

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4629**

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL
252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a,
252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as
amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections
6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as
amended by 2011 PA 13, and by adding sections 7b, 17a, 17b, 18b,
18c, and 22a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:
2 (A) "ABANDONED OR DISCONTINUED SIGN OR SIGN STRUCTURE" OR
3 "ABANDONED SIGN" MEANS A SIGN OR SIGN STRUCTURE SUBJECT TO THIS
4 ACT, THE OWNER OF WHICH HAS FAILED TO SECURE A PERMIT, HAS FAILED

1 TO IDENTIFY THE SIGN OR SIGN STRUCTURE, OR HAS FAILED TO RESPOND TO
2 NOTICE.

3 (B) "ADJACENT AREA" MEANS THE AREA MEASURED FROM THE NEAREST
4 EDGE OF THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, FREEWAY, OR
5 PRIMARY HIGHWAY AND, IN URBANIZED AREAS, EXTENDING 3,000 FEET
6 PERPENDICULARLY AND THEN ALONG A LINE PARALLEL TO THE RIGHT-OF-WAY
7 LINE OR, OUTSIDE OF URBANIZED AREAS, EXTENDING PERPENDICULARLY TO
8 THE LIMIT WHERE A SIGN IS VISIBLE AND THEN ALONG A LINE PARALLEL TO
9 THE RIGHT-OF-WAY LINE.

10 (C) "ANNUAL PERMIT" MEANS A PERMIT FOR A BILLBOARD UNDER THIS
11 ACT.

12 (D) "BILLBOARD" MEANS A SIGN SEPARATE FROM A PREMISES ERECTED
13 FOR THE PURPOSE OF ADVERTISING A PRODUCT, EVENT, PERSON, OR SUBJECT
14 NOT RELATED TO THE PREMISES ON WHICH THE SIGN IS LOCATED. BILLBOARD
15 DOES NOT INCLUDE AN OFF-PREMISES DIRECTIONAL SIGN.

16 (E) ~~(a)~~ "Business area" means an adjacent area ~~which~~ **THAT** is
17 zoned ~~under authority of~~ **BY A** state, county, township, or municipal
18 zoning authority for industrial or commercial purposes, customarily
19 referred to as "b" or business, "c" or commercial, "i" or
20 industrial, "m" or manufacturing, and "s" or service, and all other
21 similar classifications and ~~which~~ **THAT** is within a city, village,
22 or charter township or is within 1 mile of the corporate limits of
23 a city, village, or charter township or is beyond 1 mile of the
24 corporate limits of a city, village, or charter township and
25 contains 1 or more permanent structures devoted to the industrial
26 or commercial purposes described in this subdivision and ~~which~~ **THAT**
27 extends along the highway a distance of 800 feet beyond each edge

1 of the activity. Each side of the highway is considered separately
2 in applying this definition except **THAT** where it is not
3 topographically feasible for a sign or sign structure to be erected
4 or maintained on the same side of the highway as the permanent
5 structure devoted to industrial or commercial purposes, a business
6 area may be established on the opposite side of a primary highway
7 in an area zoned commercial or industrial or in an unzoned area
8 with the approval of the state highway commission. A permanent
9 structure devoted to industrial or commercial purposes does not
10 result in the establishment of a business area on both sides of the
11 highway. All measurements shall be from the outer edge of the
12 regularly used building, parking lot, or storage or processing area
13 of the commercial or industrial activity and not from the property
14 lines of the activities and shall be along or parallel to the edge
15 or pavement of the highway. Commercial or industrial purposes are
16 those activities generally restricted to commercial or industrial
17 zones in jurisdictions that have zoning. In addition, the following
18 activities ~~shall~~**ARE** not be ~~considered~~ commercial or industrial:

19 (i) Agricultural, animal husbandry, forestry, grazing, farming,
20 and related activities, including, but not limited to, wayside
21 fresh produce stands.

22 (ii) Transient or temporary activities.

23 (iii) Activities not visible from the main-traveled way.

24 (iv) Activities conducted in a building principally used as a
25 residence, or in a building located on property that is used
26 principally for residential purposes or for **THE** activities ~~recited~~
27 in subparagraph (i).

1 (v) Railroad tracks and minor sidings.

2 (vi) Outdoor advertising.

3 (vii) Activities more than 660 feet from the main-traveled way.

4 (viii) Activities that have not been in continuous operation of
5 a business or commercial nature for at least 2 years.

6 (ix) Public utility facilities, whether regularly staffed or
7 not.

8 (x) Structures associated with on-site outdoor recreational
9 activities such as riding stables, golf course shops, and
10 campground offices.

11 (xi) Activities conducted in a structure for which an occupancy
12 permit has not been issued or ~~which~~**THAT** is not a fully enclosed
13 building, having all necessary utility service and sanitary
14 facilities required for its intended commercial or industrial use.

15 (xii) A storage facility for a business or other activity not
16 located on the same property, except a storage building having at
17 least 10 separate units that are available ~~to be rented~~**FOR RENT** by
18 the public.

19 (xiii) A temporary business solely established to qualify as
20 commercial or industrial activity under this act.

21 (F) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

22 (G) "DESTROYED SIGN" MEANS A NONCONFORMING SIGN THAT HAS BEEN
23 DAMAGED BY STORM, FIRE, OR OTHER CASUALTY THAT REQUIRES CUSTOMARY
24 MAINTENANCE AND REPAIR IN EXCESS OF 60% OF THE REPLACEMENT COST OF
25 A NEW SIGN STRUCTURE CONSTRUCTED OF EQUIVALENT MATERIALS AND
26 EQUIPMENT. DESTROYED SIGN DOES NOT INCLUDE A NONCONFORMING SIGN
27 THAT HAS BEEN DAMAGED BY VANDALISM OR A NEGLIGENT ACT OF A PERSON.

1 (H) "DIGITAL BILLBOARD" MEANS A SIGN OR SIGN STRUCTURE THAT
2 UTILIZES AN ELECTRONIC MEANS TO DISPLAY A SERIES OF MESSAGES THAT
3 ARE CHANGED BY ELECTRONIC MEANS. DIGITAL BILLBOARD DOES NOT INCLUDE
4 A SIGN THAT CONTAINS AN EMBEDDED ELECTRONIC MESSAGE DEVICE OR A
5 TRIVISION SIGN.

6 (I) "DIGITAL BILLBOARD PERMIT" MEANS A PERMIT FOR A DIGITAL
7 BILLBOARD THAT IS RENEWABLE ON AN ANNUAL BASIS.

8 (J) "DIRECTIONAL SIGN" MEANS A SIGN THAT CONTAINS ONLY
9 DIRECTIONAL INFORMATION REGARDING AND THE IDENTIFICATION OF 1 OF
10 THE FOLLOWING:

11 (i) A PUBLIC OR PRIVATE ACTIVITY OR ATTRACTION THAT IS OWNED OR
12 OPERATED BY THE FEDERAL OR A STATE OR LOCAL GOVERNMENT OR AN AGENCY
13 OF THE FEDERAL OR A STATE OR LOCAL GOVERNMENT.

14 (ii) A PUBLICLY OR PRIVATELY OWNED NATURAL PHENOMENON OR A
15 HISTORIC, CULTURAL, SCIENTIFIC, EDUCATIONAL, OR RELIGIOUS SITE.

16 (iii) AN AREA THAT IS IN THE INTEREST OF THE TRAVELING PUBLIC,
17 IF THE AREA IS OF NATURAL SCENIC BEAUTY OR IS NATURALLY SUITED FOR
18 OUTDOOR RECREATION.

19 (K) "EMBEDDED ELECTRONIC MESSAGE DEVICE" MEANS AN ACCESSORY
20 THAT IS MADE PART OF A SIGN, SIGN FACE, OR SIGN STRUCTURE WITH A
21 TOTAL AREA THAT IS LESS THAN THAT OF THE SIGN FACE TO WHICH IT IS
22 ATTACHED, AND DISPLAYS ONLY STATIC MESSAGES CONTAINING TEXT OR
23 NUMBERS THAT ARE DIRECTLY ASSOCIATED WITH THE CURRENT ADVERTISER.
24 EMBEDDED ELECTRONIC MESSAGE DEVICE DOES NOT INCLUDE A DIGITAL
25 BILLBOARD OR A DEVICE THAT DISPLAYS GRAPHICS OTHER THAN MESSAGES
26 CONTAINING TEXT OR NUMBERS.

27 (L) "ERECT" MEANS TO CONSTRUCT, BUILD, RAISE, ASSEMBLE, PLACE,

1 AFFIX, ATTACH, CREATE, PAINT, DRAW, OR IN ANY OTHER WAY BRING INTO
2 BEING OR ESTABLISH.

3 (M) "EXISTING VEGETATION" MEANS TREES, BUSHES, AND GROUND
4 COVER THAT THE DEPARTMENT INTENDS TO MAINTAIN AND THAT ARE AT LEAST
5 THE SAME SIZE AS SIMILAR VEGETATION THAT THE DEPARTMENT WOULD
6 CUSTOMARILY INSTALL AND MAINTAIN OR ALLOW TO BE INSTALLED AND
7 MAINTAINED AS PART OF A ROADSIDE MANAGEMENT PLAN, ROADSIDE
8 MANAGEMENT PROJECT, OR LANDSCAPING PROJECT.

9 (N) "FREEWAY" MEANS A DIVIDED HIGHWAY OF NOT LESS THAN 2 LANES
10 IN EACH DIRECTION TO WHICH OWNERS OR OCCUPANTS OF ABUTTING PROPERTY
11 OR THE PUBLIC DO NOT HAVE A RIGHT OF INGRESS OR EGRESS TO, FROM, OR
12 ACROSS THE HIGHWAY, EXCEPT AT POINTS DETERMINED BY OR AS OTHERWISE
13 PROVIDED BY THE AUTHORITIES RESPONSIBLE FOR THE FREEWAY.

14 (O) "INCORPORATED MUNICIPALITY" MEANS A CITY, VILLAGE, OR
15 CHARTER TOWNSHIP.

16 (P) "INDEX" MEANS THE DETROIT CONSUMER PRICE INDEX FOR ALL
17 URBAN CONSUMERS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR
18 STATISTICS OR, IF THAT INDEX CEASES TO BE PUBLISHED BY THE UNITED
19 STATES BUREAU OF LABOR STATISTICS, THE PUBLISHED INDEX THAT MOST
20 CLOSELY MEASURES INFLATION, AS DETERMINED BY THE DEPARTMENT.

21 (Q) "INTERIM PERMIT" MEANS A PERMIT THAT CAN BE UTILIZED BY
22 THE APPLICANT TO CONSTRUCT A SIGN STRUCTURE THAT IS VISIBLE FROM A
23 FREEWAY, INTERSTATE, OR PRIMARY HIGHWAY.

24 (R) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED
25 AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
26 BY THE DEPARTMENT AND APPROVED BY THE FEDERAL GOVERNMENT UNDER 23
27 USC 103.

1 (S) "LOCATION" MEANS A PLACE WHERE A SIGN STRUCTURE SUBJECT TO
2 THIS ACT IS LOCATED.

3 (T) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON
4 WHICH THROUGH TRAFFIC IS CARRIED. MAIN-TRAVELED WAY INCLUDES THE
5 TRAVELED WAY OF EACH OF THE SEPARATE ROADWAYS FOR TRAFFIC IN
6 OPPOSITE DIRECTIONS ON A DIVIDED HIGHWAY. MAIN-TRAVELED WAY DOES
7 NOT INCLUDE FACILITIES SUCH AS FRONTAGE ROADS, TURNING ROADWAYS, OR
8 PARKING AREAS.

9 (U) "MAINTAIN" MEANS TO ALLOW TO EXIST AND INCLUDES THE
10 PERIODIC CHANGING OF ADVERTISING MESSAGES, AND CUSTOMARY
11 MAINTENANCE AND REPAIR OF SIGNS AND SIGN STRUCTURES.

12 (V) "NATIONALLY KNOWN" MEANS AN ACTIVITY OR ATTRACTION THAT IS
13 ALL OF THE FOLLOWING:

14 (i) AN ACTIVE PART OF A NATIONAL ADVERTISING PROMOTION.

15 (ii) LISTED ON A NATIONAL REGISTER, IF APPLICABLE.

16 (iii) STAFFED AND MAINTAINS A REGISTER OF VISITORS.

17 (iv) LISTED IN NATIONAL TRAVEL GUIDES.

18 (v) ORGANIZED TO PROVIDE INFORMATION OR CONDUCTED TOURS FOR A
19 SIGNIFICANT PORTION OF THE YEAR, OR FOR AT LEAST 3 MONTHS IF THE
20 ACTIVITY OR ATTRACTION IS SEASONAL IN NATURE.

21 (W) "NONCONFORMING SIGN" MEANS A SIGN OR SIGN STRUCTURE, OTHER
22 THAN A NONSTANDARD SIGN OR A SIGN THAT IS ERECTED AND MAINTAINED IN
23 A BUSINESS AREA ALONG A SCENIC BYWAY PRIOR TO THE DESIGNATION AS A
24 SCENIC BYWAY, THAT SATISFIES 1 OF THE FOLLOWING:

25 (i) WAS LEGALLY ERECTED BEFORE MARCH 31, 1972 BUT COULD NOT BE
26 LEGALLY ERECTED UNDER THE CURRENT PROVISIONS OF THIS ACT.

