors to achieve yearly financial goals
- Made travel arrangements for special events held out of town, including hotel, meals and travel to and from the airport and events
- Maintained databases, updated donors' records and use of PowerPoint for recognition
- Worked with the audit firm for audit of year-end taxes

### **Portage Lake Trading Post**

Owner

Pinckney, Michigan

Oct 1986 – Dec 1999

- In charge of all daily, monthly and yearly books for the business, including payroll, sales tax, monthly and quarterly statements
- Hired and worked directly with 13 employees and managed the store on a daily basis
- Ordered merchandise, worked with salespeople and maintained product for sale
- Assisted customers, hiring and firing employees, plus all issues related to running a business

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## **VOLUNTEER EXPERIENCE**

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### **Pinckney Players**

Board President

Pinckney, Michigan

1991 – Present

- Conduct board meetings, create agenda, work with special committees and volunteers
- Work directly with Pinckney Comm. Education for theatre scheduling and theatre improvements
- Direct theater productions from volunteers of 12 – 125 cast members. Leading all teams for costume, props, set build, orchestra players, choreographers, etc.
- Produced theatre productions, from creating show designs (posters, t-shirts, advertisement) to working with local and social media to market productions
- House managed shows from selling tickets and ushering patrons to collecting money for cast member's dues

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## **SKILLS & INTERESTS**

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- Detail & Deadline Oriented • Microsoft Office • Excel • Power Point • Word • Website Content • Database  
 • Excellent Communication • Helping People • Boating • Theatre (acting and directing) • Singing • Cooking



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: Robert Johnson Email: rob@waynedia.com  
Address: (a) [REDACTED] Phone: (a) [REDACTED]

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Review                           | <input type="checkbox"/> Election Commission     |
| <input type="checkbox"/> Brighton Arts & Culture Commission        | <input type="checkbox"/> Planning Commission     |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Zoning Board of Appeals |


Years as City Resident: 0

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):  
N/A

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?  
See attached document.

Experiences that are relevant to request: See attached document.

I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.

Signature:  Date: 6/23/23  
*Please only submit this page.*

**For Office Use Only**  
Received By: \_\_\_\_\_ Date: \_\_\_\_\_



CHIEF EXECUTIVE, WAYNE MEDIA GROUP

# ROB JOHNSON

## GET IN CONTACT

(a) [REDACTED]  
@thatrobjohnson

rob@waynemediamedia.com  
www.waynemediamedia.com

117 E Grand River Ave • Brighton, Michigan 48116

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## PERSONAL PROFILE

I am the CEO and founder of Wayne Media Group and Speakeasy Podcast Network. I specialize in local to regional marketing for small to mid-level businesses.

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## AREAS OF EXPERTISE

- Digital advertising and strategy
- Graphic design
- Website development and design
- Audio engineering
- Marketing strategist
- Small business advisor
- Videography
- Photography
- Organizational Development

---

## PLATFORM EXPERTISE

- Facebook
- Instagram
- LinkedIn
- Google My Business
- Google Ads
- YouTube
- AdEspresso
- Loomly
- Asana PM
- ClickUp

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## WORK EXPERIENCE

### CEO, FOUNDER & CREATIVE DIRECTOR

Wayne Media Group | 2018 – Present

- Oversee a group of 15+ individuals responsible for marketing production
- Oversee Speakeasy Podcast Network operations and franchises
- Oversee all creative content and advertising
- Financial controller

### COMMUNITY BOARD POSITIONS

- **BRIGHTON CHAMBER OF COMMERCE (2021 – PRESENT)**
- **WORK SKILLS FOUNDATION (2022 – PRESENT)**

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## EDUCATION HISTORY

### SPRING ARBOR UNIVERSITY (2018)

Master of Business Administration, Organizational Development

- 3.9 GPA
- Thesis on employee retention and onboarding practices
- Concentration in marketing development and deployment

### BAKER COLLEGE OF OWOSSO (2016)

Bachelor of Business Administration, Finance and Business

- Minor in Marketing
- Student Outreach Treasurer





# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: Todd Buckley Email: todd@buckleyjolley.com

Address: (a) [REDACTED] Phone: (a) [REDACTED]

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Review                           | <input type="checkbox"/> Election Commission     |
| <input type="checkbox"/> Brighton Arts & Culture Commission        | <input type="checkbox"/> Planning Commission     |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Zoning Board of Appeals |

Years as City Resident: 1 day

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):  
None

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?

I have been involved as a downtown business owner in the Streetscape project, frequent attendee of DDA and City Council meetings and local Real Estate Broker/Realtor for 26 years and I would like to take a more active role in the City of Brighton.

Experiences that are relevant to request: In addition to being a co-owner of two downtown Brighton businesses and our building, I am a two-time former president and board member Livingston County Assoc. of Realtors, Michigan Realtors former Policy Committee Member and Chair, Lifetime Member of BAHS, and founding member of a non-profit offshore lighthouse.

**I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.**

Signature:  Date: 6.22.23  
*Please only submit this page.*

<b>For Office Use Only</b>	
Received By: _____	Date: _____

June 22, 2023

City of Brighton, MI  
200 N. First St.  
Brighton, MI 48116

To Whom It May Concern,

I would like to submit my résumé for consideration for the upcoming City of Brighton Downtown Development Authority Board position.

I am a lifelong resident of the Brighton area and as of this month also a City of Brighton resident at 215 S. 4<sup>th</sup> St. My wife, Natalie, and I own two businesses on Main St.: Buckley Jolley Real Estate Team and Wallflower Mercantile and we are co-owners of the building.

I have been a local real estate broker for over 26 years with experience volunteering on state and local boards for our real estate trade organization, serving as chair or president on many of those. I am very comfortable with parliamentary procedure, the details of committees, tasks, projects, budgets, big ideas that benefit the organization, and working together with other members for a common good.

Over the past 3 ½ years, I have also taken a high interest in the City of Brighton's Streetscape project, attending nearly every formal and informal public meeting. I have great respect for the work and effort it has taken to get to the current status of the project. I have also attended most of the DDA meetings over the past 2 years along with many City Council meetings.

We are proud Lifetime Members of the Brighton Area Historical Society, and we donate \$5 for every historical business t-shirt sold at Wallflower Mercantile to BAHS. Honoring the history of the community is an important factor in molding the future of the community.

Having lived in the Brighton area my whole life and owning businesses and a building on Main St., I believe I could bring a unique perspective to the DDA, if appointed. As a new member, I would take time to understand the dynamics of the group and appreciate the historical knowledge and experience other board members offer.

I loved Brighton in 1977 and I love the downtown even more today. I am excited to see the improvements and necessary smart growth for this desirable community.

Thank you for your consideration and please let me know if I should supply additional information.

Sincerely,



Todd Buckley

(a) [REDACTED] todd@buckleyjolley.com

# TODD BUCKLEY

As a lifelong Brighton area resident and longtime business owner, I am looking for a new volunteer opportunity to serve my community.

## CONTACT

PHONE:

(a) [REDACTED]  
810.229.7000 office

EMAIL:

[todd@buckleyjolley.com](mailto:todd@buckleyjolley.com)

OFFICE ADDRESS:

314 W. Main St.  
Brighton, MI 48116

HOME ADDRESS:

(a) [REDACTED]

WEBSITES:

[www.BuckleyJolley.com](http://www.BuckleyJolley.com)

[www.WallflowerMercantile.com](http://www.WallflowerMercantile.com)

[www.NorthManitouLightKeepers.org](http://www.NorthManitouLightKeepers.org)

## EXPERIENCE

---

### **Buckley Jolley Real Estate Team – Broker/Owner**

2004 - Present

Built and managed a start-up independent real estate company. In addition to managing the team, I work with both home sellers and buyers with their sales, oversee marketing and client appreciation events, coordinate economic forecasting, company finances and budgets, and work on business development. And like any other small business owner, I do whatever needs to be done.

### **Wallflower Mercantile – Member/Owner**

2021- Present

Assisted with a start-up retail shop, work on special projects and business development, and helped implement festival presence for the shop.

### **Keller Williams Realty & Griffith Realty – Associate Broker**

1997-2004

Assisted home sellers and buyers with home selling/buying process.

## VOLUNTEER WORK, COMMITTEES, BOARDS, & LEADERSHIP

---

### **North Manitou Light Keepers – Founding Member**

2016-Present

Working to restore an offshore (Lake Michigan) lighthouse to its former grandeur while building a team of volunteers and giving tours to both members and guests. Also served as Treasurer and assist with grant applications and implementation of this non-profit organization.

### **BSA Troop 350, Brighton – Asst. Scoutmaster & Merit Badge Counselor**

2017-2022

Supported the troop with rank advancement, merit badge completion, high adventure trip planning, and mentorship.

### **Michigan Realtors – Public Policy Committee Member and Chairperson**

2017-2021

Worked with staff to support private property rights and encourage sensible legislation in Michigan. Served as Chairperson in 2020 assisting staff in communication with the Governor's office to have Realtors released in the first wave of the COVID shutdown.

### **Livingston County Association of Realtors – Board of Directors**

2002-2009 & 2013-2017

Served as President of the local trade organization in 2009 & 2016 and as Treasurer in 2006 & 2007. Represented 700 Realtor members with local, state, and federal real estate related issues and policy. Also served on the following committees: Finance, Professional Standards, Grievance, Forms, and Education. LCAR Realtor of the Year 2006 & 2017.

### **SELCRA, Hamburg Rush Soccer, Brighton Blaze Baseball**

2003-2014

Volunteer coach for soccer and baseball.

## EDUCATION

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### **Michigan State University**

1991-1996

Bachelor of Science Degree - College of Agriculture and Natural Resources. Dean's List. President of the student organization for undergraduate major.



# City of Brighton

REPORT FROM THE CITY MANAGER TO CITY COUNCIL

JULY 20, 2023

**SUBJECT: CONSIDER APPROVAL OF APPOINTMENTS TO THE PLANNING COMMISSION**

**ADMINISTRATIVE SUMMARY**

- The Planning Commission consists of nine members. The city has received two applications to fill two vacancies on the board. One of the applicants, Chuck Hundley is seeking reappointment. The other, James Johnston, has not served on this commission in the past and is seeking the vacancy left by Mike Schutz. Please see the applications and resumes attached.

Prepared by: Gretchen Gomolka, City Manager

Attachments: Applications  
Resumes



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: Chuck Hundley Email: (a) [REDACTED]

Address: 925 W. Main St. Phone: (a) [REDACTED]

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Review                    | <input type="checkbox"/> Election Commission            |
| <input type="checkbox"/> Brighton Arts & Culture Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Downtown Development Authority     | <input type="checkbox"/> Zoning Board of Appeals        |

Years as City Resident: \_\_\_\_\_

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):

None

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?

Have served the last two years and find it fulfilling to be able to give back to the community where I have lived my life.

Experiences that are relevant to request: I have been in construction for over 40 years I'm past president of the carpenters. I work in construction with Sachse out of Detroit

**I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.**

Signature: Chuck Hundley Digitally signed by Chuck Hundley Date: 2023.06.28 14:42:05 -04'00' Date: \_\_\_\_\_

*Please only submit this page.*

**For Office Use Only**

Received By: \_\_\_\_\_ Date: \_\_\_\_\_



# CHUCK HUNDLEY

Client Services



**WHY CHUCK?** // Over \$500,000,000 in retail spaces built // Over 1,500,000 SF in retail work completed // Worked with over 200 brands

## ROLE AND RESPONSIBILITIES

Chuck Hundley has over 45 years of experience in the construction industry as a Project Manager, and Superintendent, and his extensive experience with retail, airport, and restaurants has made him a versatile and valuable member of our team. Chuck served as President of the Carpenter’s Union, and headed their apprenticeship program as well. He currently acts as Client Services and has successfully overseen many challenging, high-profile projects. It is his logistical approach and commitment to the bottom-line, combined with his keen instincts for developing strategic alliances with clients, business partners, trade partners, regulatory agencies and on-site construction personnel that have proven critical to his success. Responsibilities include:

- Managing the day to day operational and tactical aspects of all retail construction projects
- Overseeing retail tenant coordinators, superintendents, and project managers
- Leading retail project team including recruiting, hiring, training, and supervising
- Communicating clearly and effectively with clients
- Assembling and upkeeping project scheduling

## EDUCATION + EXPERIENCE

45 Years of Experience  
Journeyman Carpenter

## CREDENTIALS

OSHA 30-Hour, CPR & First Aid

## AFFILIATIONS

International Council of Shopping Centers (ICSC), Chain Store Age (CSA), National Retail Federation (NRF), Retail Contractor’s Association (RCA), SPECS

## SELECT CLIENTS

Chuck has worked with hundreds of retail clients throughout his career. The below list highlights select clients:

- Amazon Books
- Banana Republic
- Brooks Brothers
- Calzedonia
- Club Monaco
- Converse
- David Yurman
- Emporio Armani
- Estée Lauder
- GAP
- Giorgio Armani
- Givenchy
- Golden Goose
- Gucci
- Howard Hughes
- Hugo Boss
- Intimissimi
- Jimmy Choo
- L.L.Bean
- Louis Vuitton
- MAC
- MaxMara
- Moosejaw
- Nike
- Omega
- Pandora
- Pottery Barn
- Restoration Hardware
- Robert B. Aikens
- Salvatore Ferragamo
- Shinola
- Soft Surroundings
- Starwood Retail Group
- Swarovski
- Tapper’s Fine Jewelry
- Tesla
- The Taubman Company
- The Forbes Company
- Tiffany & Co.
- Tory Burch
- Tumi
- Versace
- Warby Parker
- Whole Foods Market



# APPLICATION FOR APPOINTMENT CITY BOARD OR COMMISSION

**Applicant:**

Name: James R. Johnston Email: (a) [REDACTED]

Address: 946 Oak Ridge Circle, Brighton, MI 481 Phone: (a) [REDACTED]

Attached Resume Yes:  No:  Registered Voter in the City of Brighton Yes:  No:

In debt to the City of Brighton Yes:  No:

**Board/Commission:** Please check all that you would be willing to serve (see attached descriptions):

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Review                    | <input type="checkbox"/> Election Commission            |
| <input type="checkbox"/> Brighton Arts & Culture Commission | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Downtown Development Authority     | <input type="checkbox"/> Zoning Board of Appeals        |

Years as City Resident: 12

Identify any potential conflicts (relatives that work for the City, financial agreements with City, etc.):  
No.

