

HOUSE BILL No. 5145

September 24, 1991, Introduced by Reps. Brown, Saunders, Power, Jondahl, DeBeaussaert, Dolan, Gubow, Perry Bullard, Dobronski, Berman, Bandstra and Bobier and referred to the Committee on Transportation.

A bill to amend the title and sections 2, 3, 6, 7, 12, 13, 21, and 22 of Act No. 106 of the Public Acts of 1972, entitled "Highway advertising act of 1972," being sections 252.302, 252.303, 252.306, 252.307, 252.312, 252.313, 252.321, and 252.322 of the Michigan Compiled Laws; to add sections 7a, 13a, 13b, 17a, and 19a; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 3, 6, 7, 12, 13, 21,
2 and 22 of Act No. 106 of the Public Acts of 1972, being sections
3 252.302, 252.303, 252.306, 252.307, 252.312, 252.313, 252.321,
4 and 252.322 of the Michigan Compiled Laws, are amended and sec-
5 tions 7a, 13a, 13b, 17a, and 19a are added to read as follows:

TITLE

1
2 An act to provide for the licensing, regulation, ~~and~~ con-
3 trol, AND PROHIBITION of outdoor advertising adjacent to certain
4 highways; TO CREATE THE MICHIGAN HIGHWAY ADVERTISING FUND; to
5 prescribe ~~certain~~ powers and duties OF CERTAIN STATE AGENCIES
6 AND OFFICIALS; to promulgate rules; to provide penalties for vio-
7 lations; and to repeal certain acts and parts of acts.

8 Sec. 2. As used in this act:

9 ~~(a) "Business area" means an adjacent area which is zoned~~
10 ~~under authority of state, county, township or municipal zoning~~
11 ~~authority for industrial or commercial purposes, customarily~~
12 ~~referred to as "b" or business, "c" or commercial, "i" or indus-~~
13 ~~trial, "m" or manufacturing, and "s" or service, and all other~~
14 ~~similar classifications and which: (i) is within a city, village~~
15 ~~or charter township or (ii) is within 1 mile of the corporate~~
16 ~~limits of a city, village or charter township or (iii) is beyond~~
17 ~~1 mile of the corporate limits of a city, village or charter~~
18 ~~township and contains 1 or more permanent structures devoted to~~
19 ~~the industrial or commercial purposes described in this subdivi-~~
20 ~~sion and which extends along the highway a distance of 800 feet~~
21 ~~beyond each edge of the activity. Each side of the highway is~~
22 ~~considered separately in applying this definition except where it~~
23 ~~is not topographically feasible for a sign or sign structure to~~
24 ~~be erected or maintained on the same side of the highway as the~~
25 ~~permanent structure devoted to industrial or commercial purposes,~~
26 ~~a business area may be established on the opposite side of a~~
27 ~~primary highway in an area zoned commercial or industrial or in~~

~~1 an unzoned area with the approval of the state highway
2 commission. A permanent structure devoted to industrial or com-
3 mercial purposes shall not result in the establishment of a busi-
4 ness area on both sides of the highway. All measurements shall
5 be from the outer edge of the regularly used building, parking
6 lot or storage or processing area of the commercial or industrial
7 activity and not from the property lines of the activities and
8 shall be along or parallel to the edge or pavement of the
9 highway. Commercial or industrial purposes are those activities
10 generally recognized as commercial or industrial by zoning
11 authorities except that the following activities shall not be
12 considered commercial or industrial:~~

~~13 (i) Agricultural, forestry, grazing, farming, and related
14 activities, including, but not limited to, wayside fresh produce
15 stands.~~

~~16 (ii) Transient or temporary activities.~~

~~17 (iii) Activities not visible from the main traveled way.~~

~~18 (iv) Activities conducted in a building principally used as
19 a residence.~~

~~20 (v) Railroad tracks and minor sidings.~~

~~21 (vi) Outdoor advertising.~~

~~22 (vii) Activities more than 660 feet from the main traveled
23 way.~~

~~24 (b) "Unzoned commercial or industrial area" means an area
25 which is within an adjacent area, which is not zoned by state or
26 local law, regulation or ordinance, which contains + or more
27 permanent structures devoted to the industrial or commercial~~