27 (ii) IS A SIGN OR SIGN STRUCTURE REGULATED UNDER THIS ACT THAT

1 WAS LEGALLY ERECTED AFTER MARCH 31, 1972 BUT COULD NOT BE LEGALLY
2 ERECTED UNDER THE CURRENT PROVISIONS OF THIS ACT.

3 (X) "NONSTANDARD SIGN" MEANS A SIGN OR SIGN STRUCTURE OTHER
4 THAN A NONCONFORMING SIGN, THAT IS SUBJECT TO THIS ACT, WAS LEGALLY
5 ERECTED BEFORE MARCH 23, 1999, IS NOT A NONCONFORMING SIGN, AND
6 DOES NOT COMPLY WITH THE SPACING REQUIREMENTS IN SECTION 17(1), BUT
7 OTHERWISE COMPLIES WITH THIS ACT.

8 (Y) "ON-PREMISES SIGN" MEANS A SIGN ADVERTISING ACTIVITIES
9 CONDUCTED OR MAINTAINED ON THE PROPERTY ON WHICH IT IS LOCATED. THE
10 BOUNDARY OF THE PROPERTY SHALL BE AS DETERMINED BY TAX ROLLS, DEED
11 REGISTRATIONS, AND APPARENT LAND USE DELINEATIONS. IF A SIGN
12 CONSISTS PRINCIPALLY OF BRAND NAME OR TRADE NAME ADVERTISING AND
13 THE PRODUCT OR SERVICE ADVERTISED IS ONLY INCIDENTAL TO THE
14 PRINCIPAL ACTIVITY CONDUCTED OR MAINTAINED ON THE PROPERTY, OR IF
15 THE SIGN BRINGS RENTAL INCOME TO THE PROPERTY OWNER OR SIGN OWNER,
16 IT SHALL BE CONSIDERED THE BUSINESS OF OUTDOOR ADVERTISING AND NOT
17 AN ON-PREMISES SIGN. ON-PREMISES SIGN DOES NOT INCLUDE A SIGN ON A
18 NARROW STRIP OF LAND CONTIGUOUS TO THE ADVERTISED ACTIVITY, OR A
19 SIGN ON AN EASEMENT ON ADJACENT PROPERTY, WHEN THE PURPOSE IS
20 CLEARLY TO CIRCUMVENT THE INTENT OF THIS ACT.

21 (Z) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, PRIVATE
22 ASSOCIATION, OR CORPORATION, STATE, COUNTY, CITY, VILLAGE,
23 TOWNSHIP, CHARTER TOWNSHIP, OR OTHER PUBLIC OR MUNICIPAL
24 ASSOCIATION OR CORPORATION.

25 (AA) "PRIMARY HIGHWAY" MEANS A HIGHWAY OTHER THAN AN
26 INTERSTATE HIGHWAY OR FREEWAY THAT IS A REGULATED ROUTE.

27 (BB) "REGIONALLY KNOWN" MEANS AN ACTIVITY OR ATTRACTION THAT

1 IS ALL OF THE FOLLOWING:

2 (i) KNOWN THROUGHOUT THIS STATE OR THE PENINSULA OF THIS STATE
3 IN WHICH THE ACTIVITY OR ATTRACTION IS LOCATED AND IN 1 OR MORE
4 STATES ADJOINING THIS STATE.

5 (ii) LISTED ON A STATE REGISTER, IF APPLICABLE.

6 (iii) STAFFED AND MAINTAINS A REGISTER OF VISITORS.

7 (iv) ORGANIZED TO PROVIDE INFORMATION OR CONDUCTED TOURS FOR A
8 SIGNIFICANT PORTION OF THE YEAR, OR FOR AT LEAST 3 MONTHS IF THE
9 ACTIVITY OR ATTRACTION IS SEASONAL IN NATURE.

10 (CC) "REGULATED ROUTE" MEANS AN INTERSTATE HIGHWAY, FREEWAY,
11 OR PRIMARY HIGHWAY REQUIRED TO BE REGULATED UNDER 23 USC 131 AND
12 ANY OTHER ROUTE THAT IS REQUIRED TO BE REGULATED OR MAY BECOME
13 REQUIRED TO BE REGULATED BY THE DEPARTMENT UNDER THIS ACT OR
14 ANOTHER STATE OR FEDERAL STATUTE OR LEGAL REQUIREMENT.

15 (DD) "RELIGIOUS ORGANIZATION SIGN" MEANS A SIGN, NOT LARGER
16 THAN 8 SQUARE FEET, THAT GIVES NOTICE OF RELIGIOUS SERVICES.

17 (EE) "SCENIC BYWAY" MEANS A REGULATED ROUTE THAT IS REQUIRED
18 TO BE REGULATED AS A SCENIC BYWAY UNDER 23 USC 131.

19 (FF) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR
20 COUNTY PRIMARY ROAD.

21 (GG) "SERVICE CLUB SIGN" MEANS A SIGN, NOT LARGER THAN 8
22 SQUARE FEET, THAT GIVES NOTICE ABOUT NONPROFIT SERVICE CLUBS OR
23 CHARITABLE ASSOCIATIONS.

24 (HH) "SIGN" MEANS ANY OUTDOOR SIGN, DISPLAY, DEVICE, FIGURE,
25 PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER
26 THING, WHETHER PLACED INDIVIDUALLY OR ON A T-TYPE, V-TYPE, BACK TO
27 BACK, OR DOUBLE-FACED DISPLAY, THAT IS DESIGNED, INTENDED, OR USED

1 TO ADVERTISE OR INFORM.

2 (II) "SIGN STRUCTURE" MEANS THE ASSEMBLED COMPONENTS THAT MAKE
3 UP AN OUTDOOR ADVERTISING DISPLAY, INCLUDING, BUT NOT LIMITED TO,
4 UPRIGHTS, SUPPORTS, FACINGS, AND TRIM. A SIGN STRUCTURE MAY CONTAIN
5 1 OR 2 SIGNS PER FACING AND MAY BE DOUBLE-FACED, BACK TO BACK, T-
6 TYPE, OR V-TYPE.

7 (JJ) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
8 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,
9 TOBACCO SNUFF, AND CHEWING TOBACCO.

10 (KK) "TRIVISION SIGN" MEANS A SIGN OR SIGN STRUCTURE THAT USES
11 MECHANICAL MEANS TO DISPLAY MORE THAN 1 MESSAGE IN SEQUENCE.

12 (II) ~~(b)~~—"Unzoned commercial or industrial area" means an area
13 ~~which~~ **THAT** is within an adjacent area, ~~which~~ **THAT** is not zoned by
14 state or local law, regulation, or ordinance, ~~which~~ **THAT** contains 1
15 or more permanent structures devoted to the industrial or
16 commercial purposes described in subdivision ~~(a)~~, **(E)**, and ~~which~~
17 **THAT** extends along the highway a distance of 800 feet beyond each
18 edge of the activity. Each side of the highway is considered
19 separately in applying this definition except **THAT** where it is not
20 topographically feasible for a sign or sign structure to be erected
21 or maintained on the same side of the highway as the permanent
22 structure devoted to industrial or commercial purposes, an unzoned
23 commercial or industrial area may be established on the opposite
24 side of a primary highway in an area zoned commercial or industrial
25 or in an unzoned area with the approval of the state highway
26 commission. A permanent structure devoted to industrial or
27 commercial purposes does not result in the establishment of an

1 unzoned commercial or industrial area on both sides of the highway.
2 All measurements shall be from the outer edge of the regularly used
3 building, parking lot, or storage or processing area of the
4 commercial or industrial activity and not from the property lines
5 of the activities and shall be along or parallel to the edge or
6 pavement of the highway. Commercial or industrial purposes are
7 those activities generally restricted to commercial or industrial
8 zones in jurisdictions that have zoning. In addition, the following
9 activities shall ~~shall~~ **ARE** not be considered commercial or industrial:

10 (i) Agricultural, animal husbandry, forestry, grazing, farming
11 and related activities, including, but not limited to, wayside
12 fresh produce stands.

13 (ii) Transient or temporary activities.

14 (iii) Activities not visible from the main-traveled way.

15 (iv) Activities conducted in a building principally used as a
16 residence, or in a building located on property that is used
17 principally for residential purposes or for **THE** activities recited
18 in subparagraph (i).

19 (v) Railroad tracks and minor sidings.

20 (vi) Outdoor advertising.

21 (vii) Activities more than 660 feet from the main-traveled way.

22 (viii) Activities that have not been in continuous operation of
23 a business or commercial nature for at least 2 years.

24 (ix) Public utility facilities, whether regularly staffed or
25 not.

26 (x) Structures associated with on-site outdoor recreational
27 activities such as riding stables, golf course shops, and

1 campground offices.

2 (xi) Activities conducted in a structure for which an occupancy
3 permit has not been issued or ~~which~~ **THAT** is not a fully enclosed
4 building, having all necessary utility service and sanitary
5 facilities required for its intended commercial or industrial use.

6 (xii) A storage facility for a business or other activity not
7 located on the same property, except a storage building having at
8 least 10 separate units that are available ~~to be rented~~ **FOR RENT** by
9 the public.

10 (xiii) A temporary business solely established to qualify as
11 commercial or industrial activity under this act.

12 ~~—— (c) "Erect" means to construct, build, raise, assemble, place,
13 affix, attach, create, paint, draw, or in any other way bring into
14 being or establish.~~

15 ~~—— (d) "Interstate highway" means a highway officially designated
16 as a part of the national system of interstate and defense highways
17 by the department and approved by the appropriate authority of the
18 federal government.~~

19 ~~—— (e) "Freeway" means a divided highway of not less than 2 lanes
20 in each direction to which owners or occupants of abutting property
21 or the public do not have a right of ingress or egress to, from or
22 across the highway, except at points determined by or as otherwise
23 provided by the authorities responsible therefor.~~

24 ~~—— (f) "Primary highway" means a highway, other than an
25 interstate highway or freeway, officially designated as a part of
26 the primary system as defined in section 131 of title 23 of the
27 United States Code, 23 USC 131, by the department and approved by~~

1 ~~the appropriate authority of the federal government.~~

2 ~~—— (g) "Main traveled way" means the traveled way of a highway on~~
3 ~~which through traffic is carried. The traveled way of each of the~~
4 ~~separate roadways for traffic in opposite directions is a main-~~
5 ~~traveled way of a divided highway. It does not include facilities~~
6 ~~as frontage roads, turning roadways or parking areas.~~

7 ~~—— (h) "Sign" means any outdoor sign, display, device, figure,~~
8 ~~painting, drawing, message, placard, poster, billboard, or other~~
9 ~~thing, whether placed individually or on a T type, V type, back to~~
10 ~~back or double faced display, designed, intended or used to~~
11 ~~advertise or inform.~~

12 ~~—— (i) "Sign structure" means the assembled components which make~~
13 ~~up an outdoor advertising display, including, but not limited to,~~
14 ~~uprights, supports, facings and trim. Such sign structure may~~
15 ~~contain 1 or 2 signs per facing and may be double faced, back to~~
16 ~~back, T type or V type.~~

17 ~~—— (j) "Visible" means a sign that has a message that is capable~~
18 ~~of being seen and read by a person of normal visual acuity when~~
19 ~~traveling in a motor vehicle.~~

20 ~~—— (k) "Location" means a place where there is located a single,~~
21 ~~double faced, back to back, T type, or V type sign structure.~~

22 ~~—— (l) "Maintain" means to allow to exist and includes the~~
23 ~~periodic changing of advertising messages, customary maintenance~~
24 ~~and repair of signs and sign structures.~~

25 ~~—— (m) "Abandoned sign or sign structure" means a sign or sign~~
26 ~~structure subject to the provisions of this act, the owner of which~~
27 ~~has failed to secure a permit, has failed to identify the sign or~~

1 ~~sign structure or has failed to respond to notice.~~

2 ~~—— (n) "Department" means the state transportation department.~~

3 ~~—— (o) "Adjacent area" means the area measured from the nearest~~
4 ~~edge of the right of way of an interstate highway, freeway, or~~
5 ~~primary highway and extending 3,000 feet perpendicularly and then~~
6 ~~along a line parallel to the right of way line.~~

7 ~~—— (p) "Person" means any individual, partnership, private~~
8 ~~association, or corporation, state, county, city, village,~~
9 ~~township, charter township, or other public or municipal~~
10 ~~association or corporation.~~

11 ~~—— (q) "On premises sign" means a sign advertising activities~~
12 ~~conducted or maintained on the property on which it is located. The~~
13 ~~boundary of the property shall be as determined by tax rolls, deed~~
14 ~~registrations, and apparent land use delineations. When a sign~~
15 ~~consists principally of brand name or trade name advertising and~~
16 ~~the product or service advertised is only incidental to the~~
17 ~~principal activity, or if it brings rental income to the property~~
18 ~~owner or sign owner, it shall be considered the business of outdoor~~
19 ~~advertising and not an on premises sign. Signs on narrow strips of~~
20 ~~land contiguous to the advertised activity, or signs on easements~~
21 ~~on adjacent property, when the purpose is clearly to circumvent the~~
22 ~~intent of this act, shall not be considered on premises signs.~~

23 ~~—— (r) "Billboard" means a sign separate from a premises erected~~
24 ~~for the purpose of advertising a product, event, person, or subject~~
25 ~~not related to the premises on which the sign is located. Off-~~
26 ~~premises directional signs as permitted in this act shall not be~~
27 ~~considered billboards for the purposes of this section.~~

1 ~~—— (s) "Secondary highway" means a state secondary road or county~~
2 ~~primary road.~~

3 ~~—— (t) "Tobacco product" means any tobacco product sold to the~~
4 ~~general public and includes, but is not limited to, cigarettes,~~
5 ~~tobacco snuff, and chewing tobacco.~~