Why would you like to be on the Board(s)/Commission(s) you have selected (attach pages, if needed)?  
See Attached.

Experiences that are relevant to request: See Attached.

I hereby certify that I do not have any outstanding debts with the City of Brighton and all the statements made in this application are true, complete, and correct, to the best of my knowledge and belief and are made in good faith.

Signature: [Handwritten Signature] Date: 6.29.2023  
*Please only submit this page.*

<b>For Office Use Only</b>	
Received By: _____	Date: _____

### **Why would you like to be on the City of Brighton Planning Commission?**

I have lived in Brighton for over 10 years now and lived in Livingston County for a collective 20 plus years. My family's home is within the City of Brighton, and I work in the Brighton & Howell area. I care deeply about this community and wish to assist our appointed officials in the thoughtful and conscientious improvement of such a great city.

Having spent over 10 years in finance industry as a commercial banker. I know the importance of solid development proposals, as well as how crucial it is that a project be properly vetted to ensure it is in alignment with the overall city vision. Having worked with developers that have executed their development projects seamlessly, and then those that have not, I have a great appreciation and desire to be a part of our planning commission process. I have high regard for collective bodies that objectively review and recommend planning recommendations, as this is ultimately what assists in the long-term success of any community.

Being a part of the City of Brighton Planning Commission would allow me to give back to a community I love and have benefited from. I view it as a responsibility to use my skills to assist our governing bodies in a capacity that improves the economic development and quality of life that we all want for Brighton.

### **Experiences that are relevant to request:**

- Over 10 years in commercial banking and 15 years of experience in financial consulting.
  - I am currently an Officer and Vice President of a local community bank.
- Was Chairperson for the Livingston County Community Investments Council, which functions as stewards of Livingston County's local donors to the various not-for-profit organizations in our community.
  - Required leadership, planning, and delegation of a committee of 12 plus members.
  - Responsible for regularly reviewing organization plans, as well as monitoring that objectives were met.
- Current Vice President of the Board of Livingston County United Way
- Regularly work in committees and as a team with groups to accomplish a common goal.
- Have functioned in leadership roles in many other local organizations, as well as volunteered in many community related functions.

# James R. Johnston

946 Oak Ridge Cir. Brighton, MI 48116 (a)

(a)

---

## Key Skills

*Sales/Business Development ~ Lead Generation/Conversion ~ Management ~ Client Base Development  
Closing ~ Effective Negotiation ~ Strong Customer Service*

---

## CAREER HIGHLIGHTS

- National Achiever
- Consistently increase bottom-line profits
- Nationally recognized in multiple positions for excellence
- Trainer

## PROFESSIONAL EXPERIENCE

### BANK OF ANN ARBOR

Commercial Lender, Vice President - *Southeast Michigan* December 2021 - Present

- **Manage** a business banking portfolio that exceeds over \$45 million in loans and \$15 million in deposits.
- On track to close approximately \$18+ million dollars in loans for 2022

### FIRST NATIONAL BANK IN HOWELL

Commercial Lender, Vice President - *Southeast Michigan* November 2018 - November 2021

- **Grew** commercial portfolio from \$7 million in loans to over \$35 million prior to Bank of Ann Arbor's acquisition of the bank.
- With a team of four other individuals, **developed** Payment Protection Plan internal processes for booking, documenting and forgiving loans.
- **Planned and coordinated** Bank's joint marketing and prospecting efforts between commercial and retail divisions on a quarterly basis.

### JPMORGAN CHASE & Co.

Relationship Manager - *Greater Lansing Area, MI* April 2012 - Present

- Left bank ranked **#1 for Mid-West Community Markets** in production and overall customer satisfaction.
- **Manage** a business banking portfolio that exceeds over \$40 million in deposits, \$35 million in loans.
- **Provide support** to eight branches and their staff on knowledge of business, finance, banking, and credit solutions to identify solutions that best serve the client.
- **Train & supervise thirteen bankers** on proper profiling of clientele for effective lead generation, as well as to ensure protection of the firm by following sound risk management protocols and adhering to regulatory requirements.
- **Assess credit worthiness** of clientele through analysis of business contracts, tax documents, quarterly financials, and business models.
- **Develop and manage** a disciplined marketing process by identifying steps/strategies necessary to effectively maintain and build relationships with clients and prospects. Regularly review processes and strategies with supervisor, making adjustments as needed.

Small Business Specialist - *Ann Arbor, MI Region* January 2011 - March 2012

- **Ranked "National Achiever"** within the **top three percent** of 23,000 bankers nationwide for 2012.
- **Improved revenue** for bank on overall deposit balances made by business customers by **20%** in 2011.

- **Analyze** customers' financial situation, along with their profitability for the bank, and then present and sell appropriate investments, merchant services, commercial banking products, and lending solutions to **deepen relationship and increase profit margins.**
- Two time national "**Most Valuable Person**" award winner for sharing and implementing proven successful sales techniques.
- **Proactively manage** and **network** existing business clientele book to **identify needs** and gain referrals necessary for acquiring new business.

## REYNOLDS & REYNOLDS COMPANY

**Sales Specialist – Integrated Document Solutions – Kentucky Area** June 2010 - January 2011

- **Consistently exceed quota** through sales of key focus products, promotional items, apparel, LAW compliance forms, and market branding solutions.
- Developed trusting relationships with my top ten grossing dealerships, resulting in an **18% increase in sales over my predecessor.**
- **Awarded national recognition** for developing a new marketing plan for this year's key focus advertising product.

**Sales Specialist – Integrated Document Solutions – New England Area** August 2007 - May 2010

This was a temporary challenge assignment and in 11 months I was able to accomplish the following:

- **Consistently achieved over 100% quota**, securing **first-place ranking** within my region.
- **Rescued seven top-grossing sales accounts** from converting over to competitor, and signed these accounts onto contracts that **ensured exclusivity as vendor.**
- Submitted proposal that **resolved high employee turnover and customer service issues within region** (reduced geography needing to be travelled by sales representative, which resulted in more customer attention and focused sales opportunities).
- **Successfully trained a new sales associate** for one of the newly split territories.

**SPORTS FAN MARKETING, INC. – Travel Nationally**

November 2006 – August 2007

**Retail Manager – Special Events Sales**

- Consistently ranked as **top sales performer** throughout employment.
- **Managed** and set appropriate individual performance goals for employees to meet or exceed company standards.

## EDUCATION

**Bachelor of Arts in Sociology**, Michigan State University, East Lansing, 2001

## TRAINING / LICENSES / CERTIFICATIONS

- **Series 6** Investment License, 2011
- **Series 63** Investment License, 2011
- **Life & Annuities** Insurance License, 2011



# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL JULY 20, 2023

**SUBJECT: CONDUCT A PUBLIC HEARING, SECOND READING, AND CONSIDER ADOPTION OF ORDINANCE - 602. AMENDMENTS AND REORGANIZATION OF CHAPTER 66 – SIGNS, OF THE CITY OF BRIGHTON CODE OF ORDINANCES**

### ADMINISTRATIVE REVIEW

- The structure of the current sign ordinance is confusing and leads to the repetition of information. Within the proposed draft, information has been grouped together for clarity and the ordinance has been reorganized to streamline its content and make it easier to navigate.
- The ordinance has been reorganized into the clearzoning format.
- Another guiding element for this revision is the need for sign ordinances to comply with the Supreme Court's 2015 Gilbert vs. Reed decision, which limited communities' ability to define and regulate signs based on their content.
- Gilbert vs. Reed declared the regulation of signs based on their content unconstitutional. The updated ordinance takes a conservative approach to regulations that could be interpreted as pertaining to content.
- The draft ordinance was prepared by city staff and Giffels Webster, the city planning consultant.

### RECOMMENDATION

Staff recommends City Council conducts a public hearing, second read, and consider adoption of ordinance 602 as presented.

City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other \_\_\_\_\_

Prepared by: Michael Caruso, Community Development Manager

Approved by: Gretchen Gomolka, City Manager

Attachments: 1. Updated Sign Ordinance – Proposed Final Draft

ORDINANCE NO. 602

ORDINANCE TO AMEND CHAPTER 66 "SIGNS" OF THE CITY OF BRIGHTON CODE OF ORDINANCES TO REPEAL SECTIONS 66-1 THROUGH 66-100 AND TO ADOPT NEW SECTIONS 66-1.1 THROUGH 66.6.4.

THE CITY OF BRIGHTON ORDAINS:

Section 1. Amendment to Chapter 66 to Article XI of Chapter 22 to repeal Sections 66-1 through 66-100.

Sections 66-1 through 66-100 are repealed.

Section 2. Amendment to Chapter 66 to add new Sections 66-1.1 through 66-6.4.

Chapter 66 is hereby amended to adopt Sections 66-1.1 through 66-6.4 as shown in Attachment A to this Ordinance, which is hereby incorporated herein.

Section 3. Repealer.

Any ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

Section 4. Severability.

The provisions of this Ordinance are severable. If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provisions of this Ordinance.

Section 5. Effective Date.

This ordinance shall take effect fifteen (15) days after enactment, and after publication as provided by law and the Charter.

YEAS: Council Member(s) \_\_\_\_\_

NAYS: Council Member(s) \_\_\_\_\_

ABSTAIN: Council Member(s) \_\_\_\_\_

ABSENT: Council Member(s) \_\_\_\_\_

CERTIFICATION

As the City Clerk of City of Brighton, Livingston County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the City of Brighton Council at a regular meeting held on \_\_\_\_\_, 2023.

Date: \_\_\_\_\_, 2023

City Clerk \_\_\_\_\_

Tara Brown

Introduced: \_\_\_\_\_, 2023

Adopted: \_\_\_\_\_, 2023

Published: \_\_\_\_\_, 2023

Effective: \_\_\_\_\_, 2023

ATTACHMENT A TO ORDINANCE 602

ORDINANCE TO AMEND CHAPTER 66 "SIGNS" OF THE CITY OF BRIGHTON CODE OF ORDINANCES TO REPEAL SECTIONS 66-1 THROUGH 66-100 AND TO ADOPT NEW SECTIONS 66-1.1 THROUGH 66.6.4.



# Chapter 66

## City of Brighton

### Sign Ordinance

Effective DATE

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# Table of Contents with Sections




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# How to Use This Ordinance

## 1. SYMBOLS AND USER NOTES

The following symbols are used throughout the Sign Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.

## 2. READING THE ORDINANCE


Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains many terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

### Digital User Note:

#### What is a link?

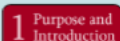
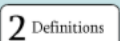
A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.




 If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

#### What information is linked?

All **blue text** is linked to either another page within the Ordinance, a separate City ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:

