

**ORDINANCE CERTIFICATION**

At a regular meeting of the Boyne Falls Village Council, Charlevoix County, held in the Boyne Falls Village Hall, located at 2290 Railroad Street, Boyne Falls, Michigan, on Oct. 14, 1997, at 7:00 P.M.

PRESENT: William Bricker, William Cousineau, Debra Taylor, & Chris Williams

ABSENT: April Kenney and Paul Zerbel

It as moved by William Bricker and supported by William Cousineau that the following Ordinance be adopted.

(See attached VILLAGE OF BOYNE FALLS ORDINANCE NO. 39)

YES: 4  
NO: 0

**ORDINANCE DECLARED ADOPTED.**

VILLAGE OF BOYNE FALLS

By: Blake Kenney  
Blake Kenney, President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Boyne Falls Village Council of said County at its regular meeting held on Oct. 14, 1997, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the *Petoskey News Review* on Oct. 2, 1997.

Dated: October 14, 1997

Marilyn Cousineau  
Marilyn Cousineau, Clerk

Note: The Ordinance and this Ordinance Certification should be placed in the Village Ordinance Book.

**VILLAGE OF BOYNE FALLS SIGN ORDINANCE**  
**Ordinance No. 39**

**THE VILLAGE OF BOYNE FALLS ORDAINS:**

**Section 1. Definitions.** As used in this Ordinance,

"Freestanding sign" or "ground sign" means a sign supported by permanent uprights or braces in the ground.

"Outdoor business or informational sign" means a freestanding, overhanging, or wall mounted sign located outside of a structure on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

"Overhanging sign" means a sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

"Sign" means a structure, including its base, foundation and erection supports, upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of and for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business, or organization.

"Sign surface" means that portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

"Wall mounted sign" means a sign that is attached to any structure wall and is affixed to the structure so that its sign surface is parallel to the structure wall.

**Section 2. Permit Required.**

No person, firm, corporation, association, or business shall erect an outdoor business or informational sign within the Village without first receiving a sign permit from the Village Clerk and paying the required sign permit fee as determined periodically by the Village Council. Before issuing a sign permit, the Village Clerk shall determine that the proposed sign complies with this Ordinance.

**Section 3. Application.**

Any person desiring a permit to construct, enlarge, alter, or reconstruct a sign shall file a written application with the Village Clerk and pay the required fee as established by

resolution of the Village Council. The application shall contain a drawing of the proposed location of the sign on the property, the type of sign to be constructed, enlarged, altered, or reconstructed; the legal description of the property on which the sign will be located, and such other information as may be required by the Village Clerk to determine that the sign will not violate any provisions of this Ordinance.

#### Section 4. Regulations.

- (a). Unless otherwise prohibited in this Ordinance, an outdoor business or informational sign shall be permitted within the Village if and only if all of the following requirements are met:
- (1). No more than two (2) signs are located on any one (1) parcel of land.
  - (2). The sign shall not be located so as to obstruct or impair a driver's vision of oncoming traffic at driveways and/or intersections and shall not obstruct a driver's view of any official traffic sign, traffic signal or traffic marking.
  - (3). The size of the sign surface does not exceed sixteen (16) square feet. Both surfaces of any freestanding or overhanging sign may be used for display.
  - (4). The illumination of a sign shall be limited to the sign surface(s). All exterior lighting of signs shall be shielded and directed to the sign surface(s) so as not to shine into or otherwise be hazardous to traffic and so as not to shine onto adjoining properties.
- (b). The following outdoor signs are prohibited in the Village:
- (1). Outdoor business and informational signs which by reason of their location, shape, size, or color can be confused with official traffic signs, traffic signals or traffic markings thereby creating a traffic hazard.
  - (2). Signs incorporating any flashing or moving lights other than electronic message signs utilizing lights going on and off periodically for the conveyance of noncommercial information limited to current time and temperature data.

#### Section 5. Existing Signs.

The use of any outdoor business or informational signs which were in use at the date this Ordinance is enacted may be continued, enlarged, altered, or reconstructed, unless otherwise prohibited by the provisions of this Ordinance, a permit is not required. Nothing in this section shall prevent such necessary

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in use at the date this Ordinance is enacted may be continued, enlarged, altered, or reconstructed, unless otherwise prohibited by the provisions of this Ordinance, a permit is not required. Nothing in this section shall prevent such necessary

as may be necessary to secure a reasonable use of it during its natural life, which may be done without a permit.

**Section 6. Penalty/Civil Infraction.**

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine as determined by the Village Council pursuant to Ordinance No. 47. Each day this Ordinance is violated shall be considered as a separate violation. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

**Section 7. Enforcement.**

The Village Marshall is hereby designated as the authorized village official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 8. Severability.**

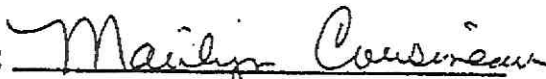
If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 9. Effective Date.**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Village.

VILLAGE OF BOYNE FALLS

By:   
Blake Kenney, President

By:   
Marilyn Cousineau, Clerk

VILLAGE OF BOYNE FALLS  
ORDINANCE AMENDMENT  
Ordinance No. 39

At a regular meeting of the Village Council of the Village of Boyne Falls, Charlevoix County, held in the Village Hall, located at 2290 Railroad Street, Boyne Falls, Michigan, on December 14, 2004 at 7:00 p.m.

Present: Blake Kenney, Toni File, Greg Blackall, Laura Snoeck,  
Bill Cousineau, Bill Carson

Absent: All present

It was moved by Bill Carson and supported by Greg Blackall that the following Ordinance (being Ordinance No. 39) be amended:

Amendment to Sec. 4 - #5

Amendment to read as follows: A business must be established within the Village limits in order for a sign to be permitted. All signs must be properly erected and maintained and approved by Village Council.

Yes: 5

No: 0

Ordinance declared amended.

Village of Boyne Falls

By: *Blake Kenney*  
Blake Kenney, President

By: *Theresa Hecker*  
Theresa Hecker, Village Clerk

Date of publication: 1-11-05