6 ~~—— (u) "Religious organization sign" means a sign, not larger~~
7 ~~than 8 square feet, that gives notice of religious services.~~

8 ~~—— (v) "Service club sign" means a sign, not larger than 8 square~~
9 ~~feet, that gives notice about nonprofit service clubs or charitable~~
10 ~~associations.~~

11 **(MM) "VISIBLE" MEANS A SIGN THAT HAS A MESSAGE THAT IS CAPABLE**
12 **OF BEING SEEN BY AN INDIVIDUAL OF NORMAL VISUAL ACUITY WHEN**
13 **TRAVELING IN A MOTOR VEHICLE.**

14 Sec. 4. This act regulates and controls the size, lighting,
15 and spacing of signs and sign structures in adjacent areas and
16 occupies the whole field of that regulation and control except for
17 the following:

18 (a) A county, city, village, township, or charter township may
19 enact ordinances to regulate and control the **OPERATION**, size,
20 lighting, and spacing of signs and sign structures but shall not
21 permit a sign or sign structure that is otherwise prohibited by
22 this act or require or cause the removal of lawfully erected signs
23 or sign structures subject to this act without the payment of just
24 compensation. A sign owner shall apply for an annual permit
25 pursuant to section 6 for each sign to be maintained or to be
26 erected within that county, city, village, charter township, or
27 township. A sign erected or maintained within that county, city,

1 village, township, or charter township shall also comply with all
2 applicable provisions of this act. **AN ORDINANCE OR CODE ADOPTED BY**
3 **A COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP THAT**
4 **REGULATES THE OPERATION, SIZE, LIGHTING, OR SPACING OF SIGNS AND**
5 **SIGN STRUCTURES AND THAT IS MORE STRINGENT THAN THE LAWS OF THIS**
6 **STATE IS NOT MADE VOID BY THIS ACT.**

7 (b) A county, city, village, charter township, or township
8 vested by law with authority to enact zoning codes has full
9 authority under its own zoning codes or ordinances to establish
10 commercial or industrial areas and the actions of a county, city,
11 village, charter township, or township in so doing shall be
12 accepted for the purposes of this act. However, except as provided
13 in subdivision (a), zoning ~~which~~ **THAT** is not part of a
14 comprehensive zoning plan and is taken primarily to permit outdoor
15 advertising structures shall not be accepted for purposes of this
16 act. A zone in which limited commercial or industrial activities
17 are permitted as incidental to other primary land uses is not a
18 commercial or industrial zone for outdoor advertising control
19 purposes.

20 (c) An ordinance or code of a city, village, township, or
21 charter township that existed on March 31, 1972 and that prohibits
22 signs or sign structures is not made void by this act.

23 (d) A county ordinance that regulates and controls the size,
24 lighting, and spacing of signs and sign structures shall only apply
25 in a township within the county if the township has not enacted an
26 ordinance to regulate and control the size, lighting, and spacing
27 of signs and sign structures.

1 (e) A county, on its own initiative or at the request of a
2 city, village, township, or charter township within that county,
3 may prepare a model ordinance as described in subdivision (a). A
4 city, village, township, or charter township within that county may
5 adopt the model ordinance.

6 Sec. 6. (1) A sign owner shall apply for an annual permit on a
7 form prescribed by the department for each sign **OR SIGN STRUCTURE**
8 to be maintained or ~~to be erected~~ in an adjacent area where the
9 facing of the sign **OR SIGN STRUCTURE** is visible from ~~an interstate~~
10 ~~highway, freeway, or primary highway. A sign owner shall apply for~~
11 ~~a separate sign permit for each sign for each highway subject to~~
12 ~~this act from which the facing of the sign is visible. The owner~~
13 ~~shall apply for the permit for such signs which become subject to~~
14 ~~the permit requirements of this act because of a change in highway~~
15 ~~designation or other reason not within the control of the sign~~
16 ~~owner within 2 months after the sign becomes subject to the permit~~
17 ~~requirements of this act.~~ **A REGULATED ROUTE.** The form shall require
18 the name and business address of the applicant, the name and
19 address of the owner of the property on which the sign **OR SIGN**
20 **STRUCTURE** is to be located, the date the sign **OR SIGN STRUCTURE**, if
21 currently maintained, was erected, the zoning classification of the
22 property, a precise description of where the sign **OR SIGN STRUCTURE**
23 is or will be situated and a certification that the sign **OR SIGN**
24 **STRUCTURE** is not prohibited by section 18(a), (b), (c), or (d) and
25 that the sign **OR SIGN STRUCTURE** does not violate any provisions of
26 this act. The sign permit application shall include a statement
27 signed by the owner of the land on which the sign **OR SIGN STRUCTURE**

1 is to be placed, acknowledging that no trees or shrubs in the
2 adjacent highway right-of-way may be removed, trimmed, or in any
3 way damaged or destroyed without the written authorization of the
4 department. The department may require documentation to verify the
5 zoning, the consent of the land owner, and any other matter
6 considered essential to the evaluation of ~~the~~ compliance with this
7 act. A SIGN OWNER SHALL APPLY FOR A SEPARATE ANNUAL PERMIT FOR EACH
8 SIGN OR SIGN STRUCTURE FOR EACH REGULATED ROUTE SUBJECT TO THIS ACT
9 FROM WHICH THE FACING OF THE SIGN OR SIGN STRUCTURE IS VISIBLE.

10 (2) THE OWNER OF A SIGN OR SIGN STRUCTURE SHALL APPLY FOR AN
11 ANNUAL PERMIT FOR EACH SIGN OR SIGN STRUCTURE THAT BECOMES SUBJECT
12 TO THE PERMIT REQUIREMENTS OF THIS ACT BECAUSE OF A CHANGE IN
13 HIGHWAY DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF THE
14 SIGN OWNER WITHIN 2 MONTHS AFTER RECEIVING NOTICE FROM THE
15 DEPARTMENT THAT THE SIGN OR SIGN STRUCTURE IS SUBJECT TO THE PERMIT
16 REQUIREMENTS OF THIS ACT. BOTH OF THE FOLLOWING APPLY TO AN ANNUAL
17 PERMIT ISSUED UNDER THIS SUBSECTION:

18 (A) THE ANNUAL PERMIT IS NOT SUBJECT TO SECTION 7A.

19 (B) THE ANNUAL PERMIT MAY NOT BE SURRENDERED FOR AN INTERIM
20 PERMIT UNDER SECTION 7A(3).

21 (3) IN ADDITION TO AN ANNUAL PERMIT UNDER SUBSECTION (1), A
22 SIGN OWNER SHALL APPLY FOR AND THE DEPARTMENT SHALL ISSUE A DIGITAL
23 BILLBOARD PERMIT FOR EACH DIGITAL BILLBOARD THAT IS NOT A
24 NONCONFORMING SIGN AND THAT MEETS THE REQUIREMENTS OF SECTION 17(3)
25 TO BE MAINTAINED OR ERECTED IN AN ADJACENT AREA WHERE THE FACING OF
26 THE SIGN OR SIGN STRUCTURE IS VISIBLE FROM A REGULATED ROUTE. THE
27 INFORMATION PROVIDED BY AN APPLICANT UNDER THIS SUBSECTION SHALL BE

1 ON A FORM PRESCRIBED BY THE DEPARTMENT. A SIGN OWNER SHALL APPLY
2 FOR A SEPARATE DIGITAL BILLBOARD PERMIT FOR EACH SIGN OR SIGN
3 STRUCTURE ALLOWED UNDER SECTION 17(3) FOR EACH REGULATED ROUTE FROM
4 WHICH THE FACING OF THE SIGN OR SIGN STRUCTURE IS VISIBLE. THE
5 OWNER OF A SIGN OR SIGN STRUCTURE SHALL APPLY FOR A DIGITAL
6 BILLBOARD PERMIT FOR EACH DIGITAL BILLBOARD THAT BECOMES SUBJECT TO
7 THE PERMIT REQUIREMENTS OF THIS ACT BECAUSE OF A CHANGE IN HIGHWAY
8 DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF THE SIGN
9 OWNER WITHIN 2 MONTHS AFTER RECEIVING NOTICE FROM THE DEPARTMENT
10 THAT THE SIGN OR SIGN STRUCTURE IS SUBJECT TO THE PERMIT
11 REQUIREMENTS OF THIS ACT. BOTH OF THE FOLLOWING APPLY TO A DIGITAL
12 BILLBOARD PERMIT ISSUED UNDER THIS SUBSECTION:

13 (A) THE DIGITAL BILLBOARD PERMIT IS NOT SUBJECT TO SECTION 7A.

14 (B) THE DIGITAL BILLBOARD PERMIT MAY NOT BE SURRENDERED FOR AN
15 INTERIM PERMIT UNDER SECTION 7A(3).

16 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, WITHIN 90
17 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
18 SUBSECTION, THE OWNER OF A DIGITAL BILLBOARD THAT WAS LEGALLY
19 ERECTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
20 THIS SUBSECTION SHALL APPLY FOR, AND THE DEPARTMENT SHALL ISSUE, A
21 DIGITAL BILLBOARD PERMIT. A DIGITAL BILLBOARD PERMITTED UNDER THIS
22 SUBSECTION OR SUBSECTION (5) IS EXEMPT FROM SECTION 17(3), AND THE
23 DEPARTMENT SHALL NOT REQUIRE ANY FORM OF CONSIDERATION FOR A
24 DIGITAL BILLBOARD PERMITTED UNDER THIS SUBSECTION OR SUBSECTION (5)
25 OTHER THAN PAYMENT OF THE APPROPRIATE APPLICATION FEE AND ANNUAL
26 RENEWAL FEES AS REQUIRED UNDER THIS ACT.

27 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF, ON

House Bill No. 4629 as amended December 12, 2013
as amended January 15, 2014

1 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
2 SUBSECTION, AN INDIVIDUAL HAS OBTAINED LOCATION APPROVAL FROM THE
3 DEPARTMENT AND APPROVAL FROM THE LOCAL UNIT OF GOVERNMENT HAVING
4 JURISDICTION OF THAT LOCATION TO ERECT A DIGITAL BILLBOARD, HE OR
5 SHE SHALL APPLY FOR, AND THE DEPARTMENT SHALL ISSUE, A DIGITAL
6 BILLBOARD PERMIT.

7 (6) [~~<<BOTH>>~~] OF THE FOLLOWING APPLY TO THE OWNER OF A
NONSTANDARD

8 SIGN:

9 (A) IN ADDITION TO AN ANNUAL PERMIT UNDER SUBSECTION (1), THE
10 OWNER OF A NONSTANDARD SIGN MAY APPLY FOR A DIGITAL BILLBOARD
11 PERMIT TO ERECT AND MAINTAIN A DIGITAL BILLBOARD ON A NONSTANDARD
12 SIGN BY APPLYING FOR A DIGITAL BILLBOARD PERMIT ON A FORM
13 PRESCRIBED BY THE DEPARTMENT, PAYING THE REQUIRED FEE, AND
14 SURRENDERING 3 INTERIM PERMITS TO THE DEPARTMENT. THE OWNER OF A
15 NONSTANDARD SIGN SEEKING A DIGITAL BILLBOARD PERMIT UNDER THIS
16 SUBSECTION SHALL APPLY FOR A SEPARATE DIGITAL BILLBOARD PERMIT FOR
17 EACH SIGN OR SIGN STRUCTURE FOR EACH REGULATED ROUTE FROM WHICH THE
18 FACING OF THE SIGN OR SIGN STRUCTURE IS VISIBLE, BUT SHALL NOT BE
19 REQUIRED TO SURRENDER MORE THAN A TOTAL OF 3 INTERIM PERMITS.

20 [(B) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
21 ADDED THIS SUBDIVISION AND ENDING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
22 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, FOR THE FIRST 8 NONSTANDARD
23 SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER
24 SUBDIVISION (A), THE OWNER SHALL NOT BE REQUIRED TO SURRENDER 3 INTERIM
25 PERMITS. THIS SUBDIVISION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY
26 HAVING A POPULATION OF NOT LESS THAN 750,000. THE SPACING REQUIREMENTS
UNDER SECTION 17(4) APPLY TO THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE
OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SUBDIVISION (A).

<<

>>

27

House Bill No. 4629 (S-3) as amended January 15, 2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

]

Sec. 7. (1) A permit fee is payable annually in advance, to be credited to the state trunk line fund. ~~The~~ **FOR A DIGITAL BILLBOARD PERMIT, THE FEE IS \$200.00 FOR THE FIRST YEAR. FOR AN ANNUAL PERMIT FOR A BILLBOARD THAT DOES NOT REQUIRE A DIGITAL BILLBOARD PERMIT, THE** fee is \$100.00 for the first year except that signs in existence prior to a highway's change in designation or jurisdiction ~~which would require~~ **THAT REQUIRES** signs to be permitted shall only be required to pay the permit renewal amount ~~as provided in~~ **UNDER** subsection (2). The department shall establish an annual expiration date for each permit and may change the expiration date of existing permits to spread the permit renewal activity over the year. Permit fees may be prorated the first year. An application for the renewal of a permit shall be filed with the department ~~at least 30 days before~~ **NO LATER THAN** the **PERMIT'S** expiration date.

(2) For signs up to and including 300 square feet, the annual permit renewal fee is \$50.00. For signs greater than 300 square feet, the annual permit renewal fee is \$80.00. **THE ANNUAL PERMIT RENEWAL FEE FOR AN INTERIM PERMIT IS \$80.00. THE ANNUAL PERMIT RENEWAL FEE FOR A DIGITAL BILLBOARD PERMIT IS \$200.00.** Signs of the service club and religious category are not subject to an annual renewal fee.