  **Article tabs** located on the side of each page are linked to the Contents page of each Article.

   **Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



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# *Chapter 66*

## *Article 1.0*

### *Purpose and Intent*

**1** Purpose and Intent

**2** Definitions

**3** General Regulations

**4** Zoning District Regulations

**5** Specific Regulations

**6** Admin and Enforcement

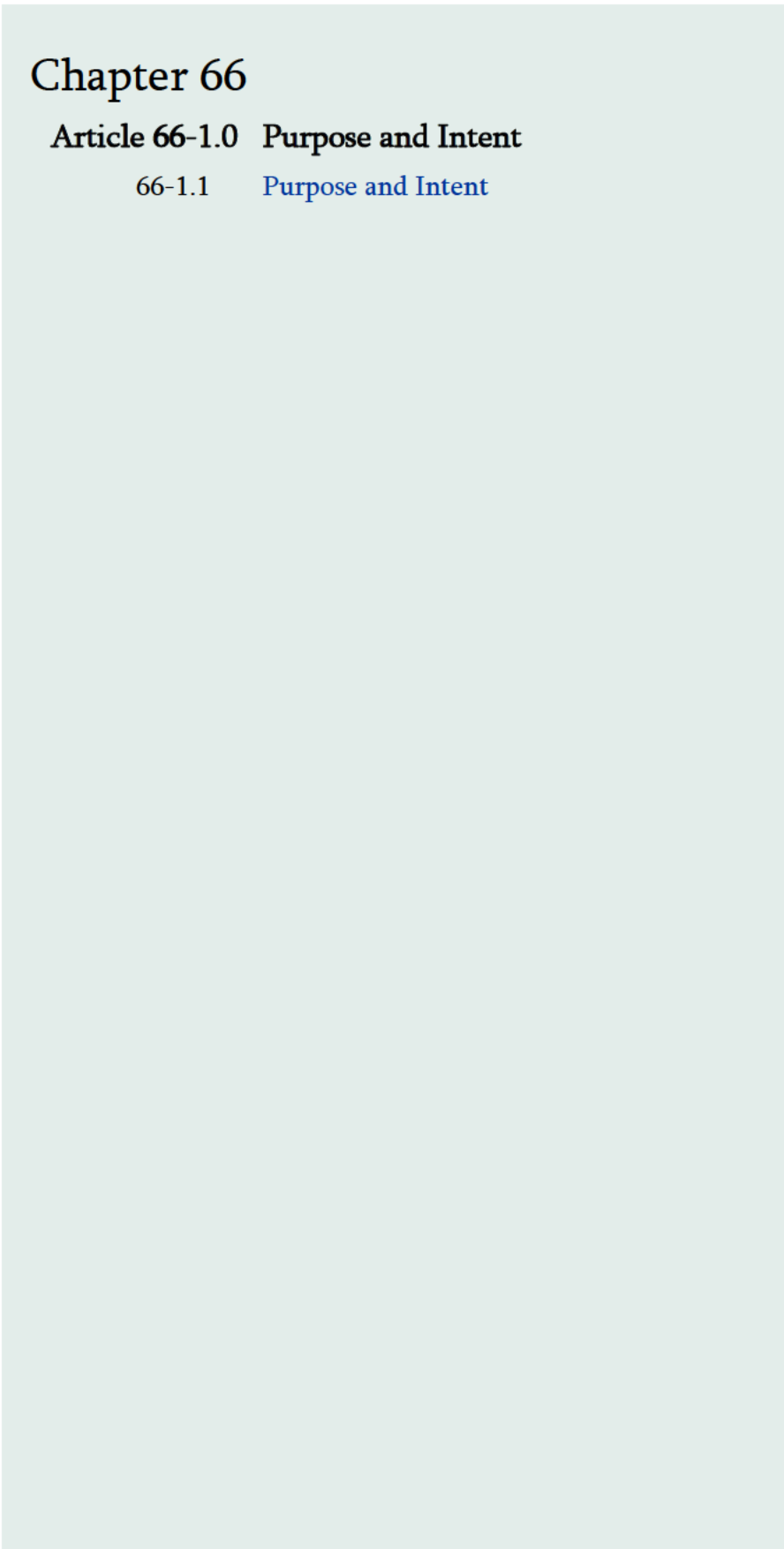
Zoning Ordinance



# Chapter 66

## Article 66-1.0 Purpose and Intent

### 66-1.1 Purpose and Intent



# 66-1.0 Purpose and Intent

## 66-1.1 PURPOSE AND INTENT

- A. The regulations set forth in this chapter or set forth elsewhere in this code when referred to in this chapter, are the regulations for the control of all publicly visible signs, symbols and displays within the city.
- B. These regulations establish rules and standards for the construction, location, maintenance and removal of all signs except those exempted from regulation by this ordinance. Directional, emergency, or traffic-related signs owned by city, county, state or federal government agencies are not regulated by this section. The execution of these regulations recognizes that the purpose of this chapter is to protect the interest of public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification and communication. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:
1. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare.
  2. **Public Safety.** Protect public safety by prohibiting signs that 1) are structurally unsafe or poorly maintained; 2) cause unsafe traffic conditions because they unreasonably distract motorists, have similarities to official traffic signs or hinder vision; and 3) impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
  3. **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. Prevent proliferation of signs in residential areas and eliminate abandoned signs and sign structures on unused properties. Also, avoid glare, light trespass, and skyglow through selection of proper fixture type(s) and location, lighting technology, and control of light levels. Additionally, reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans or the zoning ordinance.
  4. **Free Speech.** Allow signs as a means of communication consistent with the constitutionally guaranteed right of free speech.
  5. **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems.
  6. **Identification and Communication.** Allow for reasonable signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law.
  7. **Foster Economic Development.** Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the city.
  8. **Recognize Unique Areas.** Acknowledge the unique character of certain districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

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# *Chapter 66*

## *Article 2.0* *Definitions*

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## Article 66-2.0 Definitions

### 66-2.1 Definitions

- Abandoned sign
- Accessory sign
- Administrator
- Architectural blade
- Architectural projection
- Awning
- Awning or Canopy sign
- Background area
- Banner sign
- Billboard
- Building
- Building face or wall
- Building frontage
- Canopy
- Changeable message sign  
(manual or electronic/digital)
- Comprehensive design plan
- Copy, permanent and temporary
- Digital sign
- Electrical sign
- Electronic sign
- Embellishment
- Erected
- Face of sign
- Flashing sign
- Freestanding sign
- Frontage
- Ground level
- Ground sign
- Illuminated sign
- Indexing
- Indirectly illuminated sign
- Individual letter sign
- Interior property line
- Lot
- Maintain
- Marquee
- Marquee sign
- Moving or animated sign
- Nonconforming sign, legal
- Owner
- Parapet or parapet wall
- Pedestrian-oriented sign
- Pole sign
- Portable sign
- Premises
- Projecting sign
- Right-of-way
- Rear entry sign
- Roof sign
- Shopping center sign
- Sign
- Sign structure
- Street
- Temporary sign
- Under-canopy sign
- Unlawful sign
- Use
- Wall sign
- Window sign



# 66-2.0 Definitions

## 66-2.1 DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. “**Shall**” means will or must. It indicates a mandatory requirement.

**Abandoned sign** means a sign erected at a premises which has been vacant for longer than 90 days.

**Administrator** means the city manager or designated representative.

**Architectural blade** means a roof sign or projecting sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

**Architectural projection** means any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.

**Awning** means a non-permanent roof-like structure supported by a frame that projects out from a façade over windows and doors. Awnings shall be made of canvas, glass, or metal and shall have straight sheds that are flat (perpendicular to the façade) or angled.

**Awning or Canopy sign** means either 1) a sign that is printed or painted on the drip edge of a straight shed awning above a business door or window; or 2) a sign that is comprised of individual letters that are attached to the top front edge of a flat awning or canopy above a business door or window.

**Background area** means the entire area of a sign on which copy could be placed, as opposed to the copy area.

**Banner sign** means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

**Billboard** means a freestanding sign that is larger than otherwise permitted in this ordinance.

**Building** means a structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

**Building face or wall** means all window and wall area of a building in one plane or elevation.

**Building frontage** means the linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

**Canopy** means a roof-like cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

**Changeable message sign (manual or electronic/digital)** means a sign that includes a message area that can be changed manually in the field, i.e., reader boards with changeable letters, or through electronic means.



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**Comprehensive design plan** means building design and signs integrated into one architectural plan, the comprehensive plan being completed in all other building, structural and electrical requirements.

**Copy, permanent and temporary**, means the wording and messaging on a sign surface either in permanent or removable form.

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**Digital sign** (see Electronic sign).

**Electronic sign** means a sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.

3 General Regulations

**Embellishment** means letters, figures, characters or representations in cut-outs or irregular forms or similar ornaments attached to or superimposed upon the sign.

**Erected** means attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

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**Face of sign** means the entire area of sign on which copy could be placed.

**Flashing sign** means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of reflection, animation, or an externally-mounted intermittent light source.

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**Freestanding sign** means a sign erected on a freestanding frame, base, mast or pole and not attached to any building (see also Ground sign and Pole sign). ↗

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**Frontage** means that portion of any property abutting a principal street; a corner lot and a through lot having frontage on both abutting streets.

**Ground level** means street grade.

**Ground sign** means a sign extending upward from grade which is attached to a permanent foundation and contains a support structure or base that is at least 50 percent of the width of the primary sign structure.

**Illuminated sign** means any sign illuminated by any type of artificial light, whether by emission or reflection.

**Indexing** means turning and stopping action of the triangular vertical sections of a multiprism sign designed to show three messages in the same area.

**Individual letter sign** means any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

**Interior property line** means property lines other than those fronting on street, road or highway.

**Lot** means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.



**Maintain** means to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

**Marquee** means any permanent roof-like structure projecting above the entrance to a place of assembly, attached to and supported by the building and projecting beyond the wall of the building.

**Marquee sign** means any sign attached to, part of, or on a marquee. 📄



**Moving or animated sign** means a sign which, in whole or in part, moves or revolves from natural (wind) or man-made sources. A sign that uses lights or other reflective materials to depict movement or action is also a moving sign.

**Nonconforming sign, legal**, means any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

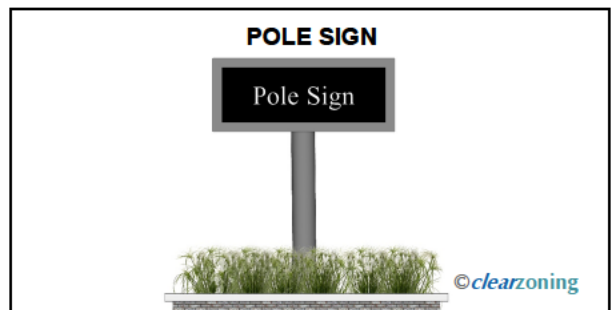
**Owner** means a person or entity recorded as such on official records and includes a duly authorized agent or notary, a purchaser, devisee, judiciary, or any person or entity having a vested or contingent interest in the property in question.

**Parapet or parapet wall** means that portion of a building wall that rises above the roof level.

**Pedestrian-oriented sign** means a sidewalk and sandwich board sign with an A-frame construction designed for placement on the sidewalk in front of the place of business by the owner of that business and is generally two-sided. 📄



**Pole sign** means a sign erected on a freestanding frame, mast or pole and not attached to any building. 📄



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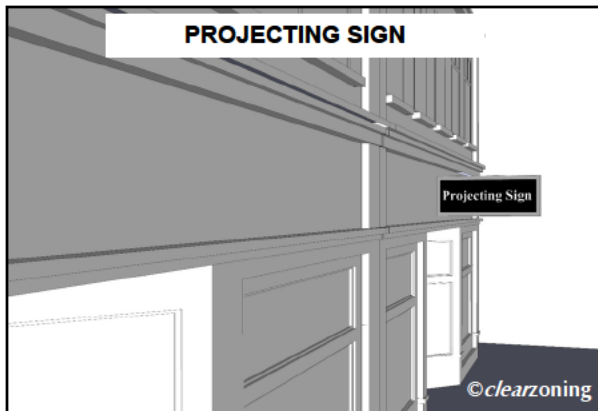
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**Portable sign** means any sign not permanently attached to the ground or a building.

**Premises** means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Projecting sign** means a sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign. ✂



**Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special public or quasi-public use. Right of way also includes any area designated, owned, used, or controlled by the city as right or way.

**Rear entry sign** means a wall sign which is located near the rear entry door on a building.

**Roof sign** means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**Shopping center sign** means a sign identifying a building or group of buildings sharing a common privately-owned parking lot.

**Sign** means any identification, description, illustration, structure, banner, placard, pennant, painting or device illuminated or nonilluminated, of a permanent or temporary nature, which is visible from any public place or is located on private property and exposed to the public and which contains any words, phrases, logos or emblems designed to draw attention to its contents, with the exception of national flags. For the purpose of removal, signs shall also include all sign structures.

**Sign structure** means any structure or its parts which supports, has supported or is necessary to the support of a sign, including decorative cover and frame.

**Street** means any thoroughfare or way, other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

**Temporary sign** means a sign which that is not permanently affixed or mounted to the ground, building, or structure, and does not require a building permit to be placed or installed, and is intended to convey information for a limited period of time not to exceed 30 days.

**Under-canopy sign** means a sign suspended from the underside of a canopy.



**Unlawful sign** means a sign which contravenes this chapter or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign that is not legally nonconforming.

**Use** means the general purpose for which land, a building or structure may be designed, arranged, constructed or intended to be used, or for which land, a building or structure may be occupied under the terms and conditions of this chapter.

**Wall sign** means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall or a mansard roof.

**Window sign** means a sign that is applied, painted, posted, displayed, or etched onto a glazed surface, regardless of opacity or perforation, including those placed or posted inside and located within twenty (20) feet of the window that are visible and legible from the exterior as determined by the Community Development Manager or authorized designee. ✍



The list is not exhaustive and should be supplemented by the latest edition of *Merriam-Webster Abridged Dictionary* for interpretations beyond those in this section.

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# *Chapter 66*

## *Article 3.0*

### *General Regulations*

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# 66-3.0 General Regulations

## 66-3.1 SIGN PERMITS

- A. Signs Not Requiring a Permit. The following types of signs shall not require a sign permit. They are, however, subject to all other provisions of this chapter.
1. Up to four (4) internal pole or ground signs not exceeding four square feet in area or four feet in height provided they are setback at least thirty (30) feet from any property line.
  2. Freestanding temporary signs under 12 square feet in area.
  3. The flags, emblems or insignia of any nation, political subdivision, or corporation.
  4. Governmental signs for control of traffic and other regulatory purposes, including street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger, and aids to service or safety which are erected by or on the order of, a public officer in the performance of his or her public duty.
  5. Address numbers and wall signs not exceeding two square feet in area for each residential building.
  6. Memorial signs when cut or inlaid into a building's façade or when constructed of bronze or other incombustible material.
  7. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.
  8. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
  9. Window signs.
  10. Temporary signs in single-family residential districts and temporary signs in other districts under 3 square feet in area as permitted in [Section 5.1](#) unless otherwise specified.
- B. Signs Requiring a Permit. Unless exempted by subsection A above, a sign permit shall be required for all of the following sign types any time a new sign is proposed, or any time an existing sign is structurally changed, relocated, or changed in area or height.
1. Pole signs
  2. Ground signs
  3. Projecting signs
  4. Wall signs
  5. Changeable copy signs, including electronic message centers
  6. Marquee signs
  7. Canopy signs
  8. Under-Canopy signs
  9. Awning Signs
  10. Pedestrian-oriented signs
  11. Temporary signs over 3 square feet in area in all non-single-family residential districts.
- C. Exempt Actions. The following operations shall not be considered as creating a sign insofar as requiring the issuance of a permit, but the signs must be in conformance with all other building, structural, and electrical laws and regulations of the city:
1. Changing of the advertising copy or message on an existing changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or nonilluminated painted message which are all specifically designed for the use of replaceable copy.
  2. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face
  3. Changes in the content of window signs and permitted temporary signs.

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D. Application for Permit. Application for a permit under this article shall be made to the administrator upon a form provided by the administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city including:

1. Name and address of owner of the sign.
2. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
3. Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs for which construction requires permits, when such signs are on the same premises.
4. Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Officials' and Code Administrators' Code (BOCA), as amended. If required by the administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer or architect.
5. All illuminated signs must have an Underwriters' Laboratory (UL) label or be certified electrically safe by a licensed electrician.
6. Before any manufacturer can engage in the manufacturing of an illuminated sign, they must demonstrate the ability to meet the Underwriters' Laboratory (UL) illuminated signs specification, or some similar electrical labeling requirement.
7. Application for permits under this article shall be filed with the city administrator. Upon approval of the permit by the administrator, the applicant shall pay the permit fee as specified by the city council. In addition, when any sign is erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fee specified under this article shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed in this chapter.