~~1 purposes described in subdivision (a), and which extends along
2 the highway a distance of 800 feet beyond each edge of the
3 activity. Each side of the highway is considered separately in
4 applying this definition except where it is not topographically
5 feasible for a sign or sign structure to be erected or maintained
6 on the same side of the highway as the permanent structure
7 devoted to industrial or commercial purposes, an unzoned commer-
8 cial or industrial area may be established on the opposite side
9 of a primary highway in an area zoned commercial or industrial or
10 in an unzoned area with the approval of the state highway
11 commission. A permanent structure devoted to industrial or com-
12 mercial purposes shall not result in the establishment of an
13 unzoned commercial or industrial area on both sides of the
14 highway. All measurements shall be from the outer edge of the
15 regularly used building, parking lot or storage or processing
16 area of the commercial or industrial activity and not from the
17 property lines of the activities and shall be along or parallel
18 to the edge or pavement of the highway. Commercial or industrial
19 purposes are those activities generally recognized as commercial
20 or industrial by zoning authorities except that the following
21 activities shall not be considered commercial or industrial:~~

~~22 (i) Agricultural, forestry, grazing, farming and related
23 activities, including, but not limited to, wayside fresh produce
24 stands.~~

~~25 (ii) Transient or temporary activities.~~

~~26 (iii) Activities not visible from the main traveled way.~~

1 ~~(iv) Activities conducted in a building principally used as~~
2 ~~a residence.~~

3 ~~(v) Railroad tracks and minor sidings.~~

4 ~~(vi) Outdoor advertising.~~

5 ~~(vii) Activities more than 660 feet from the main traveled~~
6 ~~way.~~

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

10 ~~(d) "Interstate highway" means a highway officially design-~~
11 ~~ated as a part of the national system of interstate and defense~~
12 ~~highways by the department and approved by the appropriate~~
13 ~~authority of the federal government.~~

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

19 ~~(f) "Primary highway" means a highway, other than an inter-~~
20 ~~state highway or freeway, officially designated as a part of the~~
21 ~~federal aid primary system as defined in section 103 of title 23~~
22 ~~of the United States code, as amended, by the department and~~
23 ~~approved by the appropriate authority of the federal government.~~

24 ~~(g) "Main traveled way" means the traveled way of a highway~~
25 ~~on which through traffic is carried. The traveled way of each of~~
26 ~~the separate roadways for traffic in opposite directions is a~~

~~1 main traveled way of a divided highway. It does not include
2 facilities as frontage roads, turning roadways or parking areas.~~

~~3 (h) "Sign" means any outdoor sign, display, device, figure,
4 painting, drawing, message, placard, poster, billboard, or other
5 thing, whether placed individually or on a T type, V type, back
6 to back or double faced display, designed, intended or used to
7 advertise or inform.~~

~~8 (i) "Sign structure" means the assembled components which
9 make up an outdoor advertising display, including but not limited
10 to uprights, supports, facings and trim. Such sign structure may
11 contain 1 or 2 signs per facing and may be double faced, back to
12 back, T type or V type.~~

~~13 (j) "Visible" means capable of being seen by a person of
14 normal visual acuity.~~

~~15 (k) "Location" means a place where there is located a
16 single, double faced, back to back, T type, or V type sign
17 structure.~~

~~18 (l) "Maintain" means to allow to exist and includes the
19 periodic changing of advertising messages, customary maintenance
20 and repair of signs and sign structures.~~

~~21 (m) "Abandoned sign or sign structure" means a sign or sign
22 structure subject to the provisions of this act, the owner of
23 which has failed to secure a permit, has failed to identify the
24 sign or sign structure or has failed to respond to notice.~~

~~25 (n) "Department" means the department of state highways and
26 transportation.~~

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

5 ~~(p) "Person" means any individual, partnership, private~~
6 ~~association, or corporation, state, county, city, village, town-~~
7 ~~ship, charter township, or other public or municipal association~~
8 ~~or corporation.~~

9 (A) "ABANDONED SIGN OR SIGN STRUCTURE" MEANS A SIGN OR SIGN
10 STRUCTURE SUBJECT TO THE PROVISIONS OF THIS ACT, THE OWNER OF
11 WHICH HAS FAILED TO SECURE A PERMIT, HAS FAILED TO IDENTIFY THE
12 SIGN OR SIGN STRUCTURE, OR HAS FAILED TO RESPOND TO NOTICE.

13 (B) "ADJACENT AREA" MEANS THE AREA MEASURED FROM THE NEAREST
14 EDGE OF THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, FREEWAY, OR
15 PRIMARY HIGHWAY UNDER THE JURISDICTION OF THE DEPARTMENT OR A
16 SECONDARY HIGHWAY, MAJOR STREET, OR LOCAL ROAD AND EXTENDING
17 3,000 FEET PERPENDICULARLY AND THEN ALONG A LINE PARALLEL TO THE
18 RIGHT-OF-WAY LINE.