~~(3) The annual renewal fee for each permit shall increase by an additional \$20.00 if the fee is not paid at least 30 days before the expiration date of the permit. If the annual renewal fee is not~~

1 paid BY THE EXPIRATION DATE OF THE PERMIT as required under this
2 section, the ANNUAL RENEWAL FEE SHALL INCREASE BY AN ADDITIONAL
3 \$50.00. THE department shall send notice of nonpayment by certified
4 mail to the permit holder's address on file ~~not more than 30 days~~
5 ~~after the permit expiration date. If the annual renewal fee for any~~
6 ~~permit is not paid within 60 days after the permit expiration date,~~
7 ~~the department may cancel the permit~~ WITHIN 30 DAYS AFTER THE
8 EXPIRATION DATE AND SHALL INFORM THE PERMIT HOLDER THAT IF THE
9 ANNUAL RENEWAL FEE AS INCREASED UNDER THIS SUBSECTION IS NOT PAID
10 WITHIN 60 DAYS AFTER THE PERMIT EXPIRATION DATE, THE DEPARTMENT MAY
11 CANCEL THE PERMIT without taking further administrative action
12 unless an administrative hearing is requested by the permit holder
13 within 60 days ~~of~~ AFTER the permit expiration date.

14 (4) THE DEPARTMENT SHALL SEND NOTICE OF A PERMIT'S
15 CANCELLATION TO THE PERMIT HOLDER USING 1 OF THE FOLLOWING METHODS:

16 (A) FOR A PERMIT THAT WAS CANCELED BETWEEN 2011 AND THE DAY
17 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
18 SENTENCE, BY CERTIFIED MAIL TO THE PERMIT HOLDER'S ADDRESS ON FILE.
19 THE DEPARTMENT SHALL SEND THE NOTICE WITHIN 60 DAYS AFTER THE
20 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE. THE
21 NOTICE SHALL ADVISE THE PERMIT HOLDER THAT HE OR SHE MAY REQUEST
22 REINSTATEMENT OF THE PERMIT WITHIN 60 DAYS AFTER THE DATE OF THE
23 NOTICE AS PROVIDED IN SECTION 7A(16).

24 (B) FOR A PERMIT THAT WAS CANCELED ON OR AFTER THE EFFECTIVE
25 DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, BY CERTIFIED
26 MAIL TO THE PERMIT HOLDER'S ADDRESS ON FILE. THE DEPARTMENT SHALL
27 SEND THE NOTICE WITHIN 60 DAYS AFTER THE DATE THE PERMIT WAS

1 CANCELED. THE NOTICE SHALL ADVISE THE PERMIT HOLDER THAT HE OR SHE
2 MAY REQUEST REINSTATEMENT OF THE PERMIT WITHIN 60 DAYS AFTER THE
3 DATE OF THE NOTICE AS PROVIDED IN SECTION 7A(16).

4 (5) ~~(4)~~ Notwithstanding subsection (3), for permits having the
5 same expiration date, the maximum amount of increased annual
6 renewal fees for late payments that may be assessed by the
7 department under this section against 1 permit holder is
8 \$10,000.00.

9 ~~(5) If the department has collected penalties from a permit
10 holder under this section during the period beginning January 1,
11 2007 and ending on the date of the amendatory act that added this
12 subsection and the total amount collected from that permit holder
13 during that period exceeds \$10,000.00, the excess amount for that
14 period shall be credited against future renewal fees of the permit
15 holder.~~

16 (6) The department shall require a transfer fee when a request
17 is made to transfer existing permits to a new sign owner. Except as
18 otherwise provided in this subsection, the transfer fee ~~shall be~~ **IS**
19 \$100.00 for each permit that is requested to be transferred, up to
20 a maximum of \$500.00 for a request that identifies 5 or more
21 permits to be transferred. If the department incurs additional
22 costs directly attributable to special and unique circumstances
23 associated with the requested transfer, the department may assess a
24 transfer fee greater than the maximums identified in this
25 subsection to recover those costs. ~~incurred by the department.~~

26 Sec. 7a. (1) Except as otherwise provided in this section,
27 **SECTION 6(2)(A), AND SECTION 7B,** the department shall not issue **AN**

House Bill No. 4629 as amended December 12, 2013

1 annual ~~permits~~**PERMIT** for **A** new ~~signs~~**SIGN** on or after January 1,
2 2007.

3 (2) ~~Permits~~**A PERMIT** issued by the department before January
4 1, 2007 ~~remain~~**REMAINS** in force and valid.

5 (3) On and after January 1, 2007, the department shall issue
6 an interim permit ~~or permits~~ to a holder of a valid permit ~~or~~
7 ~~permits~~ if all of the following conditions are met:

8 (a) The holder of the valid permit ~~or permits~~ is otherwise in
9 compliance with this act.

10 (b) The holder of the permit ~~or permits~~ surrenders the permit
11 ~~or permits~~ to the department upon the removal of a sign structure
12 ~~or sign structures~~ that have **HAS** a valid permit under this act.

13 (c) The holder of the permit ~~or permits~~ verifies the removal
14 of the sign structure ~~or sign structures~~ in writing to the
15 department.

16 (d) The department verifies that the sign structure ~~or~~
17 ~~structures~~ have **HAS** been removed or the removal has been deemed
18 effective under this section.

19 (4) An interim permit ~~that is~~ issued under this section shall
20 only be utilized for the construction of a ~~new~~ sign structure and
21 shall remain in effect without expiration with fees renewed on an
22 annual basis. **A SIGN ERECTED USING AN INTERIM PERMIT SHALL NOT BE**
23 **CLOSER THAN 1,000 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE**
24 **OF THE HIGHWAY ALONG INTERSTATE HIGHWAYS AND FREEWAYS OR CLOSER**
25 **THAN 500 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE OF THE**
26 **HIGHWAY ALONG PRIMARY HIGHWAYS. AN INTERIM PERMIT SHALL NOT BE USED**
27 **TO ERECT A SIGN IN A LOCATION WHERE << EXISTING VEGETATION IS GREATER**
THAN 8 FEET TALL OR WHERE EXISTING>> VEGETATION <<

House Bill No. 4629 as amended December 12, 2013

1 >> WAS REMOVED WITHOUT THE DEPARTMENT'S PERMISSION.

2 (5) The department shall verify that an existing sign
3 structure has been removed no later than 30 days after the
4 department receives written notice from the permit holder that the
5 sign structure has been removed. If the department does not respond
6 to the written notice within 30 days after receipt of the written
7 notice, then the permit holder shall be deemed to have removed the
8 sign structure in compliance with this section.

9 (6) A holder of 2 valid permits for a sign structure with 2
10 faces who complies with this section shall receive 2 interim
11 permits for the construction of a sign structure with 2 faces. A
12 permit holder under this subsection shall not receive 2 interim
13 permits to construct 2 single-face sign structures.

14 (7) A holder of a valid permit for a sign structure with a
15 single face is entitled to exchange that permit under this section
16 for an interim permit with a single face. A holder of valid permits
17 for 2 different single-face structures may exchange the 2 permits
18 under this section for 2 interim permits to construct 2 single-face
19 sign structures or 2 interim permits to construct 1 sign structure
20 with 2 faces.

21 (8) A holder of more than 2 valid permits for a sign structure
22 with more than 2 faces may exchange the permits under this section
23 for a maximum of 2 interim permits. The 2 interim permits received
24 under this section shall only be used to construct 1 sign structure
25 with no more than 2 faces.

26 (9) After construction of a sign structure under an interim
27 permit is complete, the department shall issue renewable permits

1 annually for the completed sign structure.

2 (10) If a permit holder for a sign structure that exists on
3 January 1, 2007 requires additional permits for any reason, or if
4 the owner of a sign that meets the requirements of section ~~17(9)~~
5 **17(10)** applies for a permit before July 1, 2011, the department may
6 issue a valid renewable permit renewable on an annual basis without
7 complying with subsection ~~(2)~~ **(1)** even if the permit holder has
8 more than 2 valid permits as a result.

9 (11) The department may issue a permit for a new sign
10 structure that measures no more than 8 square feet for ~~signs in the~~
11 ~~categories of service club signs and OR religious organization~~
12 signs.

13 (12) Notwithstanding anything ~~else in this act that may be to~~
14 the contrary, permits issued under subsection (11) are not eligible
15 to be surrendered for an interim permit.

16 **(13) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, THE**
17 **DEPARTMENT MAY ISSUE A PERMIT FOR AN EXISTING SIGN THAT ADVERTISES**
18 **A PRODUCT, SERVICE, OR RETAIL BUSINESS THAT IS OWNED AND OPERATED**
19 **BY THE SIGN OWNER IF THE LOCATION FOR THE SIGN MEETS ALL EXISTING**
20 **REQUIREMENTS OF THIS ACT, OR IF THE SIGN IS AN EXISTING**
21 **NONCONFORMING SIGN THAT ADVERTISES A PRODUCT, SERVICE, OR RETAIL**
22 **BUSINESS THAT IS OWNED AND OPERATED BY THE SIGN OWNER AND THE SIGN**
23 **OWNER HELD AN ORIGINAL PERMIT FOR THAT SIGN ON JANUARY 1, 2007.**

24 **(14) A PERMIT ISSUED UNDER SUBSECTION (13) IS NOT TRANSFERABLE**
25 **AND IS NOT ELIGIBLE TO BE SURRENDERED FOR AN INTERIM PERMIT.**

26 **(15) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, THE**
27 **DEPARTMENT MAY ISSUE A PERMIT FOR A SIGN THAT IS NO MORE THAN 150**

1 SQUARE FEET IN SIZE AND THAT ADVERTISES A PRODUCT, SERVICE,
2 ATTRACTION, DESTINATION, OR RETAIL BUSINESS THAT IS OWNED AND
3 OPERATED OR SERVED BY THE SIGN OWNER, IF THE SIGN MEETS ALL OTHER
4 REQUIREMENTS OF THIS ACT. A PERMIT ISSUED UNDER THIS SUBSECTION IS
5 NOT TRANSFERABLE AND IS NOT ELIGIBLE TO BE SURRENDERED FOR AN
6 INTERIM PERMIT. THE DEPARTMENT SHALL NOT ISSUE MORE THAN 4 PERMITS
7 UNDER THIS SUBSECTION TO AN ATTRACTION, DESTINATION, OR RETAIL
8 BUSINESS.

9 (16) BOTH OF THE FOLLOWING APPLY TO THE OWNER OF AN EXISTING
10 SIGN OR SIGN STRUCTURE WHOSE PERMIT WAS CANCELED DUE TO NONPAYMENT
11 OF RENEWAL FEES:

12 (A) HE OR SHE MAY APPLY FOR A NEW ANNUAL PERMIT BY SUBMITTING
13 AN APPLICATION FOR A NEW ANNUAL PERMIT AND SURRENDERING AN INTERIM
14 PERMIT.

15 (B) NO LATER THAN 60 DAYS AFTER NOTICE IS SENT UNDER SECTION
16 7(4)(A), THE OWNER OF AN EXISTING SIGN OR SIGN STRUCTURE WHOSE
17 PERMIT EXPIRED DURING DECEMBER 2012 DUE TO NONPAYMENT OF RENEWAL
18 FEES MAY APPLY FOR A NEW ANNUAL PERMIT BY SUBMITTING AN APPLICATION
19 FOR A NEW ANNUAL PERMIT AND SURRENDERING 1 INTERIM PERMIT PER SIGN,
20 BUT SHALL NOT BE REQUIRED TO SUBMIT MORE THAN 1 INTERIM PERMIT PER
21 SIGN STRUCTURE.

22 SEC. 7B. (1) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE
23 CONTRARY, THE DEPARTMENT MAY ISSUE A PERMIT FOR A DIRECTIONAL SIGN
24 FOR A PUBLICLY OR PRIVATELY OWNED ACTIVITY OR ATTRACTION THAT IS
25 NATIONALLY KNOWN OR REGIONALLY KNOWN, THAT IS OF OUTSTANDING
26 INTEREST TO THE TRAVELING PUBLIC, AND THAT IS GENERALLY CONSIDERED
27 TO BE 1 OF THE FOLLOWING:

1 (A) A NATURAL PHENOMENON.

2 (B) A SCENIC ATTRACTION.

3 (C) A HISTORIC, EDUCATIONAL, CULTURAL, SCIENTIFIC, OR
4 RELIGIOUS SITE.

5 (D) AN OUTDOOR RECREATIONAL AREA.

6 (2) A PERMIT ISSUED UNDER THIS SECTION IS EXEMPT FROM SECTION
7 7A, IS NOT TRANSFERABLE, AND IS NOT ELIGIBLE TO BE SURRENDERED FOR
8 AN INTERIM PERMIT.

9 (3) A PERMIT ISSUED UNDER THIS SECTION SHALL BE FOR A SIGN
10 THAT IS NO LARGER THAN 150 SQUARE FEET IN SIZE, NO MORE THAN 20
11 FEET HIGH, AND NO MORE THAN 20 FEET LONG, INCLUDING BORDER AND TRIM
12 AND EXCLUDING SUPPORTS.