E. Granting and Issuance of Permit.

1. The administrator shall issue a permit for a sign within the city when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.
2. The administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
3. No permit for a sign issued under this article shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
4. Every sign permit issued by the administrator shall become null and void if sign is not ready for final inspection within 180 days from the date of such permit.
5. Whenever there is a change in the sign user or owner of the property on which the sign is located, the new sign user or owner shall forthwith notify the administrator of this change.
6. Indemnification for sign installation and maintenance. As a condition to the issuance of the permit required by this article, all persons engaged in the business of installing or maintaining signs which involves, in whole or part, the erection, alteration, relocation and maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign installer, shall agree to hold harmless and indemnify the city, its officers, agents, and employees, from any and all claims of negligence resulting from the erection, alteration, relocation and maintenance of a sign or other sign work insofar as this chapter has not specifically directed the placement of a sign.



7. Insurance. Every applicant for a permit under this article shall, before such permit is granted, file with the city or state, a satisfactory certificate of insurance to indemnify the city or state, town or municipality against any form of liability to a minimum of \$300,000.00, or shall be responsible through any agent or subcontractor. The insurance shall be maintained in full force and effect during the term of the business permit and such insurance policy or certificate shall provide that the city be notified of any cancellation of the insurance ten days prior to the date of cancellation. This subsection applies only for those signs which indemnity is required under subsection E.6 of this section.
8. Federal or state licenses and/or permits. Federal or state licenses and/or permits, as applicable, are required. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the city a statement that they have all the necessary licenses and/or permits from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor.
9. Permission to install. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

F. Inspection.

1. The person erecting, altering or relocating a sign shall notify the administrator upon completion of the work for which permits are required. These signs are subject to final inspection.
  - a. Inspections. All freestanding signs are subject to a footing inspection and all signs to a final inspection by the administrator.
  - b. Sign permit renewal and certification.
    - i. All presently erected signs shall be inspected. Every two years thereafter signs which encroach into the public right-of-way shall be reinspected to determine that the sign has been maintained in such a manner as to ensure that the sign is in a safely maintained condition as to the electrical, structural and material specifications of this chapter, and shall be tagged on behalf of or by the permit holder to certify that his or her sign complies with this chapter.
    - ii. Any sign for which the two-year inspection permit has not been secured and the sign duly tagged with the date of the appropriate month shall be removed at the owner's expense after 30 days from written notification. The written notification shall come from the administrator.
    - iii. All signs shall bear a suitable label provided by the administrator which identifies the permit number under which the sign was constructed.

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iv. The biennial tag for the certification that the sign is in a safe condition as to its material, electrical and structural application shall be issued in two alternative methods:

- a) A licensed sign company shall duly certify and file with the city that the sign meets as nearly as possible all of the structural, electrical and material specifications set out in this chapter or the laws or regulations of the city; or
- b) Alternatively, the city shall send out an inspector and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics. The administrator shall charge an hourly rate for such inspection of signs as determined by council.

2. Any sign owned, kept, displayed or maintained by any person within the city, the ownership keeping a display which is unlawful pursuant to the provisions of this chapter, is hereby declared to be in violation of this chapter. The administrator may declare a sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this chapter.

### 66-3.2 PROHIBITED SIGNS

The following types of signs are expressly prohibited in all districts, except as otherwise provided by this chapter:

- A. Moving signs, except as follows:
  - 1. Changeable copy signs as regulated herein.
  - 2. Indexing signs.
- B. The tacking, pasting or otherwise affixing of signs on trees, poles, posts, fences or other structure is prohibited.
- C. Portable or wheeled signs are prohibited, including any sign on a motor vehicle or trailer which is parked so as to be visible from a public right-of-way.
- D. Signs which bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful.
- E. Signs which emit audible sound, odor, or visible matters.
- F. Signs which imitate, resemble, purport to be, or may be confused with an official traffic sign or signal or emergency vehicle lights.
- G. Signs painted on buildings.
- H. Roof signs.
- I. Abandoned signs.
- J. Signs that are not expressly permitted are prohibited.
- K. Any sign placed or erected on or projecting into the public right-of-way is prohibited, except for pedestrian-oriented signs and other signs expressly permitted in the right-of-way in this ordinance. The city may remove and destroy or otherwise dispose of, without notice to any person, any sign which is placed within or erected on the public right-of-way in violation of this subsection. Governmental signs not subject to a permit under Section 66-3.1, subsection A.4 are permitted in the public right-of-way when placed by a public officer in the performance of their public duty.



**66-3.3 MEASUREMENT OF SIGN AREA AND HEIGHT**

The area and height of signs shall be measured as follows:

- A. The area of a sign shall be measured within a single, continuous rectilinear perimeter that encloses the extreme limits of the message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same, regardless of opacity, from the background against which it is placed, excluding the necessary supports, braces and/ or uprights of the sign. For signs consisting of individual letters, figures, or symbols applied directly onto a building or structure, the sign area shall be that area enclosed within the smallest rectangular figure needed to completely encompass all letters, figures, or symbols.
- B. Where a sign has two sides, placed back to back, one face only is used to calculate the area. Where the sizes of the two sides differ, the larger face will be counted.

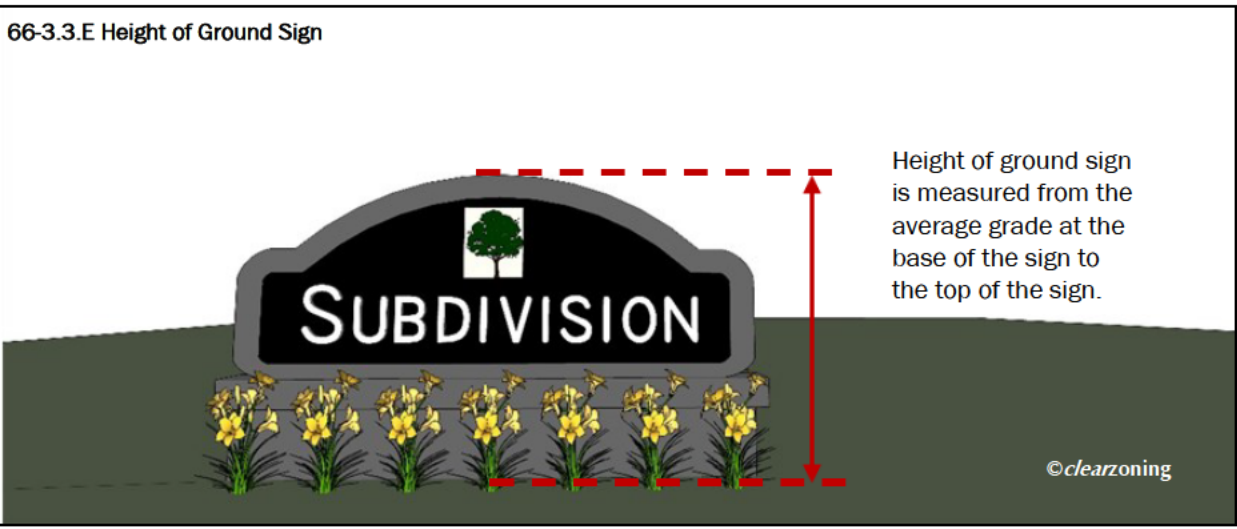
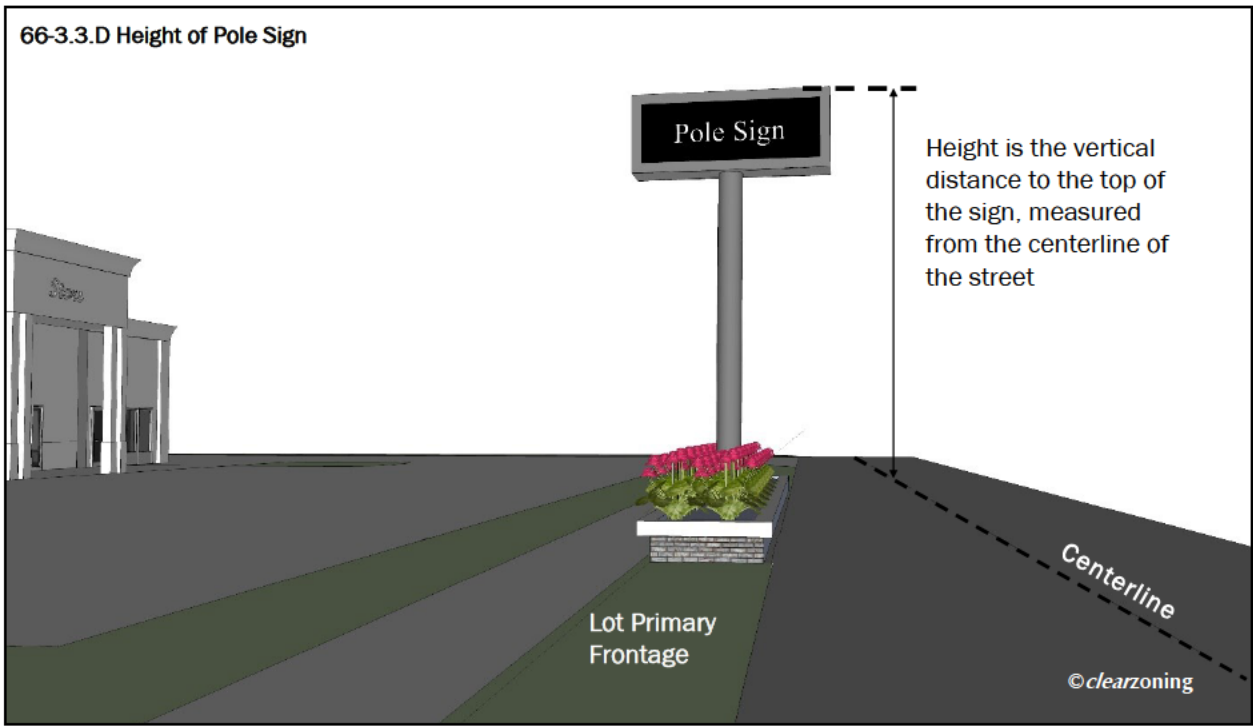
- C. The necessary uprights, backgrounds or structures used to support or serve as a design feature of a freestanding sign shall be excluded from the calculation of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure / design feature is not more than two (2) times the area of the sign being supported. If the background and support structures are illuminated and are not black or other neutral earth tone color, the area of background and support structures shall be counted towards the total sign area. ✍
- D. The height of a pole sign shall be the vertical distance to the top of the sign, measured from the centerline of the street on which the lot has primary frontage. ✍
- E. The height of a ground sign shall be measured from the average grade at the base of the sign to the top of the sign. ✍

**66-3.3.C Maximum Area of Monument Sign Support Structure**



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#### 66-3.4 CLEAR VISION TRIANGLE

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections no signs, other than municipal traffic control signs, shall be located within eight feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines at the corner lot. No sign, signal, marking, device, blinking, oscillating, or rotating light or lights shall be erected adjacent to any public right-of-way so as to create a traffic hazard.

#### 66-3.5 OTHER LOCATIONAL STANDARDS

- A. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- B. No sign in any district shall be erected or placed in the public right-of-way except as may otherwise be expressly authorized by this chapter. The city retains the right to remove any signs found to be in violation of this section. The owner of any sign which has been removed from the right-of-way in violation of this provision shall pay to the city a sum as specified in the city fee schedule for reimbursement of the costs of removing such sign before recovering such sign. If any sign is not claimed within 30 days, it shall be destroyed.
- C. No sign shall be permitted to be placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this chapter.
- D. Signs placed flat against the wall of a building shall not exceed the height of that wall.
- E. Signs shall not be located on any fence or wall that is not part of a building.

#### 66-3.6 ILLUMINATION

- A. Illuminated signs shall not be of the flashing or intermittent type, in whole or in part. No sign shall be permitted which is animated by means of animated, flashing, scintillating, blinking, traveling lights, intermittent or moving lights.
- B. The source of illumination may be internal or external. The source of the light shall not be exposed except for lighting that is integral for the use of an electronic sign, as regulated in [Section 66-5.4](#).
- C. External sources of illumination shall be stationary, shielded and directed to prevent glare onto public rights-of-way or neighboring properties.
- D. No sign shall be illuminated in such a manner as to interfere with, mislead or confuse traffic.
- E. Reflectors, lights and other forms of illumination shall be permitted on ground, pole or wall signs only, subject to the other requirements of this section.

#### 66-3.7 ADDRESSES

Addresses shall be visible and legible from the public right-of-way.

#### 66-3.8 SUBSTITUTION

Nothing in this ordinance shall be construed to prohibit non-commercial messages on signs that are otherwise allowed herein.

#### 66-3.9 EXEMPT SIGNS

Signs not visible from the public right-of-way or neighboring properties and traffic safety signs meeting the standards of the Uniform Manual on Traffic Control Devices are exempt from this ordinance.