19 (C) "BUSINESS AREA" MEANS AN ADJACENT AREA THAT IS ZONED
20 UNDER AUTHORITY OF STATE, COUNTY, TOWNSHIP, OR MUNICIPAL ZONING
21 AUTHORITY FOR INDUSTRIAL OR COMMERCIAL PURPOSES, CUSTOMARILY
22 REFERRED TO AS "B" OR BUSINESS, "C" OR COMMERCIAL, "I" OR INDUS-
23 TRIAL, "M" OR MANUFACTURING, AND "S" OR SERVICE, AND ALL OTHER
24 SIMILAR CLASSIFICATIONS AND CONTAINS 1 OR MORE PERMANENT STRUC-
25 TURES DEVOTED TO THE INDUSTRIAL OR COMMERCIAL PURPOSES DESCRIBED
26 IN THIS SUBDIVISION AND THAT EXTENDS ALONG THE HIGHWAY A DISTANCE
27 OF 800 FEET BEYOND EACH EDGE OF THE ACTIVITY. EACH SIDE OF THE

1 HIGHWAY IS CONSIDERED SEPARATELY IN APPLYING THIS DEFINITION
2 EXCEPT WHERE IT IS NOT TOPOGRAPHICALLY FEASIBLE FOR A SIGN OR
3 SIGN STRUCTURE TO BE ERECTED OR MAINTAINED ON THE SAME SIDE OF
4 THE HIGHWAY AS THE PERMANENT STRUCTURE DEVOTED TO INDUSTRIAL OR
5 COMMERCIAL PURPOSES, A BUSINESS AREA MAY BE ESTABLISHED ON THE
6 OPPOSITE SIDE OF A PRIMARY HIGHWAY IN AN AREA ZONED COMMERCIAL OR
7 INDUSTRIAL OR IN AN UNZONED AREA WITH THE APPROVAL OF THE STATE
8 HIGHWAY COMMISSION. A PERMANENT STRUCTURE DEVOTED TO INDUSTRIAL
9 OR COMMERCIAL PURPOSES SHALL NOT RESULT IN THE ESTABLISHMENT OF A
10 BUSINESS AREA ON BOTH SIDES OF THE HIGHWAY. ALL MEASUREMENTS
11 SHALL BE FROM THE OUTER EDGE OF THE REGULARLY USED BUILDING,
12 PARKING LOT, OR STORAGE OR PROCESSING AREA OF THE COMMERCIAL OR
13 INDUSTRIAL ACTIVITY AND NOT FROM THE PROPERTY LINES OF THE ACTIV-
14 ITIES AND SHALL BE ALONG OR PARALLEL TO THE EDGE OR PAVEMENT OF
15 THE HIGHWAY. COMMERCIAL OR INDUSTRIAL PURPOSES ARE THOSE ACTIVI-
16 TIES GENERALLY RECOGNIZED AS COMMERCIAL OR INDUSTRIAL BY ZONING
17 AUTHORITIES EXCEPT THAT THE FOLLOWING ACTIVITIES ARE NOT CONSID-
18 ERED COMMERCIAL OR INDUSTRIAL:

19 (i) AGRICULTURAL, FORESTRY, GRAZING, FARMING, AND RELATED
20 ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, WAYSIDE FRESH PRODUCE
21 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
25 A RESIDENCE.

26 (v) RAILROAD TRACKS AND MINOR SIDINGS.

(vi) OUTDOOR ADVERTISING.

(vii) ACTIVITIES MORE THAN 660 FEET FROM THE MAIN-TRAVELED WAY.

(D) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

(E) "ERECT" MEANS TO CONSTRUCT, BUILD, RAISE, ASSEMBLE, PLACE, AFFIX, ATTACH, CREATE, PAINT, DRAW, OR IN ANY OTHER WAY BRING INTO BEING OR ESTABLISH.

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

(G) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS BY THE DEPARTMENT AND APPROVED BY THE APPROPRIATE AUTHORITY OF THE FEDERAL GOVERNMENT.

(H) "LOCATION" MEANS A PLACE WHERE THERE IS LOCATED A SINGLE, DOUBLE-FACED, BACK TO BACK, T-TYPE, OR V-TYPE SIGN STRUCTURE.

(I) "MAINTAIN" MEANS TO ALLOW TO EXIST AND INCLUDES THE PERIODIC CHANGING OF ADVERTISING MESSAGES, CUSTOMARY MAINTENANCE, AND REPAIR OF SIGNS AND SIGN STRUCTURES. MAINTAIN DOES NOT INCLUDE THE ENLARGING OF A SIGN OR OTHERWISE ALTERING THE SIGN STRUCTURE.