13 (4) A SIGN FOR WHICH A PERMIT IS ISSUED UNDER THIS SECTION
14 SHALL NOT BE ANY OF THE FOLLOWING:

15 (A) CLOSER THAN 2,000 FEET TO AN INTERCHANGE, REST AREA, PARK
16 LAND, SCENIC AREA, OR INTERSECTION AT-GRADE ALONG THE INTERSTATE
17 SYSTEM, A FREEWAY, OR A PRIMARY HIGHWAY, AS MEASURED FROM THE
18 NEAREST POINT OF THE BEGINNING OR ENDING OF PAVEMENT WIDENING AT
19 THE EXIT FROM, OR ENTRANCE TO, THE MAIN-TRAVELED WAY.

20 (B) CLOSER THAN 1 MILE TO ANOTHER DIRECTIONAL SIGN ON EITHER
21 SIDE OF THE ROAD FACING THE SAME DIRECTION.

22 (C) LOCATED ADJACENT TO A REGULATED ROUTE AT A DISTANCE
23 GREATER THAN 50 AIR MILES FROM THE ACTIVITY OR ATTRACTION.

24 (5) THE DEPARTMENT SHALL NOT ISSUE A PERMIT UNDER THIS SECTION
25 IF THERE ARE MORE THAN 3 SIGNS IDENTIFYING THE SAME ACTIVITY OR
26 ATTRACTION FACING THE SAME DIRECTION ON EITHER SIDE OF THE ROAD
27 ALONG A SINGLE REGULATED ROUTE APPROACHING THE ACTIVITY OR

1 ATTRACTION.

2 (6) THE MESSAGE DISPLAYED ON A SIGN FOR WHICH A PERMIT IS
 3 ISSUED UNDER THIS SECTION SHALL ONLY IDENTIFY THE ACTIVITY OR
 4 ATTRACTION AND DIRECTIONAL INFORMATION USEFUL TO THE TRAVELER IN
 5 LOCATING THE ACTIVITY OR ATTRACTION, INCLUDING MILEAGE, ROUTE
 6 NUMBERS, AND EXIT NUMBERS. THE MESSAGE DISPLAYED ON A SIGN FOR
 7 WHICH A PERMIT IS ISSUED UNDER THIS SECTION SHALL NOT INCLUDE
 8 DESCRIPTIVE WORDS OR PHRASES OR PICTORIAL OR PHOTOGRAPHIC
 9 REPRESENTATIONS OF THE ACTIVITY OR ATTRACTION OR THE SURROUNDING
 10 AREA.

11 Sec. 11. (1) ~~Except as otherwise provided in subsection (2), a~~
 12 A person who trims or removes trees or shrubs within a highway
 13 right-of-way for the purpose of making a proposed or existing sign
 14 more visible ~~may pay~~ **WITHOUT A PERMIT ISSUED UNDER SECTION 11A IS**
 15 **GUILTY OF a penalty MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT**
 16 **MORE THAN 30 DAYS OR A FINE of \$10,000.00 OR up to 5 times the**
 17 **value of the trees or shrubs trimmed or removed, unless the person**
 18 ~~trimmed or removed the trees or shrubs under the authority of a~~
 19 ~~permit issued under section 11a.~~ **WHICHEVER IS GREATER.** The value of
 20 the removed trees or shrubs shall be determined by the department
 21 ~~in accordance with~~ **UNDER section 11a(3)-11A.**

22 ~~(2) A person who removes trees or shrubs within a highway~~
 23 ~~right of way for the purpose of making a proposed or existing sign~~
 24 ~~more visible without first obtaining a permit under section 11a is~~
 25 ~~guilty of a felony punishable by imprisonment for not more than 2~~
 26 ~~years or a fine of not more than \$25,000.00, or both. If no~~
 27 ~~eriminal action pursuant to this section has been brought against~~

1 ~~the person within 1 year of the removal of trees or shrubs without~~
 2 ~~a permit, the department may proceed to recover the penalty~~
 3 ~~prescribed in subsection (1). If a criminal action is brought~~
 4 ~~against a person pursuant to this subsection, the department shall~~
 5 ~~not proceed to recover the penalty prescribed in subsection (1).~~

6 (2) ~~(3)~~—If a sign owner, ~~or the sign owner's agent,~~ **OR A**
 7 **PROPERTY OWNER OR AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN**
 8 **OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR**
 9 **HER PROPERTY** trims or removes trees or shrubs without first having
 10 obtained a permit under section 11a, the sign owner ~~shall not be~~ **IS**
 11 **NOT** eligible to obtain a permit under section 11a for 3 years from
 12 the date of trimming or removal of trees or shrubs.

13 (3) ~~(4)~~—If trees or shrubs within a highway right of way have
 14 been trimmed or removed **WITHOUT A PERMIT UNDER SECTION 11A** by a
 15 sign owner, ~~or its~~ **A SIGN OWNER'S AGENT, A PROPERTY OWNER, OR A**
 16 **PROPERTY OWNER'S** agent, ~~for the purpose of making the sign more~~
 17 ~~visible, the sign shall be considered illegal and the department~~
 18 ~~may remove the sign pursuant to the procedures established in~~
 19 ~~section 19 if a court determines any of the following:~~

20 ——— (a) ~~The trimming or removal was in violation of a local~~
 21 ~~ordinance.~~

22 ——— (b) ~~The trimming or removal resulted in the intentional~~
 23 ~~trimming or removal of trees or shrubs that were not authorized to~~
 24 ~~be trimmed or removed in a permit issued under section 11a.~~

25 ——— (c) ~~The sign owner trimmed or removed trees or shrubs and did~~
 26 ~~not obtain a permit under section 11a.~~ **SHALL CONDUCT A HEARING UNDER**
 27 **THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201**

1 TO 24.328. AFTER PROVIDING NOTICE AND OPPORTUNITY FOR HEARING UNDER
2 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
3 TO 24.328, THE DEPARTMENT MAY IMPOSE A FINE NOT TO EXCEED 5 TIMES
4 THE VALUE OF THE VEGETATION THAT WAS TRIMMED OR REMOVED, RESTRICT
5 FUTURE VEGETATION MANAGEMENT PERMITS, RESTRICT USE OF THE SIGN OR
6 SIGN STRUCTURE FOR A PERIOD NOT TO EXCEED 1 YEAR, OR, FOR A SECOND
7 OR SUBSEQUENT VIOLATION, REMOVE THE SIGN UNDER SECTION 19. A SIGN,
8 THE USE OF WHICH HAS BEEN RESTRICTED UNDER THIS SUBSECTION, SHALL
9 NOT BE CONSIDERED AN ABANDONED SIGN.

10 (4) ~~(5)~~—If a sign is removed under this section and the
11 department subsequently receives an application for a permit under
12 section 6 for the same area, the department shall consider that the
13 conditions for the permit issued under section 6 remain in force
14 for spacing and all other requirements of this act.

15 Sec. 11a. (1) Subject to the requirements of this section, the
16 department is authorized to and shall issue permits for the
17 management of vegetation to the owner of a sign, **AGENT OF THE OWNER**
18 **OF A SIGN, OR A PROPERTY OWNER OR AGENT OF A PROPERTY OWNER WITH**
19 **WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE**
20 **SIGN ON HIS OR HER PROPERTY,** subject to this act.

21 (2) A sign owner may apply to the department for a permit to
22 manage vegetation using the department's approved form. The
23 application shall be accompanied by an application fee of \$150.00
24 to cover the costs of evaluating and processing the application.
25 ~~The~~ **BEGINNING OCTOBER 1, 2014, THE DEPARTMENT SHALL ANNUALLY ADJUST**
26 **THE APPLICATION FEE TO ENSURE THAT THE FEE COVERS THE TOTAL COST OF**
27 **EVALUATING AND PROCESSING THE APPLICATION. THE DEPARTMENT SHALL NOT**

1 INCREASE THE APPLICATION FEE BY AN ANNUAL PERCENTAGE AMOUNT GREATER
2 THAN THE INDEX.

3 (3) AN application SUBMITTED UNDER SUBSECTION (2) shall be
4 ~~submitted during the 2 or more annual application periods not less~~
5 ~~than 60 days each, as specified by the department. The application~~
6 ~~shall~~ ON A FORM AND IN A MANNER SPECIFIED BY THE DEPARTMENT AND
7 SHALL clearly identify the vegetation to be managed in order to
8 create visibility of the sign within the billboard viewing zone and
9 all proposed mitigation for the impacts of the vegetation
10 management undertaken. The application shall also include
11 anticipated management that will be needed in the future to
12 maintain the visibility of the sign within the billboard viewing
13 zone for the time specified in subsection ~~(4)~~ (6) and procedures
14 for clearing vegetation as determined by the department.

15 (4) ~~(3)~~ Unless otherwise agreed to by the department and an
16 applicant, the department shall issue its decision on an
17 application no later than ~~30~~ 90 days after ~~the last day~~ RECEIPT of
18 ~~the~~ A COMPLETED application. ~~period.~~ The department shall approve
19 the application, approve the application with modification, or deny
20 the application. IN DECIDING WHETHER TO APPROVE AN APPLICATION,
21 APPROVE AN APPLICATION WITH MODIFICATION, OR DENY AN APPLICATION,
22 THE DEPARTMENT SHALL CONSIDER THE VEGETATION MANAGEMENT THAT WAS
23 PREVIOUSLY ALLOWED AT THE BILLBOARD SITE. If the department
24 approves the application or approves the application with
25 modification, it shall notify the applicant. ~~and the~~ THE
26 notification REQUIRED BY THIS SUBSECTION shall include the value of
27 the vegetation to be managed as determined ~~by the department using~~

1 ~~the most recent version of the international society of~~
2 ~~arboriculture's guide for plant appraisal and the corresponding~~
3 ~~Michigan tree evaluation supplement to the guide for plant~~
4 ~~appraisal published by the Michigan forestry and park association.~~
5 ~~The department may use another objective authoritative guide in~~
6 ~~consultation with representatives of the outdoor advertising~~
7 ~~industry and other interested parties, if either the guide or the~~
8 ~~supplement has not been updated for more than 5 years. The~~
9 ~~department, in consultation with representatives of the outdoor~~
10 ~~advertising industry and other interested parties, may develop a~~
11 ~~value schedule for vegetation. If agreed to by both the department~~
12 ~~and the applicant, this value schedule shall be used to determine~~
13 ~~the value of the vegetation to be managed. The notification to the~~
14 ~~applicant shall also include~~ **UNDER SUBSECTION (5). THE NOTIFICATION**
15 **SHALL ALSO INCLUDE** any required mitigation for the vegetation to be
16 managed and all conditions and requirements associated with the
17 issuance of the permit. The permit fee ~~shall be \$300.00, IS~~
18 **\$500.00**, except that in special and unique situations and
19 circumstances where the department incurs additional costs directly
20 attributable to the approval of the permit, a fee greater than
21 ~~\$300.00~~ **\$500.00** adequate for the recovery of additional costs may
22 be assessed. **BEGINNING OCTOBER 1, 2014, THE DEPARTMENT SHALL**
23 **ANNUALLY ADJUST THE PERMIT FEE TO ENSURE THAT THE FEE COVERS THE**
24 **TOTAL COST OF ISSUING THE PERMIT AND THE COST OF ALL DEPARTMENTAL**
25 **RESPONSIBILITIES ASSOCIATED WITH THE PERMIT. THE DEPARTMENT SHALL**
26 **NOT INCREASE THE PERMIT FEE BY AN ANNUAL PERCENTAGE AMOUNT GREATER**
27 **THAN THE CONSUMER PRICE INDEX.** Upon receipt of the permit fee,

1 payment for the value of the vegetation, and compliance with MDOT
2 DEPARTMENT conditions and requirements, the department shall issue
3 the permit. WITHIN 5 YEARS AFTER THE ISSUANCE OF A VEGETATION
4 MANAGEMENT PERMIT UNDER THIS SECTION, IF A SIGN OWNER APPLIES TO
5 MANAGE VEGETATION AT THE SAME LOCATION, HE OR SHE MAY TRIM OR
6 REMOVE ANY VEGETATION THAT HAS REGROWN IF THAT VEGETATION WAS
7 ORIGINALLY TRIMMED OR REMOVED UNDER THE VEGETATION MANAGEMENT
8 PERMIT, AND IS NOT REQUIRED TO PAY THE VALUE OF THE VEGETATION THAT
9 HAS REGROWN OR ANY FEES OTHER THAN THE APPLICATION FEES REQUIRED
10 UNDER THIS ACT.

11 (5) THE DEPARTMENT SHALL ANNUALLY DEVELOP AND PUBLISH A
12 REPLACEMENT COST SCHEDULE FOR TREES AND SHRUBS TO BE REMOVED UNDER
13 A VEGETATION MANAGEMENT PERMIT. THE REPLACEMENT COST SCHEDULE SHALL
14 SPECIFY THE SIZE, NUMBER, TYPE, AND COST OF REPLACEMENT TREES TO BE
15 PAID FOR BY AN APPLICANT BASED ON THE DIAMETER AT BREAST HEIGHT FOR
16 EACH TREE THAT IS REMOVED AND A CONVERSION FACTOR DETERMINED BY THE
17 DEPARTMENT FOR THE NUMBER OF REPLACEMENT TREES REQUIRED FOR ANY
18 SHRUBS THAT ARE REMOVED. THE TOTAL COST SHALL BE BASED ON THE
19 DEPARTMENT'S TOTAL COST FOR PLANTING TREES ACCORDING TO THE MOST
20 RECENT VERSION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION USED
21 BY THE DEPARTMENT AND THE EXPECTED COST OF PLANTS, LABOR, AND
22 MATERIALS REQUIRED TO INSTALL AND ESTABLISH PLANTS FOR THAT YEAR.
23 AS AN ALTERNATIVE, THE DEPARTMENT AND THE APPLICANT MAY AGREE THAT
24 THE DEPARTMENT WILL DEVELOP THE VALUE OF THE VEGETATION TO BE
25 TRIMMED OR REMOVED USING THE MOST RECENT VERSION OF THE
26 INTERNATIONAL SOCIETY OF ARBORICULTURE'S GUIDE FOR PLANT APPRAISAL
27 AND THE CORRESPONDING MICHIGAN TREE EVALUATION SUPPLEMENT TO THE

1 GUIDE FOR PLANT APPRAISAL PUBLISHED BY THE MICHIGAN FORESTRY AND
2 PARK ASSOCIATION. THE DEPARTMENT MAY USE ANOTHER OBJECTIVE
3 AUTHORITATIVE GUIDE IN CONSULTATION WITH REPRESENTATIVES OF THE
4 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES IF EITHER
5 THE GUIDE OR THE SUPPLEMENT HAS NOT BEEN UPDATED IN MORE THAN 5
6 YEARS. THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF THE
7 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES, MAY
8 DEVELOP A VALUE SCHEDULE FOR VEGETATION.