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## *Article 4.0*

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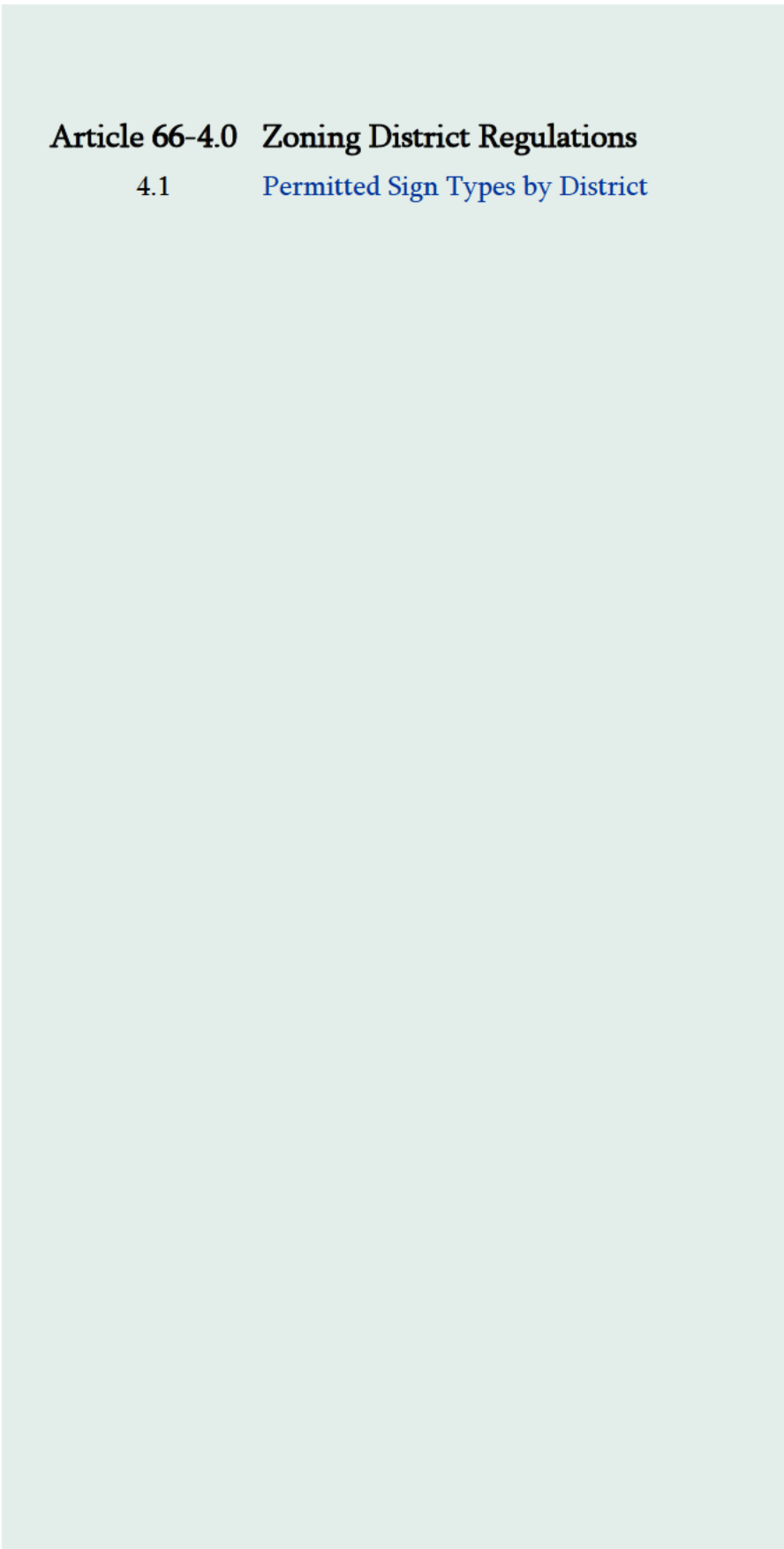
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## Article 66-4.0 Zoning District Regulations

### 4.1 Permitted Sign Types by District



# 66-4.0 Zoning District Regulations

## 66-4.1 PERMITTED SIGN TYPES BY DISTRICT

Table 66-4.1 Permitted Sign Types by District				
A. Single-Family Residential Districts (A-1, A-2, R-1)				
Sign Type	Location	Max. Display Area	Max Height	Number
Single-Family Home Wall Sign*	Ground floor front façade	1 square foot	Locate on ground floor	1
Single-Family Subdivision Ground Sign	Greater than 2 feet from right-of-way, unless placed in a center island of a subdivision entrance, subject to approval from the appropriate road agency.	18 square feet	6 feet	1
Permitted Non-Residential Use Ground Sign	Greater than 2 feet from right-of-way	18 square feet	6 feet	1
Permitted Non-Residential Use Wall Sign	Front façade	6 square feet	Below eave or roofline	1

\*Permit not required for residential wall sign

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Table 66-4.1 Permitted Sign Types by District (Continued)				
B. Multiple-Family Residential Districts (R-4 and R-5)				
Sign Type	Location	Max. Display Area	Max Height	Number
Single-Family Home Wall Sign*	Ground floor front façade	1 square foot	Locate on ground floor	1
Multiple-Family Wall sign for multiple family unit with exterior entrance*	Ground floor front façade, within 5 feet of entry	1 square foot	Locate on ground floor	1
Multiple-Family Complex Ground Sign	Greater than 2 feet from right-of-way	24 square feet in the R-4 district; up to 32 square feet	4 feet	1
Multiple-Family Complex Wall Sign in the R-5 district.	One façade, provided that if illuminated, such sign shall not face a residential district.	32 square feet, plus 1 square foot per linear foot of building over 50 feet, up to 132 square feet	May not extend above top of wall	1
Permitted Non-Residential Use Ground Sign	Greater than 2 feet from right-of-way	18 square feet	6 feet	1
Permitted Non-Residential Use Wall Sign	Primary Façade	12 square feet	Below eave or roofline	1
*Permit not required for single-family home wall sign or multiple-family wall sign				



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Table 66-4.1 Permitted Sign Types by District (Continued)				
C. Community Shopping Center District (C-1)				
Sign Type	Location	Max. Display Area	Max Height	Number
Pole Sign**	May extend to nearest edge of right-of-way*	60 square feet	20 feet above the centerline of the nearest roadway	1**
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )**	Greater than 2 feet from right-of-way	60 square feet	6 feet	1**
Wall/Canopy/Marquee Sign	Primary façade	32 square feet, plus 1 square foot per linear foot of building frontage over 50 feet, up to 132 square feet	May not extend above top of wall	N/A
Secondary Wall/Canopy/Marquee Sign***	Secondary façade facing public right-of-way	50% of primary sign	May not extend above top of wall	N/A
Awning Sign	Awning	Sum of awning sign and wall sign may not exceed permitted wall sign maximum	–	1 per awning
* 8 feet of clearance required				
** See <a href="#">Section 66-5.3</a>				



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Table 66-4.1 Permitted Sign Types by District (Continued)				
D. General Business (C-2) and Limited Intensity Business/Office (C-4) Districts				
Sign Type	Location	Max. Display Area	Max Height	Number
Pole Sign**	May extend to nearest edge of right-of-way*	40 square feet	20 feet above the centerline of the nearest roadway or height of principal building, whichever is less	1**
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )**	Greater than 2 feet from right-of-way	40 square feet	6 feet	1**
Wall Sign	Primary façade	50 square feet, plus 1 square foot per linear foot of building frontage over 50 feet, up to 100 square feet	May not extend above top of wall	1
Secondary Wall Sign	Secondary façade facing public right-of-way	50% of primary sign	May not extend above top of wall	1
Projecting Sign***	Primary façade (no closer than 1 foot to right-of-way; min 20 feet from any other projecting sign)	20 square feet	Flat or sloping roof: height of roof covering more than 50% of building Hip/gable/mansard/curved roof: three feet above eave*	1
Canopy Sign	Primary façade	1 square foot per 1 foot of storefront, up to 20 square feet	3 feet above canopy	1
Under-Canopy Sign*	Within 15 feet of entry	15 square feet	–	1 per storefront
Awning Sign	Awning	Sum of awning sign and wall sign may not exceed wall sign maximum	–	1 per awning
<p>* 8 feet of clearance required</p> <p>** See <a href="#">Section 66-5.3</a></p> <p>*** Not permitted if a wall sign is present</p>				



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Table 66-4.1 Permitted Sign Types by District (Continued)				
E. Limited Business District (C-3)				
Sign Type	Location	Max. Display Area	Max Height	Number
Residential Uses Single-Family Home Wall Sign*	Ground floor, primary façade	2 square feet	Ground floor	1 per unit with exterior entry
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )	Greater than 2 feet from right-of-way	24 square feet	6 feet	1**
Wall Sign	Primary façade	24 square feet	Vertical dimension may not exceed 4 feet	1
* Permit not required for single-family home wall sign				
** A ground sign is not permitted if a wall sign is present				
F. Office Service District (O-S)				
Sign Type	Location	Max. Display Area	Max Height	Number
Tenant Wall Sign*	Within ten feet of entrance	2 square feet per tenant unit	Ground floor	1 per tenant
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )**	Greater than 2 feet from right-of-way	24 square feet	6 feet	1*
Wall Sign	Primary façade	40 square feet	Vertical dimension may not exceed 4 feet	1
Interior Ground Sign (such as a directory)***	Greater than 25 feet from right-of-way	24 square feet	6 feet	1
* Permit not required for tenant wall sign				
** A ground sign is not permitted if a wall sign is present				
*** Permitted when two or more buildings share a parking lot				



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Table 66-4.1 Permitted Sign Types by District (Continued)				
G. Industrial and Office-Research Districts (O-R, I-A, I-B, LIP, RM)				
Sign Type	Location	Max. Display Area	Max Height	Number
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )**	Greater than 2 feet from right-of-way	50 square feet	6 feet	1**
Wall Sign	Primary façade	30 square feet, plus 1 square foot per linear foot of building frontage over 50 feet, up to 100 square feet	May not extend above top of wall	1 per tenant space
Secondary Wall Sign	Secondary façade facing a public right-of-way	50% of primary wall sign	May not extend above top of wall	1 per tenant space
* See <a href="#">Section 66-5.3</a>				
H. Residential Transition District (R-T)				
Sign Type	Location	Max. Display Area	Max Height	Number
Tenant Wall Sign*	Within ten feet of entrance	2 square feet per tenant unit	Ground floor	1 per tenant
Ground Sign	Greater than 4 feet from right-of-way	20 square feet	5 feet	1*
Wall Sign	Primary façade	20 square feet	May not extend above top of wall	1
* Permit not required for tenant wall sign				
** A ground sign is not permitted if a wall sign is present				



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Table 66-4.1 Permitted Sign Types by District (Continued)				
I. Downtown Business District (DBD)				
Sign Type	Location	Max. Display Area	Max Height	Number
Ground Sign (may include changeable/electronic area per <a href="#">Section 66-5.4</a> )	Greater than 2 feet from right-of-way	40 square feet	6 feet	1
Wall Sign*	Primary façade	50 square feet, plus 1 square foot per linear foot of building frontage over 50 feet, up to 100 square feet	May not extend above top of wall	1
Secondary Wall Sign	Secondary façade facing a public right-of-way	50% of primary wall sign area	May not extend above top of wall	1
Rear Entry Wall Sign	Rear façade at rear entryway	6 square feet	Ground floor	1
Projecting Sign***	Primary façade (may extend up to 48 inches into right-of-way above sidewalk)	20 square feet	–	1
Canopy Sign*	Primary façade	50 square feet, plus 1 square foot per linear foot of storefront over 50 feet, up to 100 square feet	Height of ground floor	1
Under-Canopy Sign	Within 15 feet of entry	15 square feet	–	1 per storefront
Marquee Sign***	May extend up to 48 inches into right-of-way above sidewalk	1.5 square feet per linear frontage of storefront	Height of ground floor	1 per street frontage
Pedestrian-Oriented Sign	Shall be against the building	8 square feet per side	4 feet	1
<p>* The combined area of all wall, canopy, marquee, and projecting signs shall not exceed the maximum permitted wall sign area</p> <p>** 8 feet of clearance required</p> <p>*** Permitted only for places of assembly</p>				



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## Article 66-5.0 Specific Regulations

- 66-5.1 Specific Regulations for All Temporary Freestanding and Temporary Wall Signs
- 66-5.2 Nameplate Signs
- 66-5.3 Freestanding Signs
- 66-5.4 Changeable Copy/Electronic Message Center Signs
- 66-5.5 Wall Signs
- 66-5.6 Marquee and Canopy Signs
- 66-5.7 Under-Canopy Signs
- 66-5.8 Awning Signs
- 66-5.9 Projecting Signs
- 66-5.10 Pedestrian-Oriented Signs
- 66-5.11 Window Signs



# 66-5.0 Specific Regulations

## 66-5.1 SPECIFIC REGULATIONS FOR ALL TEMPORARY FREESTANDING AND TEMPORARY WALL SIGNS

Temporary signs shall be permitted as follows.

- A. **Temporary wall sign duration.** The display period for temporary wall signs shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days. After this time expires, the sign shall be removed.
- B. **Freestanding temporary sign setback.** Freestanding temporary signs shall be set back five feet from all property lines.
- C. **Freestanding temporary sign duration.**
  1. The maximum display time for freestanding temporary signs is 65 days. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of the same temporary sign on the same zoning lot.
  2. Notwithstanding the above, 3 square feet of temporary freestanding or temporary wall sign area is allowed on each zoning lot at any time and without expiration of display time. The area of this sign is counted towards the area maximum in Table 66-5.1.
3. When all or a portion of a building or land area on a zoning lot is listed or advertised for sale or lease, the maximum display time for temporary signs on the building or land area shall be the duration the building, building unit or land is listed or advertised for sale or lease. Once a building unit is leased or sold, the sign shall be removed. In all cases, the sign area limits in Table 5.1 apply.
4. When all or a portion of a building or land area on a zoning lot is under active construction, the maximum display time of freestanding temporary signs and temporary signs mounted on buildings shall be between the issuance of a building permit and certificate of occupancy.
  - A. **Temporary sign construction.** Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
  - B. Temporary signs shall be subject to the maintenance standards of this section.
  - C. Temporary pedestrian-oriented signs are regulated separately in [Section 66-5.10](#).

66-5.1 Maximum size, maximum height, and permitted type of temporary signs

Use	Permitted Types	Maximum Area of All Temporary Signs	Maximum Area of Any Individual Sign	Maximum Height (Freestanding)
Single Family Residential	Freestanding	12 square feet	6 square feet	4 feet
	Wall	6 square feet	6 square feet	
Multiple Family Residential	Freestanding	32 square feet	32 square feet	6 feet
Non-Residential Uses in A-1, A-2, R-1, R-4, C-3, R-T districts	Freestanding	40 square feet	32 square feet	6 feet
	Wall	20 square feet	20 square feet	
Non-Residential Uses in all other districts	Freestanding	64 square feet	20 square feet	6 feet
	Wall	32 square feet	32 square feet	

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**66-5.2 NAMEPLATE SIGNS**

Nameplate signs shall be placed flat against a building or designed as part of an architectural feature thereof, except that signs may be freestanding if they do not exceed a height of four feet or project into any required building setback area.