(J) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON WHICH THROUGH TRAFFIC IS CARRIED. THE TRAVELED WAY OF EACH OF

1 THE SEPARATE ROADWAYS FOR TRAFFIC IN OPPOSITE DIRECTIONS IS A
2 MAIN-TRAVELED WAY OF A DIVIDED HIGHWAY. IT DOES NOT INCLUDE
3 FACILITIES AS FRONTAGE ROADS, TURNING ROADWAYS, OR PARKING
4 AREAS.

5 (K) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
6 CORPORATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

7 (L) "PRIMARY HIGHWAY" MEANS A HIGHWAY, OTHER THAN AN INTER-
8 STATE HIGHWAY OR FREEWAY, OFFICIALLY DESIGNATED AS A PART OF THE
9 FEDERAL AID PRIMARY SYSTEM AS DEFINED IN SECTION 103 OF CHAPTER 1
10 OF TITLE 23 OF THE UNITED STATES CODE, 23 U.S.C. 103, BY THE
11 DEPARTMENT AND APPROVED BY THE APPROPRIATE AUTHORITY OF THE FED-
12 ERAL GOVERNMENT.

13 (M) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR
14 COUNTY PRIMARY ROAD.

15 (N) "SIGN" MEANS ANY OUTDOOR SIGN, DISPLAY, DEVICE, FIGURE,
16 PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER
17 THING, WHETHER PLACED INDIVIDUALLY OR ON A T-TYPE, V-TYPE, BACK
18 TO BACK, OR DOUBLE-FACED DISPLAY DESIGNED, INTENDED, OR USED TO
19 ADVERTISE OR INFORM.

20 (O) "SIGN STRUCTURE" MEANS THE ASSEMBLED COMPONENTS THAT
21 MAKE UP AN OUTDOOR ADVERTISING DISPLAY, INCLUDING, BUT NOT
22 LIMITED TO, UPRIGHTS, SUPPORTS, FACINGS, AND TRIM. THE SIGN
23 STRUCTURE MAY CONTAIN 1 OR 2 SIGNS PER FACING AND MAY BE
24 DOUBLE-FACED, BACK TO BACK, T-TYPE, OR V-TYPE.

25 (P) "UNZONED COMMERCIAL OR INDUSTRIAL AREA" MEANS AN AREA
26 THAT IS WITHIN AN ADJACENT AREA, WHICH IS NOT ZONED BY STATE OR
27 LOCAL LAW, REGULATION, OR ORDINANCE, THAT CONTAINS 1 OR MORE

1 PERMANENT STRUCTURES DEVOTED TO THE INDUSTRIAL OR COMMERCIAL
2 PURPOSES DESCRIBED IN SUBDIVISION (C), AND THAT EXTENDS ALONG THE
3 HIGHWAY A DISTANCE OF 800 FEET BEYOND EACH EDGE OF THE ACTIVITY.
4 A PERMANENT STRUCTURE DEVOTED TO INDUSTRIAL OR COMMERCIAL PUR-
5 POSES SHALL NOT RESULT IN THE ESTABLISHMENT OF AN UNZONED COMMER-
6 CIAL OR INDUSTRIAL AREA ON BOTH SIDES OF THE HIGHWAY. ALL MEA-
7 SUREMENTS SHALL BE FROM THE OUTER EDGE OF THE REGULARLY USED
8 BUILDING, PARKING LOT, OR STORAGE OR PROCESSING AREA OF THE COM-
9 Mercial OR INDUSTRIAL ACTIVITY AND NOT FROM THE PROPERTY LINES OF
10 THE ACTIVITIES AND SHALL BE ALONG OR PARALLEL TO THE EDGE OR
11 PAVEMENT OF THE HIGHWAY. COMMERCIAL OR INDUSTRIAL PURPOSES ARE
12 THOSE ACTIVITIES GENERALLY RECOGNIZED AS COMMERCIAL OR INDUSTRIAL
13 BY ZONING AUTHORITIES EXCEPT THAT THE FOLLOWING ACTIVITIES ARE
14 NOT CONSIDERED COMMERCIAL OR INDUSTRIAL:

15 (i) AGRICULTURAL, FORESTRY, GRAZING, FARMING, AND RELATED
16 ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, WAYSIDE FRESH PRODUCE
17 STANDS.

18 (ii) TRANSIENT OR TEMPORARY ACTIVITIES.

19 (iii) ACTIVITIES NOT VISIBLE FROM THE MAIN-TRAVELED WAY.

20 (iv) ACTIVITIES CONDUCTED IN A BUILDING PRINCIPALLY USED AS
21 A RESIDENCE.

22 (v) RAILROAD TRACKS AND MINOR SIDINGS.

23 (vi) OUTDOOR ADVERTISING.

24 (vii) ACTIVITIES MORE THAN 660 FEET FROM THE MAIN-TRAVELED
25 WAY.