9 (6) ~~(4)~~—Subject to the ~~provisions of~~ this subsection, a permit
10 to manage vegetation shall provide for a minimum of 5 seconds of
11 continuous, clear, and unobstructed view of the billboard face
12 based on travel at the posted speed as measured from the point
13 directly adjacent to the point of the billboard closest to the
14 highway. The department and the applicant may enter into an
15 agreement, at the request of the applicant, identifying the
16 specific location of the continuous, clear, and unobstructed view
17 within the billboard viewing zone. The specific location may begin
18 at a point anywhere within the billboard viewing zone but shall
19 result in a continuous, clear, and unobstructed view of not less
20 than 5 seconds. An applicant shall apply for a permit that
21 minimizes the amount of vegetation to be managed for the amount of
22 viewing time requested. Applications for vegetation management that
23 provide for greater than 5 seconds of continuous, clear, and
24 unobstructed viewing at the posted speed as measured from a point
25 directly adjacent to the point of the billboard closest to the
26 highway shall not be rejected based solely upon the application
27 exceeding the 5-second minimum. For billboards spaced less than 500

1 feet apart, vegetation management, when permitted, shall provide
 2 for a minimum of 5 seconds of continuous, clear, and unobstructed
 3 view of the billboard face based on travel at the posted speed or
 4 the distance between the billboard and the adjacent billboard,
 5 whichever is less.

6 (7) ~~(5)~~—The department shall issue permits for vegetation
 7 management in a viewing cone or, at the department's discretion,
 8 another shape that provides for the continuous, clear, and
 9 unobstructed view of the billboard face. The department may, in its
 10 discretion, issue a permit for vegetation management outside of the
 11 billboard viewing zone.

12 (8) ~~(6)~~—If no suitable alternative exists or the applicant is
 13 unable to provide acceptable mitigation, the department may deny an
 14 application or provide a limited permit to manage vegetation ~~when~~
 15 ~~it can be demonstrated that~~ **IF** 1 or more of the following
 16 situations exist:

17 (a) The vegetation management would have an adverse impact on
 18 safety.

19 (b) The vegetation management would have an adverse impact on
 20 operations of ~~the~~ **A** state trunk line highway.

21 (c) The vegetation management conflicts with federal or state
 22 law ~~, OR PROMULGATED rules. , or statutory requirements.~~

23 (d) The applicant does not have the approval of the owner of
 24 the property.

25 (e) The vegetation to be managed **IS EXISTING VEGETATION AND**
 26 was planted, ~~or~~ permitted to be planted, **OR ALLOWED TO GROW**
 27 **NATURALLY** by the department for a specific purpose, **AS SHOWN BY THE**

House Bill No. 4629 as amended December 12, 2013

1 DEPARTMENT'S RECORDS OR THE DEPARTMENT'S PRACTICES.

2 (f) ~~<<Vegetation~~ would be managed for a
 3 newly constructed billboard or vegetation existed that obscured the
 4 billboard. or would have obscured the billboard before it was
 5 constructed. In denying an application or providing a limited
 6 permit, the department shall consider previous vegetation
 7 management that was allowed at the billboard site. **EXISTING VEGETATION
 GREATER THAN 8 FEET IN HEIGHT WOULD BE MANAGED FOR A NEWLY CONSTRUCTED
 BILLBOARD OR VEGETATION EXISTED THAT WAS GREATER THAN 8 FEET IN HEIGHT
 THAT OBSCURED A BILLBOARD OR WOULD HAVE OBSCURED THE BILLBOARD BEFORE
 IT WAS CONSTRUCTED. WHEN DENYING AN APPLICATION OR PROVIDING A LIMITED
 PERMIT, THE DEPARTMENT SHALL CONSIDER PREVIOUS VEGETATION MANAGEMENT
 THAT WAS ALLOWED AT THE BILLBOARD SITE.>>**

8 (g) The **VEGETATION** management would occur on a scenic or
 9 heritage route that was designated on or before ~~the effective date~~
 10 ~~of the amendatory act that added this section.~~ **JANUARY 1, 2007,**
 11 **UNLESS THE PROPOSED VEGETATION MANAGEMENT PERMIT IS FOR VEGETATION**
 12 **MANAGEMENT FOR A SIGN THAT WOULD BE A CONFORMING SIGN OR A**
 13 **NONSTANDARD SIGN IF THE SIGN WAS NOT LOCATED ON A SCENIC BYWAY OR**
 14 **HERITAGE ROUTE.**

15 (h) The application is for a sign that ~~has been~~ **WAS** found,
 16 after a hearing in accordance with section 19, **TO** not ~~to~~ be in
 17 compliance with this act.

18 (i) Other special or unique circumstances or conditions exist,
 19 including, but not limited to, adverse impact on the environment,
 20 natural features, or adjacent property owners.

21 (9) ~~(7)~~ If the department denies an application or issues a
 22 limited permit under this ~~subsection,~~ **SECTION**, the department shall
 23 provide a specific rationale for denying an application or
 24 approving a limited permit.

25 (10) ~~(8)~~ No later than ~~30~~ **45** days after receiving a **DENIAL OF**
 26 **A REQUEST TO BEGIN THE 5 SECONDS OF CONTINUOUS, CLEAR, AND**
 27 **UNOBSTRUCTED VIEW AT A POINT OTHER THAN A POINT DIRECTLY ADJACENT**

1 TO THE POINT OF THE BILLBOARD CLOSEST TO THE HIGHWAY AS PROVIDED IN
2 SUBSECTION (6), OR A denial or a limited permit under subsection
3 ~~(6), (8)~~, an applicant may request ~~the~~ review and reconsideration
4 of the denial or limited permit. The applicant shall submit its
5 request in writing on a form as determined by the department. The
6 applicant shall state the specific item or items for which review
7 and reconsideration are being requested. An applicant who received
8 a limited permit may manage vegetation in accordance with that
9 permit during the review and reconsideration period.

10 (11) ~~(9) No later than 90 days after January 1, 2007, the~~ **THE**
11 department shall develop **AND MAINTAIN** a procedure for review and
12 reconsideration of applications that are denied or that result in
13 the issuance of a limited permit. This procedure shall include at
14 least 2 levels of review and provide for input from the applicant.
15 The review period shall not exceed 120 days. The department shall
16 consult with all affected and interested parties, including, but
17 not limited to, representatives of the outdoor advertising
18 industry, in the development of this procedure.

19 (12) ~~(10) If, after review and reconsideration as provided for~~
20 ~~in~~ **UNDER** subsection ~~(8), (10)~~, the applicant is denied a permit or
21 issued a limited permit, the applicant may appeal the decision of
22 the department to a court of competent jurisdiction.

23 (13) ~~(11) All work performed in connection with trimming,~~
24 removing, or relocating vegetation shall be performed at the sign
25 owner's expense.

26 (14) ~~(12) The~~ **EXCEPT FOR GROUND COVER, THE** department shall
27 not plant or authorize to be planted any vegetation that obstructs,

1 or through expected normal growth will obstruct in the future, the
 2 visibility within the billboard viewing zone of any portion of a
 3 sign face subject to this act. **BOTH OF THE FOLLOWING APPLY TO**
 4 **VEGETATION PLANTED OR ALLOWED TO BE PLANTED BY THE DEPARTMENT:**

5 (A) IF THE VEGETATION PLANTED OR ALLOWED TO BE PLANTED BY THE
 6 DEPARTMENT WITHIN THE BILLBOARD VIEWING ZONE AFTER JANUARY 1, 2007
 7 OBSTRUCTS THE VISIBILITY OF ANY PORTION OF A SIGN FACE SUBJECT TO
 8 THIS ACT, THE DEPARTMENT SHALL TRIM OR REMOVE AT THE DEPARTMENT'S
 9 COST, OR ALLOW THE SIGN PERMIT HOLDER TO TRIM OR REMOVE, THE
 10 VEGETATION OBSTRUCTING THE VISIBILITY OF ANY PORTION OF THE SIGN
 11 FACE.

12 (B) THIS SUBSECTION DOES NOT APPLY TO THE REPLACEMENT OF
 13 EXISTING VEGETATION THAT WAS REMOVED FOR TRANSPORTATION PURPOSES.

14 ~~—— (13) The department shall prepare an annual report for~~
 15 ~~submission to the legislature regarding the vegetation management~~
 16 ~~undertaken pursuant to this section. At a minimum, this report~~
 17 ~~shall include all of the following items:~~

18 ~~—— (a) The number of application periods.~~

19 ~~—— (b) The number of applications submitted under this section.~~

20 ~~—— (c) The number of permits approved without modifications.~~

21 ~~—— (d) The number of permits approved with modifications.~~

22 ~~—— (e) The number of permits denied.~~

23 ~~—— (f) The number of modified or denied permits which were~~
 24 ~~appealed.~~

25 ~~—— (g) The number of appeals that reversed the department's~~
 26 ~~decision.~~

27 ~~—— (h) The number of appeals that upheld the department's~~

1 ~~decision.~~

2 ~~—— (i) The number of permits approved which requested a~~
3 ~~visibility time period exceeding 5 seconds.~~

4 ~~—— (j) The amount of compensation paid to the state for removed~~
5 ~~vegetation.~~

6 ~~—— (k) The average number of days after the end of the~~
7 ~~application period before an applicant was sent notice that a~~
8 ~~permit was approved.~~

9 ~~—— (l) A summary of the reasons for which the department denied or~~
10 ~~modified permits.~~

11 ~~—— (m) A summary of the amount of all revenues and expenses~~
12 ~~associated with the management of the vegetation program.~~

13 ~~—— (14) The report in subsection (13) shall contain a summary for~~
14 ~~the entire state and report in detail for each department region.~~
15 ~~The department shall provide the report to the legislature for~~
16 ~~review no later than 90 days following the completion of each~~
17 ~~fiscal year. The reporting deadline for the initial report is 18~~
18 ~~months after January 1, 2007.~~

19 (15) THE DEPARTMENT SHALL CONSIDER THE IMPACT ON THE
20 VISIBILITY OF A BILLBOARD BEFORE ERECTING OR AUTHORIZING THE
21 ERECTION OF A DIGITAL INFORMATION SIGN OR ANY OTHER SIGN WITHIN THE
22 HIGHWAY RIGHT-OF-WAY. A BILLBOARD OWNER MAY PROPOSE, AND THE
23 DEPARTMENT SHALL CONSIDER, THE RELOCATION OF AN EXISTING SIGN
24 WITHIN THE HIGHWAY RIGHT-OF-WAY. A BILLBOARD OWNER IS RESPONSIBLE
25 FOR ALL COSTS ASSOCIATED WITH RELOCATION OF A SIGN UNDER THIS
26 SUBSECTION. NOT LATER THAN 90 DAYS AFTER RECEIPT OF A BILLBOARD
27 OWNER'S REQUEST FOR THE RELOCATION OF AN EXISTING SIGN, THE

1 DEPARTMENT SHALL RESPOND IN WRITING TO THE BILLBOARD OWNER WITH 1
2 OF THE FOLLOWING:

3 (A) NOTICE OF DEPARTMENT APPROVAL OF RELOCATING THE SIGN, AN
4 ESTIMATE OF THE COST ASSOCIATED WITH RELOCATING THE SIGN, AND
5 NOTICE THAT ALL COSTS ASSOCIATED WITH THE PROPOSED SIGN RELOCATION
6 ARE THE RESPONSIBILITY OF THE BILLBOARD OWNER.

7 (B) NOTICE OF DEPARTMENT DENIAL OF RELOCATION OF THE SIGN AND
8 THE JUSTIFICATION FOR THAT DENIAL THAT MAY INCLUDE, BUT IS NOT
9 LIMITED TO, FEDERAL REQUIREMENTS, SAFETY CONSIDERATIONS, OR
10 EMERGENCY OR OPERATIONAL PURPOSES.

11 (16) ~~(15)~~—A person who under the authority of a permit
12 obtained under this section trims or removes more trees and shrubs
13 than the permit authorizes is subject to 1 or more of the following
14 penalties:

15 (a) For the first 3 violations during a 3-year period, a
16 penalty of an amount up to \$5,000.00 or the amount authorized as a
17 penalty in section 11(1), whichever is greater.

18 (b) For the fourth violation during a 3-year period and any
19 additional violation during that period, a penalty of an amount up
20 to \$25,000.00 or double the amount authorized as a penalty in
21 section 11(1), whichever is greater, for each violation.

22 (c) For the fourth violation during a 3-year period, and any
23 additional violation, a person is not eligible to obtain or renew a
24 permit under this section for a period of 3 years from the date of
25 the fourth violation.