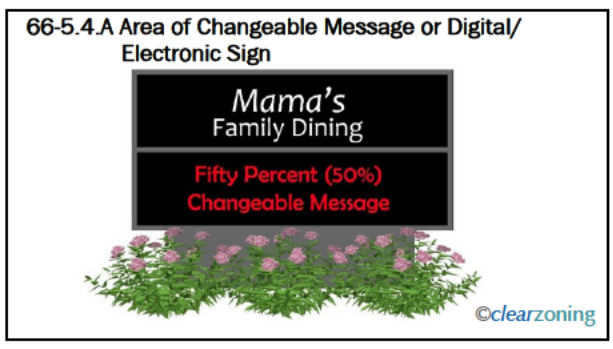
**66-5.3 FREESTANDING SIGNS**

- A. The sign structure of a freestanding sign may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however, may such extension exceed 20 percent of the maximum allowable height for the sign or one and one half feet, whichever is less. Such embellishment shall not include thereon any word, phrase, letter, symbol, representation, logogram, insignia, illustration, or other form of message, nor shall it be illuminated in any manner.
- B. Not more than one freestanding sign may be erected on any lot regardless of the number of parties, tenants or uses contained therein, except that a lot may have two freestanding signs when any of the following conditions apply:
  - 1. The lot that abuts three or more streets
  - 2. The lot abuts one street and a limited access highway,
  - 3. The lot has 200 or more feet of frontage on one street
- C. A pole sign may stand no higher than the building it represents or 20 feet above the level of the street upon which the sign faces, whichever is less. The level of the street shall be measured at the centerline. A pole sign may extend to the nearest edge of a public right-of-way, provided the lower edge thereof is eight feet or more above the ground level.
- D. Ground Signs shall be located greater than two (2) feet from the edge of the public right-of-way and shall meet the clear vision triangle standards of [Section 66-3.4](#).

**66-5.4 CHANGEABLE COPY/ELECTRONIC MESSAGE CENTER SIGNS**

Changeable copy/electronic message center signs are permitted to occupy a portion of the permitted sign area of ground signs and menu board signs as follows:

- A. Area of changeable message sign or digital/electronic sign shall not exceed 50 percent of the total allowable area of the ground sign or menu board sign. ✎
- B. That a digital/electronic sign can only be



considered as part of a conforming ground sign or menu board sign, and located below the main sign.

- C. Electronic message centers shall automatically dim. The brightness of any electronic message center shall not exceed 0.3 footcandles above ambient light levels, as measured from the distances in the following table:

5.4.C Electronic Message Centers	
Size of display area	Measuring distance
16 square feet or less	40 feet
Between 16 and 32 square feet	48 feet
32 square feet or greater	55 feet

- D. The digital/electronic messages shall be displayed for at least 15 minutes and changes shall be immediate.
- E. Any voids or burned out bulbs must be replaced.
- F. If the sign malfunctions (becomes animated, illegible, etc.) it must be turned off until it can be repaired.

- G. Signs shall not interfere with the vision of pedestrians, cyclists, motorists, or adjacent property owners.
- H. Indexing multiprism units shall not exceed a speed of two complete revolutions every 20 seconds.

**66-5.5 WALL SIGNS**

- A. Signs placed flat against the wall of a building shall not exceed the height of that wall.
- B. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- C. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached to the outer surface.
- D. Wall signs shall not be attached to a wall at a height of less than eight feet above any sidewalk or 15 feet above any driveways, alleys, and thoroughfares.
- E. No wall sign shall project into any public right-of-way more than the thickness permitted as provided in subsection C above.

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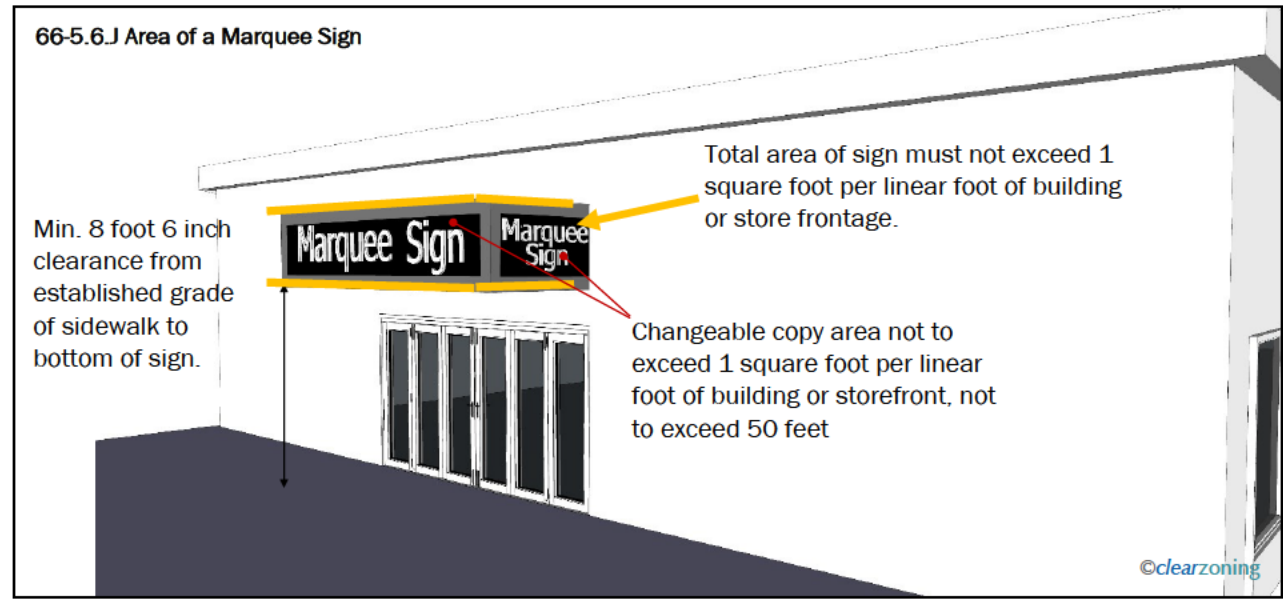
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66-5.6 MARQUEE AND CANOPY SIGNS

- A. Marquees and canopies shall have a minimum of eight feet, six inches of clearance above the established grade of the sidewalk or ground, or shall be otherwise located so as not to interfere with pedestrian traffic.
- B. Marquees and canopies shall not project over a public street. For purposes of this section, a public sidewalk is not considered to be a public street.
- C. Marquees and canopies shall be architecturally compatible with the building to which they are attached, constructed of durable material, and maintained to ensure safety.
- D. No marquee or canopy sign shall project into an alley or truck service driveway more than two feet.
- E. Marquee and canopy signs not extending into the public right-of-way may have a height of not greater than three feet. The height of marquee and canopy signs extending into the public right-of-way shall be limited to a maximum of two feet.
- F. The total square footage of a marquee or canopy sign shall be subtracted from the maximum allowable square footage of wall signs for the building or storefront.
- G. In the case of a flat or sloping roof, a marquee or canopy sign shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. In the case of a gable, hip, or curved building roof, the sign shall not extend more than three feet above the eave line. In no event shall a marquee or canopy sign extend above the peak of the roof of the building to which it is affixed.
- H. A marquee or canopy sign shall not project greater than 48 inches beyond the property line. In measuring the sign's projection, the measurement shall be taken from the surface of building from which it protrudes, including any open area between the wall face and the sign face.
- I. Canopy and marquee signs are not permitted above the ground floor.
- J. The following regulations apply specifically to marquee signs:
  1. One marquee shall be permitted per street frontage.
  2. The changeable copy area of a marquee shall not exceed one square foot per lineal foot of building or storefront frontage, not to exceed 50 square feet total. The area of the changeable copy area of a marquee shall be subtracted from the maximum allowable wall size area for the building or storefront.
  3. The total area of a marquee sign shall not exceed one and one-half square feet per lineal foot of building or storefront frontage.



### 66-5.7 UNDER-CANOPY SIGNS

- A. Under-marquee or under-canopy signs may encroach into the public right-of-way as hereinafter provided in such instances where public or private canopies, awnings, walk covers or structural projections extend into a public right-of-way in such a way as to obstruct, block from view or otherwise hinder the reasonable observance of a complying wall sign. It shall be possible to erect a single under-marquee or under-canopy sign as hereinafter provided:
1. The sign may not unreasonably obstruct the view of any neighboring sign.
  2. The sign may have a total surface area not exceeding one square foot for each lineal foot of building frontage not to exceed 15 square feet.
  3. The sign may not exceed two feet in height.
  4. The sign shall maintain a ground clearance of at least eight feet.
  5. The sign shall be thoroughly secured to the building by a single concealed mounting method.
  6. The sign shall not be located over a public street.

### 66-5.8 AWNING SIGNS

- A. The sum of the areas of the awning sign(s) and the wall sign on a building may not exceed the total area allowed for a wall sign in [Section 66-5.5](#).

### 66-5.9 PROJECTING SIGNS

- A. Any moving part of a projecting sign, such as a cover of a service opening, shall be securely fastened by chains or hinges.
- B. The distance measured between the principal faces of any projecting sign shall not exceed an average of 12 inches.
- C. Projecting signs shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by a single concealed fastening method. Visible angle iron frames or structures to support projecting signs are prohibited.

- D. Height limitations. A projecting sign in the case of a flat or sloping roof shall not extend above the height of that portion of the roof covering more than 50 percent of the ground area of the building. A projecting sign in the case of a gable, hip or curved roof shall not extend more than three feet above the eave line.
- E. The bottom of the projecting sign shall be a minimum of eight feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
- F. No projecting/blade/pedestrian/hanging sign shall project into an alley or truck service driveway more than two feet.
- G. If any projecting sign is suspended over a public property, sidewalk or alley, the owner shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur.
- H. If at any time the insurance policy obtained pursuant to subsection G of this section is canceled, the projecting sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign and repair the façade at the expense of the property owner.

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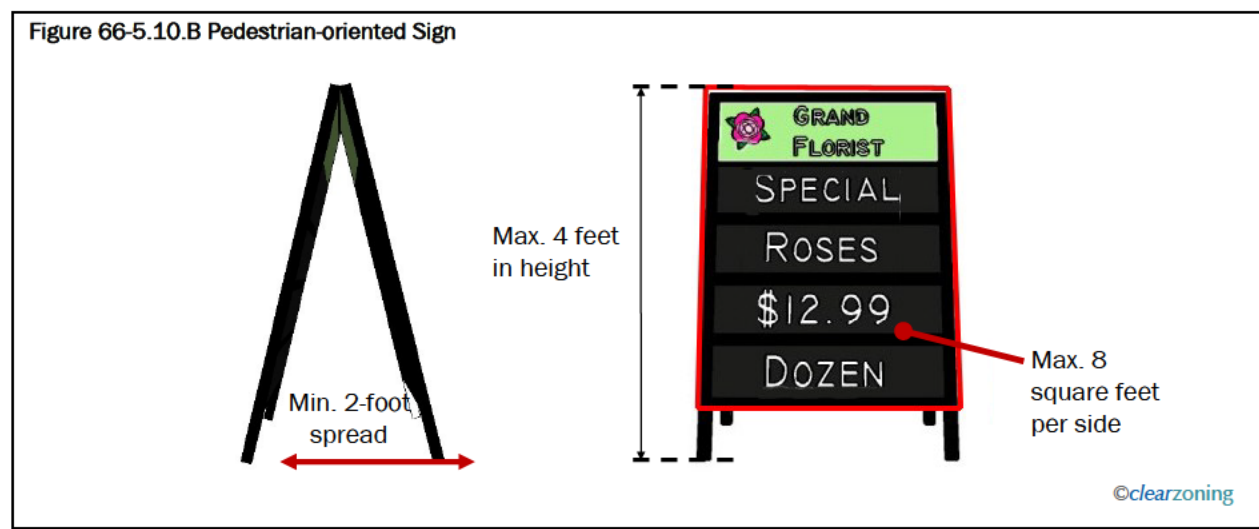


66-5.10 PEDESTRIAN-ORIENTED SIGNS

Pedestrian-oriented signs are permitted in any non-residential district as follows:

- A. A pedestrian-oriented board sign shall be placed within ten feet of the primary customer entrance, shall provide a minimum pedestrian clearance area of four (4) feet on any sidewalk.
- B. A pedestrian-oriented board sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A pedestrian-oriented sign may not exceed eight square feet per side.
- C. Pedestrian-oriented signs shall have a frame that is black, gray, or white, or is comprised of exposed metal or wood and be a quality design that is heavy enough to withstand normal wind and weather conditions. The following materials are not permitted:
  1. Glass, clear acrylic sheeting or breakable materials
  2. Paper or laminated paper
  3. Corrugated or hollow core plastics and/or plastic changeable copy letters
  4. PVC pipe frames
  5. Internal illumination or spotlight illumination
  6. Moving parts, balloons, streamers, or similar attachments

- D. One pedestrian-oriented sign may be permitted per each ground-floor business and shall require an annual pedestrian-oriented sign permit application and upon approval of the administrator the applicant shall pay a permit fee as set forth in the annual fee schedule set by the city council. For each calendar year, a new permit must be obtained prior to display of a pedestrian-oriented sign.
- E. Pedestrian-oriented signs must be kept against the building face for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
- F. A pedestrian-oriented sign must be properly maintained and must not be allowed to become unsightly.
- G. A pedestrian-oriented sign may only be in place during the commercial establishment's business hours and shall be stored inside the establishment when the business is closed.
- H. The owner of a pedestrian-oriented sign shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the state of Michigan naming the city as an additional insured on any such policy. The owner will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given 30 days' written notice before a cancellation in coverage may occur. If at any time the insurance policy obtained pursuant to this section is canceled, the pedestrian-oriented sign shall be immediately removed. In the event the sign is not so removed, the City of Brighton shall have the right to remove the sign at the expense of the property owner.