26 (Q) "VISIBLE" MEANS CAPABLE OF BEING SEEN BY A PERSON OF
27 NORMAL VISUAL ACUITY.

1 Sec. 3. To improve and enhance scenic beauty consistent
 2 with ~~the provision of~~ section 131 OF CHAPTER 1 of title 23 of
 3 the United States ~~code~~ CODE, 23 U.S.C. 131, as amended, the
 4 legislature finds it appropriate to regulate and control outdoor
 5 advertising adjacent to the interstate highway, freeway, ~~and~~
 6 primary highway, SECONDARY HIGHWAY, MAJOR STREET, AND LOCAL ROADS
 7 systems within this state. ~~and that outdoor advertising is a~~
 8 ~~legitimate commercial use of private property, is an integral~~
 9 ~~part of the marketing function and an established segment of the~~
 10 ~~economy of this state.~~

11 Sec. 6. ~~A sign~~ THE owner OF A SIGN OTHER THAN A SIGN ON A
 12 MOTORIST INFORMATION PANEL PROVIDED FOR IN SECTION 13A shall
 13 apply for an annual permit on a form prescribed by the department
 14 for each sign to be maintained or to be erected in an adjacent
 15 area where the facing of the sign is visible from an interstate
 16 highway, freeway, or primary highway. ~~The owner shall apply for~~
 17 ~~the permit for such signs in existence on the effective date of~~
 18 ~~this act within 2 months after the effective date of this act.~~
 19 ~~All permits applied for within this period shall be effective~~
 20 ~~until June 30, 1973.~~ The form shall require ~~the~~ ALL OF THE
 21 FOLLOWING:

22 (A) THE name and business address of the applicant. ~~—~~
 23 ~~the~~

24 (B) THE name and address of those people who have an inter-
 25 est in the property on which the sign is to be located. ~~— the~~

26 (C) THE date the sign, if currently maintained, was
 27 erected. ~~— the~~

1 (D) THE zoning classification of the property. ~~---a---~~

2 (E) A general description of ~~where~~ THE LOCATION OF the
3 sign. ~~is or will be situated and a~~

4 (F) A certification that the sign is not prohibited pursuant
5 to ~~subdivisions (a), (b), (c) or (d) of~~ section 18 and that the
6 sign does NOT violate any ~~provisions~~ OTHER PROVISION of this
7 act.

8 Sec. 7. (1) A permit fee OF \$0.50 FOR EACH SQUARE FOOT OF
9 SIGN AREA is payable annually in advance, to be credited to the
10 ~~state trunk line~~ MICHIGAN HIGHWAY ADVERTISING fund CREATED IN
11 SECTION 7A. ~~The fee is \$5.00.~~

12 (2) A SIGN SHALL NOT ADVERTISE THE PURCHASE OR CONSUMPTION
13 OF ALCOHOLIC BEVERAGES OR TOBACCO PRODUCTS AFTER 1 YEAR FROM THE
14 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.
15 AS USED IN THIS SUBSECTION:

16 (A) "ALCOHOLIC BEVERAGES" MEANS ANY SPIRITUOUS, VINOUS,
17 MALT, OR FERMENTED LIQUOR CONTAINING 1/2 OF 1% OR MORE OF ALCOHOL
18 BY VOLUME AND IS USED FOR BEVERAGE PURPOSES.

19 (B) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
20 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,
21 CIGARS, TOBACCO SNUFF, AND CHEWING TOBACCO.

22 (3) Permits expire on June 30 of each year and permit fees
23 may not be prorated after the first year. An application for the
24 renewal of a permit AND THE RENEWAL FEE shall be filed with the
25 department before June 1 preceding the expiration date. A
26 RENEWAL FEE PAID AFTER JUNE 30 IS SUBJECT TO A PENALTY OF \$50.00

1 FOR EACH DAY THE FEE IS DELINQUENT OR \$1,000.00, WHICHEVER IS
2 LESS.

3 SEC. 7A. (1) THE MICHIGAN HIGHWAY ADVERTISING FUND IS CRE-
4 ATED WITHIN THE STATE TREASURY FOR THE PURPOSE OF ADMINISTERING
5 THIS ACT AND REMOVING SIGNS AS PROVIDED BY THIS ACT.

6 (2) THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT.

7 (3) THE STATE TREASURER SHALL CREDIT TO THE FUND ALL AMOUNTS
8 COLLECTED PURSUANT TO SECTION 7 AND AMOUNTS APPROPRIATED FROM
9 PUBLIC OR PRIVATE SOURCES CONSISTENT WITH THE PURPOSES OF THE
10 FUND.

11 (4) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
12 FUND AND ALL INTEREST AND EARNINGS FROM THE FUND SHALL BE CRED-
13 ITED TO THE FUND.

