

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
AUGUST 13, 2003, 5:00 P.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY CHARLES CROSS AT 5:15 P.M.

MEMBERS PRESENT: Cross, Wells, Bement

MEMBERS ABSENT: None

OTHERS PRESENT: C. Abbey, Administrative Assistant, J. Adams, Clerk's Office

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE RECOMMENDATIONS
CONCERNING THE FOLLOWING ITEMS:
1. POLITICAL SIGN ORDINANCE

PRESENTATION:

Mr. Abbey stated this ordinance, in the deletion of our old ordinance, had to do with legal research by our City attorney where he found some court cases that would have deemed our old ordinance not in compliance with State law. Political signs can be a touchy subject when you talk about free speech and constitutional rights. However, I do think sometimes these things become real nuisances in neighborhoods. It is getting more difficult to get people to even have signs for whatever reasons. The reasons could be the length of time they are up or people not picking up their signs after an election. We need some type of controls to protect the neighborhoods so they don't become cluttered and a nuisance.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI, questioned the need to address the Political Sign Ordinance at this time. She feels Zoning Ordinance 19 addresses signage.

COMMITTEE DISCUSSION:

Mr. Cross indicated the ordinance is outdated and they were looking for some type of guidance.

Mr. Abbey stressed this is applicable to all candidates and does not give anyone an edge or favors anyone.

Mr. Hamilton said it became apparent to him that we had some problems with the constitutionality of the old ordinance. We came up with a couple of pieces of litigation early on in the election season by a candidate and I saw this as a situation we were so vulnerable that we could not fail to act. We tried to do it in a timely manner so it was far enough removed from the elections to not be controversial as we could. If you read the literature and cases, it becomes apparent the only thing you can safely regulate is the size. You can't regulate the number, location, or duration. Mr. Hamilton said the ordinance he proposes is a base that deals with temporary signs as against what might be commercial billboards placements, which is not regulated by this. This is just a regulation of temporary signs, it provides that they are not required to get a City permit prior to erection as a commercial sign might otherwise be. It differentiates between office, commercial and industrial districts in terms of the size of signs permitted in those districts as against the size of signs permitted in residential districts. Mr. Hamilton stated further, he transposed right from the St. Clair Shores ordinance the sizes they were using. I think as long as we are uniform within the districts there is not any problem in choosing the sizes for the various different zoning districts. There is also another section that deals with public right-of-way and public property. The temporary signs are not placed on public property or in public right-of-ways where they might hinder a sight view of a motorist or pedestrian on the city streets. The third area of regulation they have to be placed with permission of the person that owns the property or person that is in possession of the property. Those are the only areas I feel we can lawfully regulate.

Mr. Abbey said he understands Mr. Hamilton's position in what he is trying to accomplish. He does have concerns with enforcement regarding right-of-ways. In some of the new subdivisions there is a 35 ft. setback off of the curb line and some of the houses are only set 40 ft. off.

Mr. Hamilton stated it is very difficult to identify where the edge of a right-of-way is without a survey.

Mr. Abbey expressed further, every time there was a complaint, we would be forced to take a plat map out there. I personally have concerns with a 3 x 4 sign in residential neighborhoods and 5 ft. in the air. In the south end of Burton, it could pose some real issues on those small lots. I think that is where liability and safety issues come in. The 16 square feet on the larger signs and 5 ft. in height from curb height does not bother me. The residential part does. He suggests eliminating the height.

Mr. Cross read aloud the proposed ordinance.

Lengthy discussion continued regarding public right-of-ways, size and height of signs, State laws and omission of certain sections of the old ordinance. The Committee agreed that signs should not exceed a height of 3 ft. in residential areas.

Mr. Hamilton said he will re-work the ordinance and get back the changes to the Committee.

COMMITTEE RECOMMENDATIONS:

Wells moved and Bement seconded the following motion:

1. The Legislative Committee recommends Attorney Hamilton make revisions to the Political Sign Ordinance, and refer back to Council for the next Regular Council Meeting of August 18, 2003.
- Motion carried, 3-0.

Meeting adjourned at 6:29 p.m.

jra