66-5.11 WINDOW SIGNS

- A. Window signs in residential districts are permitted in ground floor and second floor windows. The total window sign area shall not exceed three square feet per dwelling unit. Such signs shall not be illuminated.
- B. Window signs in all other districts shall not exceed 25 percent of the glass area of the building façade on the ground floor of the building. Such signs may be illuminated subject to Section 66-3.6 and shall contain a static message and shall not flash, scroll or otherwise give the appearance of movement or intermittent change.

**1**  
Purpose and  
Intent

**2**  
Definitions

**3**  
General  
Regulations

**4**  
Zoning District  
Regulations

**5**  
Specific  
Regulations

**6**  
Admin and  
Enforcement

Zoning  
Ordinance



**1** Purpose and Intent

**2** Definitions

**3** General Regulations

**4** Zoning District Regulations

**5** Specific Regulations

**6** Admin and Enforcement

Zoning Ordinance

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# Chapter 66

## Article 6.0

### Administration and Enforcement

**1** Purpose and Intent

**2** Definitions

**3** General Regulations

**4** Zoning District Regulations

**5** Specific Regulations

**6** Admin and Enforcement

Zoning Ordinance



Purpose and Intent  
**1**

Definitions  
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**6** Admin and Enforcement

Zoning Ordinance

## Article 66-6.0 Administration and Enforcement

66-6.1 Nonconforming Signs

66-6.2 Maintenance of Signs

66-6.3 Penalties

66-6.4 Board of Appeals



# 66-6.0 Administration and Enforcement

## 66-6.1 NONCONFORMING SIGNS

Except as otherwise provided in this chapter, all signs lawfully existing on the date of adoption of the ordinance from which this chapter was derived shall be allowed to remain and be maintained as provided in [Section 66-3.1.C](#) without a permit; provided such sign does not constitute a public hazard, and provided the sign is not an abandoned sign.

- A. Nonconforming signs. Signs lawfully erected under [Article 66-4](#) of this code or other previous ordinance, prior to the effective date of the ordinance codified in this section, which do not meet standards of this chapter may be maintained except as hereinafter provided.
- B. Nonconforming signs. Signs lawfully erected prior to the effective date of this ordinance, which do not meet standards of this chapter may be maintained except as hereinafter provided.
  1. No nonconforming sign shall be changed to another nonconforming sign.
  2. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic changes of message.
  3. No nonconforming sign shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, or type or design of the sign.
  4. No nonconforming sign shall have the face or faces changed when such sign is a type of construction so as to permit such a complete change of face.
  5. No nonconforming sign shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer.
  6. No nonconforming sign shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50 percent of the cost of an identical new sign as determined by the city building inspector and assessor.
- C. Removal of abandoned signs. Any abandoned sign shall be removed by the owner, agent or person having the beneficial use of the building or premises within 30 days after written notice to remove such sign from the administrator.

## 66-6.2 MAINTENANCE OF SIGNS

- A. Maintenance. Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports. The administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
- B. Signs declared unlawful. The administrator may declare a sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the administrator for stating that the sign constitutes a safety hazard to the general public.

## 66-6.3 PENALTIES

- A. A person violating this article shall be subject to the following:
  1. For the first time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$50.00, plus costs.
  2. For the second time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$100.00, plus costs.
  3. For the third time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$200.00, plus costs.
  4. For the fourth time is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$500.00, plus costs.
- B. Any person or entity found responsible of violating this article shall also be subject to civil proceedings for damages and/or injunctive relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies.

1 Purpose and Intent

2 Definitions

3 General Regulations

4 Zoning District Regulations

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Zoning Ordinance



## 66-6.4 BOARD OF APPEALS

- A. Organization. The sign board of appeals shall be organized as provided in [chapter 2](#) of the City Code.
- B. Powers and Duties. The sign board of appeals shall have the power and duty to:
1. Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within 30 days of application.
  2. Grant variances from the requirements of this chapter as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit. The zoning board of appeals has the exclusive jurisdiction to hear appeals related to denials based on the zoning provisions of this ordinance.
  3. Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this chapter.
  4. Make recommendations to the council for changes to this chapter.
  5. Give advice to the sign code administrator when asked.
- C. Criteria for Decision.
1. Appeals without petition for variance. In appeals to the sign board of appeals from the administrator denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the administrator's decision is in accordance with the requirements of this chapter and accordingly, affirm or reverse his decision. No variance from the requirements of this chapter shall be granted or allowed, except as provided in subsection C.3. If the administrator's decision is reversed, the board shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so within five business days from receipt of the direction from the board, the board may issue the permit.
  2. Appeals from failure to issue permit. In appeals from failure of the administrator to grant a permit within 30 days of application, the sign board of appeals shall determine whether the sign and the application meet the requirements of this chapter. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of this chapter shall be granted or allowed, except as provided in subsection C.3.
  3. Appeals with petition for variance. In appeals from decision of the administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the sign board of appeals shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of this chapter.
  4. Grounds for variance. The sign board of appeals may grant a variance from the provisions or requirements of this chapter only where:
    - a. That the request is based upon circumstances or features that are exceptional and unique to the property and that are not self-created;
    - b. That the failure to grant relief will result in substantially more than mere inconvenience or financial expenditures;
    - c. That application of the regulations in this section without a variance will unreasonably prevent or limit the use of the property or will unreasonably preclude the visibility or identification of a nonresidential building on the property;
    - d. That the variance will not result in a sign or condition that is incompatible with or unreasonably interferes with adjacent or surrounding properties, will result in substantial justice being done to both the applicant and adjacent or surrounding properties, and is not inconsistent with the spirit and intent of this chapter; and

- e. When taken on its own, or in combination with other existing conditions on the property or in the area, that the variance will not result in a sign or condition that has an adverse effect on the essential character or aesthetics of the establishment or surrounding area, is detrimental to or negatively affects the character of surrounding residential development, or compromises the public health, safety or welfare.
- f. Any approval of a variance pursuant to this subsection shall specifically detail the limits of the relief granted and shall be subject to such reasonable conditions as the sign zoning board of appeals may require to preserve and promote the character of the district in question, the affirmative findings necessary for granting the variance, and the purposes of this chapter. The sign zoning board of appeals may revoke any grant of a variance under this subsection for a violation of such grant upon the giving of thirty (30) days' notice of such violation to the owner of the premises and a hearing held thereon.

**D. Perfection of Appeal and Stay of Proceedings.**

- 1. An appeal with or without petition for variance may be considered by the sign board of appeals only if:
  - a. Written notice of appeal, with or without petition for variance, is filed with the board as follows:
    - i. Within ten days of the decision of the administrator denying a sign permit.
    - ii. Within 40 days of the submission of a sign permit application which the administrator has neither granted nor denied within 30 days.
  - b. The notice of appeal is accompanied by a fee as specified by the city council.
  - c. The appellant serves upon the board a written statement of the reasons in support of his position 30 days before the hearing on the appeal.

- 2. The sign board of appeals shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this subsection or for failure of the appellant to otherwise diligently prosecute the appeal, or if the board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal.
- E. Procedure.**
- 1. Delivery of sign application to board. Upon the filing of a notice of appeal with the sign board of appeals as provided in subsection G, the administrator shall promptly transmit to the board, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the administrator to grant a permit within 30 days, the administrator shall, in addition to the foregoing, furnish the board with a brief written statement of the reasons for the failure.
  - 2. Statement in support of administrator's position. Upon any appeal, the administrator may, in his discretion, furnish the sign board of appeals with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the board at least ten days in advance of the hearing on the appeal.
  - 3. Administrator's appearance at the hearing. The administrator may attend and state his position at any appeal or variance hearing.
- F. Advice from Board.** The administrator may seek the advice of the sign board of appeals on novel or difficult situations, signs, or questions that arise under this chapter. However, such advice shall not bind the administrator.

- 1** Purpose and Intent
- 2** Definitions
- 3** General Regulations
- 4** Zoning District Regulations
- 5** Specific Regulations
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G. Notice of Hearing.

1. The sign board of appeals shall hear and decide appeals at their next regular meeting following receipt of the appeal provided provisions of subsection D above are complied with. Notice of the hearing on an appeal shall be given by the board not less than fifteen days prior to the hearing to:

- a. The appellant, in writing, at the address given on the notice of appeal.
- b. The administrator, in writing.
- c. To any person filing a written statement in opposition to the appellant's position taken in the appeal.

2. Any person filing a written request with the city for special notice of board hearings in the six months following giving of the request.

3. To the public by posting a copy of the notice of hearing in a conspicuous place within the city hall.

4. To the property owners within 300 feet of the property which is concerned in the appeal by mail.

H. Such notices shall be in a form prescribed by the sign board of appeals and shall set forth the time, place and purpose of the hearing.

I. Hearing. All hearings of the sign board of appeals shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the board, to address the board on issues to be determined. The appellant and the administrator shall be afforded an opportunity to address the board on any matter at issue. Any party or interested person may be represented by another at the hearing.

J. Hearing Minutes and Decision. The sign board of appeals shall keep minutes of its proceedings, together with its findings of fact in support of that decision, all of which shall be open to public inspection. Copies of the board's decision on appeals and petitions for variances shall be mailed or delivered to the applicant, to the administrator, and to persons filing requests for special notice of hearings pursuant to subsection G above.





# City of Brighton

## REPORT FROM THE CITY MANAGER TO CITY COUNCIL JULY 20, 2023

**SUBJECT: FIRST READING AND SETTING OF A PUBLIC HEARING FOR PROPOSED ORDINANCE 604.  
AMENDMENTS TO CHAPTER 46 AND CHAPTER 70 REGARDING OPEN BURNING.**

### BACKGROUND

- The city receives yearly complaints regarding open burning within most neighborhoods, mostly resulting from burning of yard waste (leaves, brush, etc.).
- At a recent City Council meeting, a resident complained of smoke from his neighbors open burning of leaves.
- It has been determined that the city's code of ordinance has two sections that address open burning, and that the sections contradict each other.

### ADMINISTRATIVE SUMMARY

- Community Development staff reviewed the current ordinance and determined revisions were needed regarding open burning.
- City staff created draft revisions to Chapter 46, Article IV and Chapter 70, Section 70-31 as attached.

### RECOMMENDATION

Staff recommends City Council set a public hearing on August 17, 2023, regarding the proposed amendments of ordinance 604.

Prepared by: Michael Caruso, Community Development Manager

City Attorney (Required for all agreements, ordinances, etc.)

Acceptable Form and Ready to Execute

Other \_\_\_\_\_

Approved by: Gretchen Gomolka, City Manager

Attachments: 1. Proposed Revisions to Chapter 46  
2. Proposed Revisions to Chapter 70  
3. Ordinance 604 – Draft

CITY OF BRIGHTON  
ORDINANCE NO. 604

AN ORDINANCE TO AMEND ARTICLE IV, "OPEN BURNING" OF CHAPTER 46, "FIRE PREVENTION AND PROTECTION" SECTION 46-63, "PERMITTED OPEN BURNING, RESTRICTIONS, PERMITS"

THE CITY OF BRIGHTON HEREBY ORDAINS:

**Section 1: Amendment of Chapter 46, Article IV, Section 46-63.**

Section 46-63 is hereby amended to read in its entirety as follows:

**Permitted open burning; restrictions; permits.**

The following types of open burning shall be permitted within the city, subject to the following restriction:

*Ceremonial Fires* are fires which are normally incidental to commemorative or celebratory events, and that exceed the scope of a Domestic Fire. A person, partnership, firm, association, corporation, or any other legal entity seeking to ignite a ceremonial fire must first make application to the City in addition to application for recommendation and approval by the Brighton Area Fire Authority at least ten (10) days in advance of ignition of the fire. The application shall contain a description of the location where the ceremonial fire will occur and shall include a description of the methods and materials proposed to be used to keep the ceremonial fire contained within a specified area, not to exceed twenty-five (25) square feet. The permit shall be approved if the applicant provides evidence of permission from the owner or occupant of the property upon which the ceremonial fire is proposed to occur and unless the Brighton Area Fire Authority determines that the location, the environmental, climatic, or other site conditions pose a significant risk to the health, safety and welfare of the public if a ceremonial fire is ignited at the location, or if the methods and materials proposed for containment are insufficient according to applicable standards to protect the health safety and welfare of the public. The Fire Authority shall be notified at least 24 hours prior to the ignition of ceremonial fires. This subsection is not intended to include Domestic Fires.

*Construction Fires.* Fires shall be contained within a 55-gallon barrel and only used at a construction site for thawing and/or warming. Burning of construction materials such as roofing, plastics, wood composites, or any other materials that cause offensive odors or black smoke, is prohibited.

*Domestic Fires.* Fires around a home, place of residence, or within the curtilage of a dwelling, where the materials to be burned have been properly placed in a burner enclosure or portable fire pit constructed of metal, stone, or masonry, not exceeding nine (9) square feet. Domestic fires shall only burn seasoned, dry firewood and shall be located not less than twenty-five (25) feet away from any structure and not less than fifteen (15) feet from the adjoining property line. Domestic fires shall not be conducted on combustible decks or balconies and shall not be located under any deck or balcony structures. *No permit shall be required for domestic fires.*

*Fire Department Training.* Open burning is allowed for the purpose of training firefighters in firefighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of

demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with applicable generally accepted practices and regulations.

*Land Clearing Fires.* Outdoor fires used to eliminate organic materials removed from a site in preparation for land development are permitted subject to the requirements of this subsection. No land clearing fires are permitted unless approved by the City after review and recommendation by Brighton Area Fire Authority prior to ignition. Land clearing shall be limited to organic materials consisting of grasses, plantings, trees, branches, tree stumps, and other vegetative waste. Land clearing shall be conducted within an open pit incinerator (trench burner), or other approved method. A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a land clearing fire, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least ten (30) days in advance of any land clearing fires. Land clearing fires shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified at least 24 hours prior to ignition of land clearing fires.

*Prescribed Burns.* Surface fires ignited for land management purposes to eliminate or control surface vegetation, management of invasive species or to reduce combustible fuel loads. Prescribed burns shall be limited to organic materials consisting of surface grasses and other vegetation. Prescribed burns shall be conducted in accordance with the best practices as outlined by the Michigan Prescribed Fire Council. A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a prescribed burn, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least thirty (30) days in advance of any prescribed burns. The application for the permit shall include proof of liability and a written burn plan. Where certain environmental or climatic conditions arise requiring short notice, the fire code official may recommend waiver of the thirty (30) day application review period. Prescribed burns shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified prior to ignition of prescribed burns.