14 (5) MONEY IN THE FUND AT THE END OF THE FISCAL YEAR SHALL
15 NOT REVERT TO THE GENERAL FUND BUT BE CARRIED OVER IN THE FUND TO
16 THE NEXT AND SUCCEEDING FISCAL YEAR.

17 (6) THE DEPARTMENT SHALL RESERVE A SUFFICIENT AMOUNT OF
18 MONEY IN THE FUND TO REMOVE ANY SIGNS NOT REMOVED BY THE OWNER
19 PURSUANT TO SECTION 13(2).

20 Sec. 12. ~~All persons holding permits~~ A PERSON OBTAINING A
21 PERMIT under this act, at their own expense, shall place the
22 permit number on ~~each~~ THE sign facing ~~erected or maintained by~~
23 ~~them~~ within ~~4 months~~ 3 BUSINESS DAYS after receiving ~~a~~ THE
24 permit. ~~for signs existing on the effective date of this act~~
25 ~~and within 3 business days for all other signs.~~ The numbers
26 shall be in ~~Egyptian~~ block type lettering and located on the

1 lower corner ~~thereof~~ OF THE SIGN FACING nearest the adjacent
2 highway.

3 Sec. 13. (1) ~~A~~ AFTER THE EFFECTIVE DATE OF THE AMENDATORY
4 ACT THAT ADDED SECTION 13A, A sign shall not be erected or main-
5 tained in ~~an adjacent area where the facing of the sign is visi-~~
6 ~~ble from an interstate highway, freeway, or primary highway~~ THIS
7 STATE except FOR the following:

8 (a) ~~Directional and~~ A DIRECTIONAL OR other official
9 ~~signs, including, but not limited to, signs pertaining to natu-~~
10 ~~ral wonders, scenic and historical attractions, which are~~ SIGN
11 THAT IS required or authorized by law ~~,~~ and ~~which comply~~ THAT
12 COMPLIES with rules promulgated by the department relative to the
13 lighting, size, number, and spacing ~~thereof~~ OF THE SIGN.

14 (b) ~~Signs~~ A SIGN advertising the sale or lease of real
15 property upon which ~~they are~~ IT IS located.

16 (c) ~~Signs~~ A SIGN advertising activities conducted or main-
17 tained on the property on which ~~they are~~ IT IS located.

18 (d) ~~Signs located in a business area or an unzoned commer-~~
19 ~~cial and industrial area and which comply with sections 12, 15,~~
20 ~~16, and 17 except that a sign not described in subdivision (a),~~
21 ~~(b), or (c) shall not be erected or maintained beyond 660 feet of~~
22 ~~the nearest edge of the right of way.~~ A SIGN ON A MOTORIST
23 INFORMATION PANEL ERECTED PURSUANT TO SECTION 13A.

24 (E) A SIGN ERECTED OR MAINTAINED BY THE DEPARTMENT.

25 (2) A SIGN, OTHER THAN A SIGN DESCRIBED IN SUBSECTION (1)
26 (A), (B), (C), (D), OR (E), THAT WAS ERECTED BEFORE THE EFFECTIVE
27 DATE OF THE AMENDATORY ACT THAT ADDED SECTION 13A MAY CONTINUE TO

1 BE MAINTAINED FOR A PERIOD NOT LONGER THAN 5 YEARS FROM THE
2 EFFECTIVE DATE OF SECTION 13A. THE OWNER OF THE SIGN SHALL
3 REMOVE THE SIGN AT THE EXPIRATION OF THE 5-YEAR PERIOD ALLOWED
4 UNDER THIS SUBSECTION. THIS SUBSECTION SHALL NOT BE ENFORCED BY
5 THE DEPARTMENT IF THE IMPLEMENTATION OF THE SUBSECTION WOULD
6 RESULT IN THE LOSS OF FEDERAL TRANSPORTATION FUNDS.

7 (3) ~~(2) If the department is authorized by law to designate~~
8 ~~scenic areas~~ EXCEPT WHEN AUTHORIZED BY LAW, THE STATE SHALL NOT
9 ERECT OR MAINTAIN A SIGN OR OTHERWISE ADVERTISE along an inter-
10 state highway, freeway, or primary highway. ~~, outdoor advertis-~~
11 ~~ing signs shall not be erected or maintained within areas so des-~~
12 ~~ignated unless located within a business area or an unzoned com-~~
13 ~~mercial or industrial area where signs may be erected or main-~~
14 ~~tained in compliance with this act.~~

15 SEC. 13A. (1) THE DEPARTMENT SHALL PROVIDE FOR THE ERECTION
16 AND MAINTENANCE OF MOTORIST INFORMATION PANELS IN THE RIGHT OF
17 WAY NEXT TO THE INTERSTATE HIGHWAYS, FREEWAYS, OR OTHER PRIMARY
18 HIGHWAYS THAT PERTAIN TO SITES OF SCENIC VALUES, SAFETY, AND THE
19 NEEDS OF TRAVELERS FOR INFORMATION. THE ERECTION AND MAINTENANCE
20 OF MOTORIST INFORMATION PANELS SHALL CONFORM TO ALL FEDERAL AND
21 STATE REGULATIONS, AND THE RULES PROMULGATED BY THE DEPARTMENT
22 PURSUANT TO THIS SECTION.