26 (17) ~~(16)~~—If the department alleges that a person has trimmed
27 or removed more trees or shrubs than the permit authorizes, then

1 the department shall notify the person of its intent to seek ~~any~~
 2 or more of the penalties provided in subsection ~~(15)~~—**(16)**. The
 3 notification shall be in writing and delivered via United States
 4 certified mail, and shall detail the conduct the department alleges
 5 constitutes a violation of subsection ~~(15)~~,—**(16)**, **AND** shall
 6 indicate ~~what~~—**THE** penalties the department ~~will be~~—**IS** seeking under
 7 subsection ~~(15)~~,—**and**—**(16)**. **NOTIFICATION** shall occur within 30 days
 8 ~~of~~—**AFTER** the filing of the completion order for the trimming or
 9 removal of trees or shrubs the department alleges violated the
 10 permit. Any allegation by the department that a person has trimmed
 11 or removed more trees or shrubs than the permit authorizes ~~shall be~~
 12 **IS** subject to the appeals process contained in subsections ~~(8)~~,
 13 ~~(9)~~,—~~and~~—**(10)**, **(11)**, **AND** **(12)**.

14 **(18)** ~~(17)~~—As used in this act—**SECTION:**

15 (a) "Billboard viewing zone" means the 1,000-foot area
 16 measured at the pavement edge of the main-traveled way closest to
 17 the billboard having as its terminus the point of the right-of-way
 18 line immediately adjacent to the billboard **EXCEPT THAT, FOR A**
 19 **LOCATION WHERE A VEGETATION PERMIT HAS BEEN GRANTED WITHIN THE 5**
 20 **YEARS PRIOR TO THE EFFECTIVE DATE OF THE 2013 AMENDATORY ACT THAT**
 21 **AMENDED THIS SUBDIVISION, THE BILLBOARD VIEWING ZONE INCLUDES THE**
 22 **AREA SUBJECT TO THE VEGETATION PERMIT.**

23 (b) "Vegetation management" means the trimming, removal, or
 24 relocation of trees, shrubs, or other plant material.

25 (c) "Viewing cone" means the triangular area described as the
 26 point directly below the face of the billboard closest to the
 27 ~~roadway~~,—**HIGHWAY**, the point directly below the billboard face

1 farthest away from the ~~roadway~~, **HIGHWAY**, a point as measured from a
2 point directly adjacent to the part of the billboard closest to the
3 ~~roadway~~ **CLOSEST EDGE OF THE HIGHWAY** and extending back parallel to
4 the ~~roadway~~ **HIGHWAY** the distance that provides the view of the
5 billboard prescribed in this section, and the triangle described by
6 the points extending upward to the top of the billboard.

7 Sec. 15. (1) All signs erected or maintained in business areas
8 or unzoned commercial and industrial areas shall comply with the
9 following size requirements and limitations:

10 (a) In counties of less than 425,000 population, signs shall
11 not exceed 1,200 square feet in area, including border or trim but
12 excluding ornamental base or apron, supports and other structural
13 members.

14 (b) In counties having a population of 425,000 or more, signs
15 of a size exceeding 1,200 square feet in area but not in excess of
16 6,500 square feet in area, including border or trim but excluding
17 ornamental base or apron, supports and other structural members,
18 shall be permitted if the department determines that the signs are
19 in accord with customary usage in the area where the sign is
20 located.

21 (c) For signs erected after March 23, 1999, signs on a sign
22 structure shall not be stacked 1 on top of another. For signs
23 erected prior to March 23, 1999, the sign or sign structure shall
24 not be modified to provide a sign or sign structure that is stacked
25 1 on top of another.

26 (2) Maximum size limitations shall apply to each side of a
27 sign structure. Signs may be placed back to back, side by side or

1 in V-type or T-type construction, with not more than 2 sign
2 displays to each side. Any such sign structure shall be considered
3 as 1 sign for the purposes of this section.

4 (3) A SINGLE SIGN FACE MAY BE DIVIDED INTO NOT MORE THAN 2
5 SMALLER SIGN FACES IF ALL OF THE FOLLOWING ARE SATISFIED:

6 (A) THE SIGN BEING DIVIDED IS NOT A NONCONFORMING SIGN.

7 (B) THE RESULTING SMALLER SIGN FACES ARE EQUAL IN SIZE.

8 (C) EACH OF THE RESULTING SMALLER SIGN FACES DOES NOT EXCEED
9 350 SQUARE FEET IN AREA.

10 (D) EACH OF THE RESULTING SMALLER SIGN FACES IS LEGALLY
11 PERMITTED UNDER THIS ACT.

12 (E) BOTH BEFORE AND AFTER THE LARGER SIGN FACE IS DIVIDED INTO
13 SMALLER SIGN FACES, THERE ARE NO MORE THAN 2 PERMITS FOR SIGNS AT
14 THAT LOCATION FACING THE SAME DIRECTION OF TRAVEL.

15 Sec. 17. (1) Except as otherwise provided in ~~subsection (9),~~
16 SUBSECTIONS (10) AND (11), along interstate highways and freeways,
17 a sign structure located in a business area or unzoned commercial
18 or industrial area shall not be erected **OR MAINTAINED** closer than
19 1,000 feet to another sign structure on the same side of the
20 highway.

21 (2) Along primary highways, a sign structure shall not be
22 **ERECTED OR MAINTAINED** closer than 500 feet to another sign
23 structure.

24 (3) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), A SIGN**
25 **UTILIZING A DIGITAL BILLBOARD PERMIT SHALL NOT BE CLOSER THAN 1,750**
26 **FEET TO ANOTHER SIGN UTILIZING A DIGITAL BILLBOARD PERMIT ON EITHER**
27 **SIDE OF THE HIGHWAY FACING THE SAME DIRECTION OF ONCOMING TRAFFIC.**

House Bill No. 4629 (S-3) as amended January 15, 2014
 as amended January 29, 2014

1 (4) [BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
 2 ADDED THIS SUBSECTION AND ENDING <<1 YEAR>> AFTER THE EFFECTIVE DATE OF
 3 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, FOR THE FIRST 8
 4 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD
 5 PERMIT UNDER SECTION 6(6)(A) WITHOUT HAVING TO SURRENDER 3 INTERIM
 6 PERMITS AS PROVIDED UNDER SECTION 6(6)(B), EACH SIGN SHALL NOT BE CLOSER
 7 THAN 1,000 FEET TO ANOTHER SIGN USING A DIGITAL BILLBOARD PERMIT ON
 EITHER SIDE OF THE HIGHWAY FACING THE SAME DIRECTION OF TRAFFIC. THIS
 SUBSECTION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY HAVING A POPULATION
 OF NOT LESS THAN 750,000.]

8 (5) ~~(3) The provisions of this~~ **THIS** section ~~do~~ **DOES** not apply
 9 to signs separated by a building or other visual obstruction in
 10 such a manner that only 1 sign located within the spacing distances
 11 is visible from the highway at any time, provided that the building
 12 or other visual obstruction has not been created for the purpose of
 13 visually obstructing either of the signs at issue.

14 (6) ~~(4)~~ Along interstate highways and freeways located outside
 15 of incorporated municipalities, a sign structure shall not be
 16 permitted adjacent to or within 500 feet of an interchange, an
 17 intersection at grade, or a safety roadside rest area. The 500 feet
 18 shall be measured from the point of beginning or ending of pavement
 19 widening at the exit from, or entrance to, the main-traveled way.

20 (7) ~~(5)~~ Official signs as described in section 13(1)(a) and
 21 on-premises signs shall not be counted ~~nor shall~~ **AND** measurements
 22 **SHALL NOT** be made from them for purposes of determining compliance
 23 with the spacing requirements ~~provided~~ in this section.

24 (8) ~~(6)~~ **EXCEPT AS PROVIDED IN SUBSECTION (3), THE** spacing
 25 requirements ~~provided~~ in this section apply separately to each side
 26 of the highway.

27 (9) ~~(7)~~ The spacing requirements ~~provided~~ in this section

1 shall be measured along the nearest edge of the pavement of the
2 highway between points directly opposite each sign.

3 (10) ~~(8)~~ A sign that was erected in compliance with the
4 spacing requirements of this section that were in effect at the
5 time when the sign was erected, but ~~which~~ **THAT** does not comply with
6 the spacing requirements of this section after March 23, 1999,
7 ~~shall not be considered~~ **IS NOT** unlawful as ~~that term is used in~~
8 **UNDER** section 22.

9 (11) ~~(9)~~ Along an interstate highway, ~~where the interstate~~
10 ~~highway~~ **THAT** is designated by 1 letter and 3 numbers, ~~and the~~
11 ~~interstate highway is located in a county with a population of less~~
12 ~~than 211,000 but more than 175,000, as determined by the most~~
13 ~~recent federal decennial census,~~ an existing sign structure that
14 was erected prior to ~~the date of the amendatory act that added this~~
15 ~~subsection~~ **MARCH 24, 2011** shall not be closer than 900 feet to
16 another sign structure on the same side of the highway.

17 (12) **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CAUSE A**
18 **SIGN THAT WAS LEGALLY ERECTED PRIOR TO MARCH 23, 1999 TO BE DEFINED**
19 **AS A NONCONFORMING SIGN.**

20 **SEC. 17A. (1) A NONCONFORMING SIGN MAY CONTINUE TO EXIST AS**
21 **LONG AS IT IS NOT A DESTROYED, ABANDONED, DISCONTINUED, OR**
22 **PROHIBITED SIGN. A NONCONFORMING SIGN THAT HAS NOT DISPLAYED AN**
23 **ADVERTISING MESSAGE FOR MORE THAN 1 YEAR SHALL BE CONSIDERED AN**
24 **ABANDONED SIGN.**

25 (2) **A SIGN OWNER MAY PERFORM CUSTOMARY MAINTENANCE AND REPAIR**
26 **OF A NONCONFORMING SIGN. THE ANNUAL COST OF THE CUSTOMARY**
27 **MAINTENANCE AND REPAIR SHALL NOT EXCEED 40% OF THE REPLACEMENT COST**

1 OF A NEW SIGN STRUCTURE CONSTRUCTED USING EQUIVALENT MATERIALS AND
2 EQUIPMENT.

3 (3) A SIGN OWNER MAY PERFORM CUSTOMARY MAINTENANCE AND REPAIR
4 OF A NONCONFORMING SIGN THAT IS DAMAGED AS A RESULT OF STORM, FIRE,
5 OR CASUALTY. CUSTOMARY MAINTENANCE AND REPAIR OF A NONCONFORMING
6 SIGN THAT IS DAMAGED AS A RESULT OF STORM, FIRE, OR CASUALTY SHALL
7 NOT EXCEED 60% OF THE REPLACEMENT COST OF A NEW SIGN STRUCTURE
8 CONSTRUCTED USING EQUIVALENT MATERIALS AND EQUIPMENT. THE 60%
9 LIMITATION IN THIS SUBSECTION DOES NOT APPLY IF THE DAMAGE TO THE
10 NONCONFORMING SIGN IS CAUSED BY VANDALISM OR A NEGLIGENT ACT OF A
11 PERSON OTHER THAN THE SIGN OWNER.

12 (4) A NONCONFORMING SIGN OWNER MAY NOT TAKE ANY ACTION THAT
13 PLACES THIS STATE OUT OF COMPLIANCE WITH FEDERAL STATUTES,
14 PUBLISHED RULES, REGULATIONS, OR THE FEDERAL-STATE AGREEMENT ON
15 OUTDOOR ADVERTISING.

16 (5) A NONSTANDARD SIGN MAY CONTINUE TO EXIST AND A SIGN OWNER
17 MAY PERFORM ANY ACTION TO A NONSTANDARD SIGN THAT IS ALLOWED UNDER
18 THIS ACT, EXCEPT FOR THE FOLLOWING:

19 (A) INCREASING THE OVERALL HEIGHT OF AN EXISTING SIGN
20 STRUCTURE.

21 (B) INCREASING THE TOTAL SQUARE FOOTAGE OF A SIGN FACE TO A
22 SIZE GREATER THAN ITS ORIGINAL SQUARE FOOTAGE.

23 (C) INCREASING THE NUMBER OF SIGN FACES TO MORE THAN 2.

24 (6) AS USED IN THIS SECTION, "CUSTOMARY MAINTENANCE AND
25 REPAIR" MEANS THE REPAIR OR REPLACEMENT OF MATERIALS OR EQUIPMENT
26 WITH EQUIVALENT MATERIALS OR EQUIPMENT ON A SIGN OR SIGN STRUCTURE
27 THAT RESTORES THE STRUCTURAL INTEGRITY OF THE SIGN OR SIGN

1 STRUCTURE OR THE FUNCTIONALITY OF THE EQUIPMENT. CUSTOMARY
2 MAINTENANCE AND REPAIR INCLUDES, BUT IS NOT LIMITED TO,
3 MODIFICATIONS TO THE SIGN OR SIGN STRUCTURE THAT ARE DESIGNED TO
4 COMPLY WITH STATE AND FEDERAL WORKER SAFETY REGULATIONS AND
5 REQUIREMENTS, MODIFICATIONS TO THE SIGN STRUCTURE THAT ARE
6 PRIMARILY FOR THE CONSERVATION OF ENERGY OR ENVIRONMENTAL
7 PRESERVATION, PAINT, THE INSTALLATION OF TRIM OR BORDERS, AND
8 REMOVAL OF 1 OR MORE SIGN FACES OR RELOCATION OF ALL OR PART OF THE
9 SIGN OR SIGN STRUCTURE UPON REQUEST BY THE DEPARTMENT. ALL OF THE
10 FOLLOWING APPLY TO CUSTOMARY MAINTENANCE AND REPAIR:

11 (A) CUSTOMARY MAINTENANCE AND REPAIR DOES NOT INCLUDE ANY OF
12 THE FOLLOWING:

13 (i) ENLARGEMENT OF THE SIGN OR SIGN STRUCTURE. AS USED IN THIS
14 SUBPARAGRAPH, "ENLARGEMENT OF THE SIGN OR SIGN STRUCTURE" DOES NOT
15 INCLUDE EITHER OF THE FOLLOWING:

16 (A) THE INSTALLATION OF A TEMPORARY COPY ENHANCEMENT.

