

PROHIBIT ZONING REGULATION OF CERTAIN SIGNS

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House Bill 6063 as reported from committee
Sponsor: Rep. Jason Wentworth
Committee: Military and Veterans Affairs
Complete to 11-26-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 6063 would amend the Michigan Zoning Enabling Act to prohibit a zoning ordinance from regulating or prohibiting a sign on or within a building that commemorates veterans of the U.S. Armed Forces or police officers, firefighters, medical first responders, or members of the Armed Forces who died in the line of duty.

FISCAL IMPACT: House Bill 6063 would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

The zoning ordinance of the city of Grand Rapids includes an article regulating signs, flags and billboards.¹ Among other things, the ordinance prohibits displaying more than three flags on a single lot. A local business has run afoul of that section of the ordinance by displaying, according to news reports, seven flags and a banner, most of which bear the name of a police officer or member of the military who died in the line of duty and the words "You will never be forgotten." The city has given the property owner notice that the number of flags violates the ordinance. Some feel that signs or flags that honor veterans or commemorate the fallen should be exempt from this kind of zoning regulation. A bill has been introduced to address this concern.

THE CONTENT OF THE BILL:

House Bill 6063 would amend the Michigan Zoning Enabling Act to specify that a zoning ordinance could not regulate or prohibit a sign located on or within a building that commemorates veterans of the United States Armed Forces or police officers, firefighters, **medical first responders**, or members of the Armed Forces who died in the line of duty.

Medical first responder would mean an individual who has met the educational requirements of a medical first responder course approved by the Department of Health and Human Services and who is licensed to provide medical first response life support as part of a medical first response service or as a driver of an ambulance that provides basic life support services only.

The bill would take effect 90 days after being enacted.

Proposed MCL 125.3205b

¹ <https://www.grandrapidsmi.gov/Directory/Programs-and-Initiatives/Zoning-Ordinance>

ARGUMENTS:

For:

Supporters of the bill argue that veterans and members of the Armed Forces, police officers, firefighters, and medical first responders who have fallen in the line of duty are heroes we should, as a community, honor and remember. A business or other private property owner should be recognized and celebrated for commemorating their service and sacrifice for our community and our country—not cited and potentially fined under a zoning ordinance. The display of flags such as these—however many there may be—is an act of patriotism and a type of speech that should be protected.

Against:

Opponents say the issue is not with the content of the signs, but rather the number of them. The regulation of signs is not based on content, but on considering the interests of different users of public space, and on recognizing “that the individual user’s right to convey a message must be balanced against the public’s right to be free of signs which unreasonably compete with one another, distract drivers and pedestrians, and create safety concerns and confusion.”² Opponents argue that exemption from regulation should likewise not be based on content, but on conditions specific to the property that would call for a zoning variance.

POSITIONS:

The following entities indicated support for the bill:

- American Legion, Department of Michigan (10-2-18)
- Military Order of the Purple Heart (10-2-18)
- Police Officers Association of Michigan (10-4-18)

A representative of the Michigan Municipal League indicated that the organization is neutral and still developing a position on the bill. (10-2-18)

The Michigan Association of Planning is opposed to the bill as written. (10-2-18)

Legislative Analyst: E. Best
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² Section 5.15.01.A.2 of the Grand Rapids zoning ordinance.