23 (2) THE DEPARTMENT MAY LEASE TO AN APPLICANT WHO HAS AN
24 ESTABLISHMENT THAT OFFERS GOODS, SERVICES, FACILITIES, EVENTS, OR
25 ATTRACTIONS A SIGN ON A SPECIFIC MOTORIST INFORMATION PANEL WHICH
26 IS LOCATED ON BOTH SIDES OF AN INTERSTATE HIGHWAY, FREEWAY, OR
27 OTHER PRIMARY HIGHWAY WITHIN 10 MILES OF THE ADVERTISED

1 ESTABLISHMENT. AN APPLICANT IS NOT ELIGIBLE TO LEASE SPACE ON A
2 SPECIFIC MOTORIST INFORMATION PANEL IF THE PERSON HAS A SIGN,
3 OTHER THAN A SIGN DESCRIBED IN SECTION 13(1)(B) OR (C), THAT IS
4 VISIBLE FROM THE SAME HIGHWAY FACING IN THE SAME DIRECTION AS THE
5 PROPOSED SIGN. THE DEPARTMENT SHALL ATTEMPT TO MAKE AVAILABLE
6 ENOUGH SPACE ON THE MOTORIST INFORMATION PANELS TO MEET THE NEEDS
7 OF THIS SUBSECTION.

8 (3) IF SPACE IS AVAILABLE, THE DEPARTMENT MAY LEASE TO AN
9 APPLICANT WHO HAS AN ESTABLISHMENT THAT OFFERS GOODS, SERVICES,
10 FACILITIES, EVENTS, OR ATTRACTIONS A SIGN ON A SPECIFIC MOTORIST
11 INFORMATION PANEL WHICH IS LOCATED ON BOTH SIDES OF AN INTERSTATE
12 HIGHWAY, FREEWAY, OR OTHER PRIMARY HIGHWAY THAT IS MORE THAN 10
13 MILES FROM THE ADVERTISED ESTABLISHMENT. AN APPLICANT IS NOT
14 ELIGIBLE TO LEASE SPACE ON A SPECIFIC MOTORIST INFORMATION PANEL
15 IF THE PERSON HAS A SIGN, OTHER THAN A SIGN DESCRIBED IN
16 SECTION 13(1) (B) OR (C), THAT IS VISIBLE FROM THE SAME HIGHWAY
17 FACING IN THE SAME DIRECTION AS THE PROPOSED SIGN.

18 (4) THE DEPARTMENT SHALL NOT ENTER INTO A LEASE PURSUANT TO
19 THIS SECTION FOR MORE THAN 1 YEAR AT A TIME. AN ESTABLISHMENT
20 HAVING LEASED THE RIGHT TO MAINTAIN A SIGN ON A MOTORIST INFORMA-
21 TION PANEL SHALL HAVE AN OPPORTUNITY TO RE-LEASE THE SAME RIGHT
22 BEFORE THE RIGHT IS OFFERED TO OR LEASED TO ANOTHER
23 ESTABLISHMENT. THE SIGN SHALL BE REMOVED IF THE LEASE IS NOT
24 RENEWED. THE DEPARTMENT SHALL SET RENTAL CHARGES FOR SPACE ON
25 MOTORIST INFORMATION PANELS AT AN AMOUNT THAT IS SUFFICIENT TO
26 COVER THE COST OF THE ESTABLISHMENT, MAINTENANCE, AND

1 ADMINISTRATION OF MOTORIST INFORMATION PANELS AND THE
2 ADMINISTRATION OF THIS ACT.

3 (5) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO THE
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC
5 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN
6 COMPILED LAWS, PROVIDING FOR THE ERECTION, MAINTENANCE, AND LEAS-
7 ING OF MOTORIST INFORMATION PANELS TO PROMOTE THE REASONABLE,
8 ORDERLY, AND EFFECTIVE FURNISHING OF INFORMATION TO TRAVELERS
9 CONSISTENT WITH PUBLIC SAFETY. THE RULES SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) REGULATE THE SIZE AND SHAPE OF THE MOTORIST INFORMATION
12 PANELS AND THE SIZE, SHAPE, AND PLACEMENT OF SIGNS ON A MOTORIST
13 INFORMATION PANEL.

