

**LOWELL CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
General Law Ordinance No. 08-2022**

At a regular meeting of the Township Board for Lowell Charter Township held at the Lowell Charter Township offices on December 19, 2022, at 7 p.m., this Ordinance was offered for adoption by Township Board Member Thompson and was seconded by Township Board Member Benedict:

**AN ORDINANCE GENERALLY BANNING AND REGULATING
PRIVATE SIGNAGE, ITEMS AND USES ON PROPERTIES OWNED,
LEASED OR CONTROLLED BY LOWELL CHARTER TOWNSHIP;
ENFORCEMENT AND PENALTIES; AND RELATED MATTERS.**

THE CHARTER TOWNSHIP OF LOWELL (the “Township”) ORDAINS:

1. Title and Name.

This Ordinance shall be known and may be cited as the “Lowell Charter Township Property Sign and Usage Ordinance” (and is also referred to herein as the “Ordinance”).

2. Intent and Purpose.

The Township Board finds that the enactment and enforcement of this Ordinance is necessary for the health, safety and welfare of the Township’s property owners, residents, visitors and electors. Among other matters and effects, this Ordinance shall:

- (1) Prevent damage and clutter on and to Township real property, buildings and structures.
- (2) Promote the safe, effective and orderly use of Township real property, buildings and facilities.
- (3) Prevent blockage and obstructions to and involving Township real property, buildings and facilities.

- (4) Prevent the degradation and private appropriation of Township property, buildings and facilities.
- (5) Prevent interference during elections with voters and the Township election processes.
- (6) Implement and effectuate an orderly process whereby private signage, booths and areas of Township property can be lawfully used or conducted.

3. Definitions.

For purposes of this Ordinance, the following words, terms and phrases shall mean as follows:

- A. “Sign” – A device, structure, painting on a building, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of promotion, politicking or of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information. This shall include but not be limited to, real estate signs, yard sales signs, political signs, posters, placards, directional signs and banners.
- B. “Township” – Shall mean Lowell Charter Township, as well as its bodies, commissions, boards, divisions and agencies.
- C. “Township Property” – Any real property, building, structure, fixture, facility, easement, lease or real property interest owned, possessed, controlled by or benefitting Lowell Charter Township.

4. General Prohibition of Private Signs.

Except as otherwise provided in Sections 5 and 7 of this Ordinance, no sign shall be installed, placed, used, kept or displayed on Township Property.

5. Township Permits for allowed Signs.

- A. No sign shall be installed, placed, displayed, used or kept on Township Property unless a permit for each such sign is obtained from the Township before the sign is installed, placed, displayed, used or kept.
- B. Sign permits shall be issued by the Township Zoning Administrator or such other Township official as is designated by the Township Board.
- C. Sign permits hereunder may generally be issued by the Township for the following:
 - (1) Where the sign is a matter of significant public interest, but not where the sign is primarily for a private, political, speech or similar use or purpose.
 - (2) Signs involving an event, gathering or use approved by the Township.
 - (3) Signs for or by other government units or agencies.
- D. The Township may charge a fee for a sign permit as set by the Township Board from time-to-time.

6. Prohibited Uses or Activities on or from Township Property.

None of the following uses or activities shall occur at, on or from Township Property:

- A. The parking or storage of trailers, vehicles, semi-trucks or similar items.
- B. Setting up, installing or utilizing a booth, table, display or similar item or use.
- C. Changing, defacing, installing or using any item on Township Property.
- D. Public or private gatherings, parties or meetings.

- E. Commercial sales, solicitations, uses or activities.
- F. Blocking or obstructing access to any voting location or station on Township Property for any voter or elector during an election.
- G. Unlawfully impede, obstruct or interfere with lawful voting by any person or elector during an election being held on Township Property.

7. Miscellaneous.

- A. The Township may post or display permanent or temporary signs, placards, instructions or written warnings on Township Property prohibiting or regulating certain signs, activities, solicitation or uses on some or all portions of Township Property. It is mandatory that every person comply with each such Township permanent or temporary sign, placard, instructions or warning with regard to Township Property, and noncompliance with or any violation of any such Township sign, placard, warning or written instructions shall constitute a violation of this Ordinance.
- B. Every person shall comply with any sign, direction or instructions by a Township official, officer or employee on Township Property with regard to forming waiting lines, dispersing from crowds, leaving a Township Property (or any portion thereof) and complying with other Township rules and regulations. Noncompliance with any such sign, instruction, warning or directive shall constitute a violation of this Ordinance.
- C. No person shall deface, remove, alter or tamper with any sign, instructions, warnings, placard or banner posted, displayed, installed or maintained by the Township on Township Property.

8. Exemptions.

The following uses, activities and matters are exempt from and are not subject to this Ordinance:

- A. Any sign, use, item, activity or matter belonging to, approved by, engaged in or done by the Township government.
- B. Any use or activity of or by any person or firm who leases Township property from the Township whereby the use or activity is expressly allowed by the written lease.
- C. Any parking expressly authorized by Township signs.
- D. Any public or private gathering, party or meeting held or approved by the Township.
- E. Any use, event, meeting, proceeding, or activity by or of the Township government.

9. Violations and Penalties.

- A. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or violates any permit or approval issued pursuant to this Ordinance, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the

discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same owner or person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.

- B. Each day during which any violation continues shall be deemed to be a separate offense.
- C. The prohibitions and penalties of this Ordinance shall apply not only to the person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance, but also those who aid and abet any such prohibited uses or activities.
- D. In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. Any violation of this Ordinance is a nuisance *per se*. The Township’s remedies under this Ordinance are cumulative and not exclusive or preclusive.
- E. The Township may remove from Township Property and dispose of any sign or item which violates this Ordinance without any liability or reimbursement to the owner thereof.

10. Severability.

Each portion of this Ordinance shall be deemed to be severable. Should any article, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance ever be declared by a

court of competent jurisdiction to be unconstitutional or invalid in whole or in part, that holding shall not affect the validity of this Ordinance, other than that part declared to be unconstitutional or invalid.

11. Effective Date.

This Ordinance shall become effective upon the expiration of thirty (30) days after this Ordinance or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance was as follows:

YEAS: Benedict, Blough, Hale, Thompson, Vanderziel

NAYS: None

ABSENT/ABSTAIN: Anderson, Burt

THIS ORDINANCE IS DECLARED TO BE DULY ADOPTED.



Monica Burt

Lowell Charter Township Clerk

ADOPTION DATE: 12/19/2022

PUBLICATON DATE: 12/28/2022

EFFECTIVE DATE: 01/27/2022

CERTIFICATION

I hereby certify that the above is a true copy of the Ordinance adopted by the Township Board for Lowell Charter Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Monica Burt
Lowell Charter Township Clerk