17 (B) THE INSTALLATION OF AN EMBEDDED MESSAGE DEVICE, IF THE
18 INSTALLATION IS NOT PROHIBITED BY FEDERAL STATUTE OR A RULE
19 PROMULGATED BY THE FEDERAL HIGHWAY ADMINISTRATION.

20 (ii) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CHANGE
21 IN THE LOCATION OF THE SIGN STRUCTURE.

22 (iii) AN INCREASE IN THE HEIGHT OF THE SIGN STRUCTURE.

23 (iv) INSTALLATION OF ADDITIONAL SIGNS ON A SIGN STRUCTURE.

24 (v) ELECTRIFICATION OF THE SIGN OR SIGN STRUCTURE.

25 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, CUSTOMARY
26 MAINTENANCE AND REPAIR INCLUDES A MODIFICATION TO A SIGN OR SIGN
27 STRUCTURE THAT WAS COMPLETED PRIOR TO JANUARY 1, 2007, OTHER THAN

1 ELECTRIFICATION, CONVERSION TO A DIGITAL BILLBOARD, OR CONVERSION
2 TO A TRIVISION SIGN. CUSTOMARY MAINTENANCE AND REPAIR INCLUDES THE
3 REVERSAL OF ELECTRIFICATION, CONVERSION TO A DIGITAL BILLBOARD, OR
4 CONVERSION TO A TRIVISION SIGN IF THE ELECTRIFICATION, CONVERSION
5 TO A DIGITAL BILLBOARD, OR CONVERSION TO A TRIVISION SIGN WAS
6 COMPLETED BEFORE JANUARY 1, 2007.

7 SEC. 17B. (1) THE OWNER OF A SIGN, AGENT OF THE OWNER OF A
8 SIGN, OR A PROPERTY OWNER OR THE AGENT OF A PROPERTY OWNER WITH
9 WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE
10 SIGN ON HIS OR HER PROPERTY SHALL NOT CROSS A LIMITED ACCESS RIGHT-
11 OF-WAY TO ERECT OR MAINTAIN A SIGN.

12 (2) THE DEPARTMENT SHALL NOT ISSUE A PERMIT TO CROSS A LIMITED
13 ACCESS RIGHT-OF-WAY FOR PURPOSES OF ERECTING OR MAINTAINING A SIGN
14 TO THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A PROPERTY
15 OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN OWNER HAS
16 A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR HER
17 PROPERTY.

18 (3) IF THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A
19 PROPERTY OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN
20 OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR
21 HER PROPERTY ACCESSES A SIGN BY CROSSING A LIMITED ACCESS RIGHT-OF-
22 WAY TO ERECT OR MAINTAIN THE SIGN, THE OWNER OF THE SIGN IS SUBJECT
23 TO THE FOLLOWING PENALTIES:

24 (A) FOR THE FIRST VIOLATION, A FINE OF \$1,000.00 FOR EACH SIGN
25 LOCATION.

26 (B) FOR A SECOND VIOLATION, REMOVAL OF THE SIGN AND SIGN
27 STRUCTURE AND CANCELLATION OF THE PERMIT ASSOCIATED WITH THE SIGN.

1 Sec. 18. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE**
2 following signs or sign structures are prohibited:

3 (a) Those ~~which~~ **THAT** purport to regulate, warn, or direct the
4 movement of traffic or ~~which~~ **THAT** interfere with, imitate, or
5 resemble any official traffic sign, signal, or device.

6 (b) Those ~~which~~ **THAT** are not adequately maintained and in a
7 good state of repair.

8 (c) Those ~~which~~ **THAT** are erected or maintained upon trees or
9 painted or drawn upon rocks or other natural resources.

10 (d) Those ~~which~~ **THAT** prevent the driver of a motor vehicle
11 from having a clear and unobstructed view of approaching,
12 intersecting, or merging traffic.

13 **(E) THOSE THAT ARE ERECTED OR MAINTAINED UPON PROPERTY IN**
14 **WHICH THE DEPARTMENT HAS A HIGHWAY EASEMENT OR A SIMILAR PROPERTY**
15 **INTEREST EXCEPT WHERE OTHERWISE ALLOWED UNDER THIS ACT OR STATE OR**
16 **FEDERAL STATUTE OR LEGAL REQUIREMENT.**

17 **(F) THOSE THAT ARE ERECTED OR MAINTAINED IN AN ADJACENT AREA**
18 **ALONG A SCENIC BYWAY THAT DID NOT EXIST PRIOR TO THE DESIGNATION AS**
19 **A SCENIC BYWAY. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A**
20 **SIGN THAT IS ERECTED AND MAINTAINED IN A BUSINESS AREA ALONG A**
21 **SCENIC BYWAY PRIOR TO THE DESIGNATION AS A SCENIC BYWAY IS NOT**
22 **PROHIBITED.**

23 **(G) ~~(e)~~ Those ~~which~~ THAT are abandoned.**

24 **(H) ~~(f)~~ Those that involve motion or rotation of any part of**
25 **the structure, running animation or displays, or flashing or moving**
26 **lights. This subdivision does not apply to a sign or sign structure**
27 **USING A DIGITAL BILLBOARD with static messages or images that**

1 change if the rate of change between 2 static messages or images
2 does not exceed more than 1 change per 6-8 seconds, each change is
3 complete in 1 second or less, and the sign possesses and utilizes
4 automatic dimming capabilities so that the maximum luminescence
5 level is not more than 0.3 foot candles over ambient light levels
6 measured at a distance of 150 feet for those sign faces less than
7 or equal to 300 square feet, measured at a distance of 200 feet for
8 those sign faces greater than 300 square feet but less than or
9 equal to 378 square feet, measured at a distance of 250 feet for
10 those sign faces greater than 378 square feet and less than 672
11 square feet, and measured at a distance of 350 feet for those sign
12 faces equal to or greater than 672 square feet. In addition to the
13 above requirements, signs exempted under this subdivision shall be
14 configured to default to a static display in the event of
15 mechanical failure.

16 (I) ~~(g)~~ Signs found to be in violation of subdivision ~~(f)~~ **(H)**
17 shall be brought into compliance by the permit holder or its agent
18 no later than 24 hours after receipt by the permit holder or its
19 agent of an official written notice from the department. Failure to
20 comply with this subdivision within this specified time frame shall
21 result in a \$100.00 penalty being assessed to the sign owner for
22 each day the sign remains out of compliance. The first repeat
23 violation of subdivision ~~(f)~~ **(H)**, for a specific sign, shall also
24 be brought into compliance by the permit holder or its agent within
25 24 hours after receipt of an official written notice from the
26 department. Failure to comply with the official written notice
27 within the 24-hour period for the first repeat violation subjects

1 the sign owner to a \$1,000.00 penalty for each day the sign remains
2 out of compliance. These penalties are required to be submitted to
3 the department before the sign's permit is renewed under section 6.
4 Second repeat violations of subdivision ~~(F)~~, **(H)**, for a specific
5 sign, shall result in permanent removal of the variable message
6 display device from that sign by the department or the sign owner.

7 **SEC. 18B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT**
8 **TO THE CONTRARY, THE DEPARTMENT MAY ENTER INTO A VOLUNTARY**
9 **AGREEMENT AS PROPOSED BY THE MICHIGAN BILLBOARD ADVISORY COUNCIL**
10 **CREATED UNDER SECTION 18C, OR THE DEPARTMENT, IF THE MICHIGAN**
11 **BILLBOARD ADVISORY COUNCIL NO LONGER EXISTS, AND APPROVED BY THE**
12 **STATE TRANSPORTATION COMMISSION WITH THE FEDERAL HIGHWAY**
13 **ADMINISTRATION FOR A PILOT PROGRAM TO ADDRESS CONCERNS AND ISSUES**
14 **RELATED TO OUTDOOR ADVERTISING CONTROL, INCLUDING, BUT NOT LIMITED**
15 **TO, ALL OF THE FOLLOWING:**

16 **(A) FESTIVAL ADVERTISING.**

17 **(B) REDUCTION IN THE NUMBER OF NONCONFORMING SIGNS.**

18 **(C) ADVERTISING IN UNDERSERVED AREAS.**

19 **(D) TEMPORARY OR SEASONAL BUSINESSES.**

20 **(E) SAFETY PROGRAMS.**

21 **(F) DESIGNATION OF RURAL AREAS FOR SPECIAL LIGHTING**
22 **PROVISIONS.**

23 **(G) VEGETATION MANAGEMENT PRACTICES.**

24 **(2) THE DEPARTMENT SHALL INFORM THE LEGISLATURE OF ITS INTENT**
25 **TO ENTER INTO A VOLUNTARY AGREEMENT UNDER SUBSECTION (1) NO LATER**
26 **THAN 30 DAYS BEFORE ENTERING INTO THE AGREEMENT.**

27 **SEC. 18C. (1) THE MICHIGAN BILLBOARD ADVISORY COUNCIL IS**

1 CREATED WITHIN THE DEPARTMENT FOR THE PURPOSE OF ADVISING THE
2 DEPARTMENT AND THE STATE TRANSPORTATION COMMISSION REGARDING
3 VOLUNTARY AGREEMENTS ENTERED INTO UNDER SECTION 18B(1), LIGHTING,
4 AND ANY OTHER GENERAL POLICY FOR THE EFFECTIVE CONTROL OF OUTDOOR
5 ADVERTISING.

6 (2) THE MICHIGAN BILLBOARD ADVISORY COUNCIL SHALL EXIST FOR A
7 PERIOD OF 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
8 THAT ADDED THIS SECTION.

9 (3) RECOMMENDATIONS OF THE MICHIGAN BILLBOARD ADVISORY COUNCIL
10 ARE ADVISORY ONLY.

11 (4) THE MICHIGAN BILLBOARD ADVISORY COUNCIL SHALL CONSIST OF
12 THE FOLLOWING MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT:

13 (A) THE CHAIRPERSON OF THE SENATE TRANSPORTATION COMMITTEE OR
14 HIS OR HER DESIGNEE.

15 (B) THE CHAIRPERSON OF THE HOUSE TRANSPORTATION AND
16 INFRASTRUCTURE COMMITTEE OR HIS OR HER DESIGNEE.

17 (C) A REPRESENTATIVE OF THE STATE TRANSPORTATION COMMISSION.

18 (D) A REPRESENTATIVE OF THE CONSERVATION COMMUNITY.

19 (E) A REPRESENTATIVE OF THE OUTDOOR ADVERTISING INDUSTRY.

20 (F) A REPRESENTATIVE OF THE TOURISM INDUSTRY OR A TRADE GROUP
21 THAT REPRESENTS STATEWIDE TOURISM INTERESTS.

22 (G) A REPRESENTATIVE FROM THE GENERAL PUBLIC. THE MEMBER
23 APPOINTED UNDER THIS SUBDIVISION SHALL BE A PRIVATE SECTOR LESSEE
24 OF BILLBOARD SPACE WHOSE BUSINESS IS BASED IN THIS STATE.

25 (H) A SIGN OWNER THAT RESIDES IN THIS STATE.

26 (5) THE MEMBERS APPOINTED UNDER SUBSECTION (4) (C) TO (H) SHALL
27 SERVE AT THE PLEASURE OF THE DIRECTOR OF THE DEPARTMENT. ALL OF THE

1 MEMBERS APPOINTED UNDER SUBSECTION (4) SHALL SERVE ON A VOLUNTARY
2 BASIS AND WITHOUT COMPENSATION.

3 (6) MEMBERS OF THE MICHIGAN BILLBOARD ADVISORY COUNCIL SHALL
4 SERVE FOR TERMS OF 2 YEARS. IF A VACANCY OCCURS ON THE MICHIGAN
5 BILLBOARD ADVISORY COUNCIL, THE DIRECTOR OF THE DEPARTMENT SHALL
6 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
7 THE ORIGINAL APPOINTMENT.

8 SEC. 22A. ALL OF THE FOLLOWING RULES ARE RESCINDED:

9 (A) R 247.705 TO R 247.707 OF THE MICHIGAN ADMINISTRATIVE
10 CODE.

11 (B) R 247.710 OF THE MICHIGAN ADMINISTRATIVE CODE.

12 (C) R 247.721(6) OF THE MICHIGAN ADMINISTRATIVE CODE.

13 (D) R 247.723 OF THE MICHIGAN ADMINISTRATIVE CODE.

14 (E) R 247.732 OF THE MICHIGAN ADMINISTRATIVE CODE.

15 (F) R 247.733 OF THE MICHIGAN ADMINISTRATIVE CODE.

16 (G) R 247.737 OF THE MICHIGAN ADMINISTRATIVE CODE.

17 (H) R 247.742 OF THE MICHIGAN ADMINISTRATIVE CODE.

18 (I) R 247.748 OF THE MICHIGAN ADMINISTRATIVE CODE.