The following additional restrictions shall be enforced by the City:

*Accelerated Ignition.* It shall be unlawful for any fire ignition to be accelerated by use of an ignitable liquid.

*Illegal Burning.* At no time shall any person, partnership, firm, association, corporation, or any other legal entity; set any fire, burn, or cause to be burned, the following materials: building debris, construction materials, human waste, refuse or trash, animal carcasses, animal waste, or other inorganic combustibles. Illegal burning shall also include the burning of approved materials on any non-residential parcel unless previously approved by the City in accordance with this Section.

*Hazardous Smoke, and Foul Odors.* It shall be unlawful to permit the emission of hazardous amounts of smoke or produce foul odors. Hazardous smoke is smoke that could be injurious or unreasonably annoying to persons in the affected area, obscures visibility, or is in volume enough to infiltrate fresh air make-up systems of occupied structures.

*Extinguishment Authority.* The Brighton Fire Authority is authorized to extinguish unapproved fires, fires that are non-compliant with this Section, or fires that pose an immediate threat to the health, safety and welfare of the public.

*Burning during periods of banning unlawful.* The fire code official shall be authorized to issue a ban on all open burning if, in the opinion of the fire code official, conditions are too hazardous to allow the open burning, open flame, etc. Notwithstanding the provisions of this Section, no fire, whether previously approved pursuant to this Section, may be ignited during the period covered by such ban.

**Section 2: Repeal of Section 70-31.**

Section 70-31 is hereby repealed.

**Section 3. Repealer.**

Any ordinances that conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

**Section 4. Severability.**

The provisions of this Ordinance are severable. If any provision of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining provisions of this Ordinance.

**Section 5. Effective Date.**

This ordinance shall take effect fifteen (15) days after enactment, and after publication as provided by law and the Charter.

YEAS: Council Member(s) \_\_\_\_\_

NAYS: Council Member(s) \_\_\_\_\_

ABSTAIN: Council Member(s) \_\_\_\_\_

ABSENT: Council Member(s) \_\_\_\_\_

**CERTIFICATION**

As the City Clerk of City of Brighton, Livingston County, Michigan, I certify this is a true and complete copy of an ordinance adopted by the City of Brighton Council at a regular meeting held on \_\_\_\_\_, 2023.

Date: \_\_\_\_\_, 2023      City Clerk \_\_\_\_\_

Tara Brown

Introduced: \_\_\_\_\_, 2023

Adopted: \_\_\_\_\_, 2023

Published: , 2023  
Effective: , 2023

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TARA BROWN, City Clerk

First Reading:

Brief Publication:

Second Reading:

Public Hearing:

Adoption:

Full Publication:

## CHAPTER 46 - FIRE PREVENTION AND PROTECTION

### ARTICLE IV. OPEN BURNING

#### Note

**\*Editor's note:** Ord. No. 442, adopted July 20, 2000, set out provisions intended for use as Art. I, §§ 46-10—46-18. At the city's instruction and for purposes of classification, these provisions have been included as Art. IV, §§ 46-60—46-68.

#### Sec. 46-60. Title.

This article shall be known as and may be cited as the "City of Brighton Burning Ordinance."

#### Sec. 46-61. Purpose.

The purpose of this article is to prohibit open burning, subject to specific exceptions within the city and to regulate and control certain limited types of open burning within the city subject to restrictions as set forth in this article.

#### Sec. 46-62. Prohibited open burning.

Open burning is expressly prohibited within the city except as hereinafter set forth in section 46-63.

#### Sec. 46-63. Permitted open burning; restrictions.

The following types of ~~limited~~ open burning shall be permitted within the city, subject to the following restriction:

~~(1) If prior written approval is obtained from the fire chief or his/her designee:~~

~~a. Open burning may be permitted for land clearing for real estate development.~~

~~b. Open burning of celebration/bonfires may be permitted. The fire chief and/or his/her designee shall determine the size and location.~~

~~c. Open burning may be permitted for the removal of brush or debris created as a result of storm damage.~~

~~(2) The following types of open burning shall be permitted without the necessity of obtaining prior written approval from the fire chief or his/her designee:~~

~~a. Small recreational fires and/or campfires used for cooking purposes.~~

~~b. Burning in a 55-gallon barrel for thawing and/or warming at construction sites. However, any construction materials such as roofing, plastics, or other materials that cause offensive odors or black smoke may not be burned.~~

~~(3) The open burning of structures and/or materials by the Brighton Area Fire Department, the fire chief, members of the Brighton Area Fire Department, and by trainees or other persons under the direct supervision and control of the Brighton Area Fire Department when such open burning is for training, educational or instructional purposes related to fire safety, fire control, fire fighting, life saving and/or fire prevention.~~

~~(4) Open burning permitted under section 46-13 shall not result in the omitting of burning sparks or burning embers upon adjoining, adjacent, neighboring or nearby properties or premises.~~

~~(5) All open burning permitted under section 46-13 shall be conducted and performed in such a manner so as not to endanger the health, safety or welfare of the public or to endanger public or private property.~~

*Ceremonial Fires* are fires which are normally incidental to commemorative or celebratory events, and that exceed the scope of a Domestic Fire. A person, partnership, firm, association, corporation, or any other legal entity seeking to ignite a ceremonial fire must first make application to the City in addition to application for recommendation and approval by the Brighton Area Fire Authority at least ten (10) days in advance of ignition of the fire. The application shall contain a description of the location where the ceremonial fire will occur and shall include a description of the methods and materials proposed to be used to keep the ceremonial fire contained within a specified area, not to exceed \_\_\_\_\_ square feet. The permit shall be approved if the applicant provides evidence of permission from the owner or occupant of the property upon which the ceremonial fire is proposed to occur and unless the Brighton Area Fire Authority determines that the location, the environmental, climatic, or other site conditions pose a significant risk to the health, safety and welfare of the public if a ceremonial fire is ignited at the location, or if the methods and materials proposed for containment are insufficient according to applicable standards to protect the health safety and welfare of the public. The Fire Authority shall be notified at least 24 hours prior to the ignition of ceremonial fires. This subsection is not intended to include Domestic Fires.

*Construction Fires.* Fires shall be contained within a 55-gallon barrel and only used at a construction site for thawing and/or warming. Burning of construction materials such as roofing, plastics, wood composites, or any other materials that cause offensive odors or black smoke, is prohibited.

*Domestic Fires.* Fires around a home, place of residence, or within the curtilage of a dwelling, where the materials to be burned have been properly placed in a burner enclosure or portable fire pit constructed of metal, stone, or masonry, not exceeding \_\_\_\_\_ square feet. Domestic fires shall only burn seasoned, dry firewood and shall be located not less than fifteen (15) feet away from any structure and not less than five (5) feet from the adjoining property line. Domestic fires shall not be conducted on combustible decks or balconies and shall not be located under any deck or balcony structures. *No permit shall be required for domestic fires.*

*Fire Department Training.* Open burning is allowed for the purpose of training firefighters in firefighting practice, or for the purpose of training the public, including workers or employees, or

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for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with applicable generally accepted practices and regulations.

*Land Clearing Fires.* Outdoor fires used to eliminate organic materials removed from a site in preparation for land development are permitted subject to the requirements of this subsection. No land clearing fires are permitted unless approved by the City after review and recommendation by Brighton Area Fire Authority prior to ignition. Land clearing shall be limited to organic materials consisting of grasses, plantings, trees, branches, tree stumps, and other vegetative waste. Land clearing shall be conducted within an open pit incinerator (trench burner), or other approved method. A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a land clearing fire, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least ten (30) days in advance of any land clearing fires. Land clearing fires shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified at least 24 hours prior to ignition of land clearing fires.

*Prescribed Burns.* Surface fires ignited for land management purposes to eliminate or control surface vegetation, management of invasive species or to reduce combustible fuel loads. Prescribed burns shall be limited to organic materials consisting of surface grasses and other vegetation. Prescribed burns shall be conducted in accordance with the best practices as outlined by the Michigan Prescribed Fire Council, available at [www.firecouncil.org/mpfc-policy-best-practices](http://www.firecouncil.org/mpfc-policy-best-practices). A person, partnership, firm, association, corporation, or any other legal entity seeking to conduct a prescribed burn, must first make application to the City, in addition to application for review and recommendation from the Brighton Area Fire Authority, at least thirty (30) days in advance of any prescribed burns. The application for the permit shall include proof of liability and a written burn plan. Where certain environmental or climatic conditions arise requiring short notice, the fire code official may recommend waiver of the thirty (30) day application review period. Prescribed burns shall only be conducted between sunrise and sunset. The Brighton Area Fire Authority shall be notified prior to ignition of prescribed burns.

The following additional restrictions shall be enforced by the City:

*Accelerated Ignition.* It shall be unlawful for any fire ignition to be accelerated by use of an ignitable liquid.

*Illegal Burning.* At no time shall any person, partnership, firm, association, corporation, or any other legal entity; set any fire, burn, or cause to be burned, the following materials: building debris, construction materials, human waste, refuse or trash, animal carcasses, animal waste, yard waste, or other inorganic combustibles. Illegal burning shall also include the burning of approved materials on any non-residential parcel unless previously approved by the City in accordance with this Section.

*Hazardous Smoke, and Foul Odors.* It shall be unlawful to permit the emission of hazardous amounts of smoke or produce foul odors. Hazardous smoke is smoke that could be injurious or unreasonably annoying to persons in the affected area, obscures visibility, or is in volume enough to infiltrate fresh air make-up systems of occupied structures.

*Extinguishment Authority.* The Brighton Fire Authority is authorized to extinguish unapproved fires, fires that are non-compliant with this Section, or fires that pose an immediate threat to the health, safety and welfare of the public.

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*Burning during periods of banning unlawful.* The fire code official shall be authorized to issue a ban on all open burning if, in the opinion of the fire code official, conditions are too hazardous to allow the open burning, open flame, etc. Notwithstanding the provisions of this Section, no fire, whether previously approved pursuant to this Section, may be ignited during the period covered by such ban.

### **Sec. 46-64. [Permitted open burning subject to compliance with other regulations.]**

Notwithstanding anything set forth in this article, all open burning permitted under the terms and conditions of this article shall also be conducted and performed in compliance with all federal and state laws, statutes, rules, and regulations applicable thereto.

### **Sec. 46-65. Violations—Municipal civil infraction; authorized city officials.**

Violation of any provision of this article or of any permit granted pursuant to this article, or of any lawful order of the fire chief, building inspector or other public official issued in pursuance of this article, shall be and shall constitute a municipal civil infraction.

(1) A violation of this article will subject the violator to the following:

a. Any person, individual, firm, partnership, co-partnership, corporation, company, association, club, joint venture, and any other group, entity or association acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this article, is responsible for a municipal civil infraction, shall pay a civil fine of \$100.00, plus costs and other sanctions as authorized and permitted by law, for each municipal civil infraction.

b. Repeat violations shall be subject to increased civil fines as set forth below. As used in this section, "repeat violation" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this article (1) committed by a violating party within any 12-month period and (2) for which the violating party admits responsibility or is determined to be responsible. The increased civil fine for a repeat violation under this article shall be as follows:

1. The civil fine for any violation which is a repeat violation shall be no less than \$250.00 plus costs and other sanctions as authorized and permitted by law.

2. The civil fine for any violation which is a second repeat violation, or any subsequent repeat violation shall be no less than \$500.00 plus costs and other sanctions as authorized and permitted by law.

c. Such person, individual firm, partnership, co-partnership, corporation, company, association, club, joint venture and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, guilty of violating section 46-63 shall also be subject to civil proceedings for damages and/or injunctive

relief by the city or by any person or entity injured or damaged by such violation. Commencement of any such proceeding shall not constitute an election of remedies.

(2) The personnel of the city given authority to issue municipal civil infraction citations and municipal civil infraction violation notices as set forth in section 1-18 of chapter 1 of the Brighton City Code are hereby authorized to issue municipal civil infraction citation and municipal civil infraction violation notices for violations of this article. Furthermore, the Fire Chief for the Brighton Area Fire Department and any fire personnel of the Brighton Area Fire Department authorized by the Brighton Area Fire Chief shall also be authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this article.

### **Sec. 46-66. Severability.**

This article and each of the various parts, sections, subsections, clauses, phrases, sentences, and portions hereof are hereby declared to be severable. If any part, section, subsection, clause, phrase, sentence or portion of this article is for any reason held or determined to be invalid, unconstitutional or unenforceable by a court of competent jurisdiction, such part, section, subsection, clause, phrase, sentence or portion shall be deemed to be a separate, distinct and independent portion of this article and such holding or determination by a court of competent jurisdiction shall not affect the validity, constitutionality or enforceability of the remaining portions of this article and the same shall remain in full force and effect.

### **Sec. 46-67. Repeal of ordinance in conflict herewith.**

Section 46-9 of chapter 46 of the Code of the City of Brighton ~~are~~ hereby expressly repealed. In addition, thereto, all other ordinances of the city or any provisions or portions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within ordinances, are hereby expressly repealed.

### **Sec. 46-68. Publication of ordinance.**

This ordinance shall be published in accordance with and to the extent required by the laws of the State of Michigan applicable to home rule cities.

(Ord. No. 442, 7-20-00)

## CHAPTER 70 - SOLID WASTE

### Sec. 70-31. ~~Garbage burning prohibited.~~ Repealed

~~It shall be unlawful for any person to burn or cause to be burned garbage in the city. Burning of other substances shall be subject to the provisions of chapter 46 except that in residential areas leaves may be burned on private property in small piles under safe conditions with a responsible person in attendance. No such burning shall be permitted which through its location or due to the smoke or odor created, may annoy, injure, or endanger the safety, health, comfort, or repose of the public.~~

~~(Code 1081, § 21.31)~~

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