14 (B) LIMIT THE CONTENT OF THE SIGNS TO ASSURE THAT THE PRI-
15 MARY FUNCTION OF EACH IS TO DIRECT TRAVELERS TO GOODS, SERVICES,
16 FACILITIES, EVENTS, OR ATTRACTIONS WHILE PROVIDING FOR THE INCLU-
17 SION OF PRODUCT NAME IDENTIFICATION AND LOGOS.

18 (C) DEFINE ELIGIBLE APPLICANTS FOR INFORMATION PANELS CON-
19 SISTENT WITH THIS ACT.

20 (D) DESCRIBE THE SPECIFIC PROCEDURES TO BE FOLLOWED IN CON-
21 TRACTING WITH QUALIFIED BUSINESSES OR ORGANIZATIONS, INCLUDING
22 CONDITIONS FOR TERMINATION OF CONTRACTS FOR FAILURE TO PERFORM
23 PURSUANT TO THE CONDITIONS OF THE CONTRACT.

24 (E) DESCRIBE PROCEDURES FOR LEASES AND LEASE RENEWALS.

25 (F) PROVIDE FOR ANY OTHER RULE AS MAY BE NECESSARY TO CARRY
26 OUT THIS SECTION.

1 SEC. 13B. A LOCAL UNIT OF GOVERNMENT MAY ALLOW THE ERECTING
2 AND MAINTAINING OF MOTORIST INFORMATION PANELS NEXT TO COUNTY
3 PRIMARY AND SECONDARY HIGHWAYS, MAJOR STREETS, AND LOCAL ROADS
4 THAT PERTAIN TO SITES OF SCENIC VALUES, SAFETY, AND THE NEEDS OF
5 TRAVELERS FOR INFORMATION. SIGNS ERECTED AND MAINTAINED ON
6 COUNTY PRIMARY AND SECONDARY HIGHWAYS SHALL BE DONE IN COOPERA-
7 TION WITH THE COUNTY ROAD COMMISSION.

8 SEC. 17A. (1) A PERSON OWNING, LEASING, OR MAINTAINING A
9 SIGN SHALL NOT CAUSE, DIRECTLY OR INDIRECTLY, THE DESTRUCTION,
10 MUTILATION, REMOVAL, CUTTING, BREAKING, OR INJURY OF A TREE,
11 SHRUB, OR PLANT TO IMPROVE THE VISIBILITY OF THE SIGN UNLESS OTH-
12 ERWISE AUTHORIZED BY LAW.

13 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
14 MISDEMEANOR.

15 SEC. 19A. IN ADDITION TO THE REMOVAL OF SIGNS AND SIGN
16 STRUCTURES UNDER SECTION 13 OR 19, AT ITS DISCRETION, THE DEPART-
17 MENT MAY, UPON PAYMENT OF JUST COMPENSATION, REQUIRE THE REMOVAL
18 OF ANY SIGN OR SIGN STRUCTURE.

19 Sec. 21. (1) A person who erects, ~~or~~ maintains, ~~any~~ OR
20 FAILS TO REMOVE A sign or sign structure or other object for out-
21 door advertising subject to ~~the provisions of~~ this act without
22 complying with this act is liable for a penalty of not less than
23 ~~-\$100.00~~ \$1,000.00 nor more than ~~-\$1,000.00~~ \$50,000.00 for each
24 violation which shall be paid into the ~~state trunk line~~
25 MICHIGAN HIGHWAY ADVERTISING fund. Penalties shall be sued for,
26 by and in the name of the department and shall be recoverable
27 with ~~the~~ reasonable costs ~~thereof~~ in the ~~district or~~

1 circuit court ~~in~~ FOR the county ~~where~~ IN WHICH the person
 2 maintains his OR HER principal place of business or ~~in~~ FOR the
 3 county ~~where~~ IN WHICH the ~~signs~~ NONCOMPLYING SIGN IS erected
 4 or maintained. ~~without complying with this act are located.~~

5 (2) A person who falsely misrepresents information submitted
 6 in a permit form pursuant to section 6 is guilty of a
 7 misdemeanor. A sign erected or maintained under a permit falsely
 8 secured in such a manner ~~shall be deemed~~ IS CONSIDERED to be
 9 abandoned and ~~is not eligible for removal~~ MAY BE REMOVED
 10 WITHOUT compensation.

11 Sec. 22. (1) ~~Just~~ EXCEPT AS PROVIDED IN SECTION 13(2),
 12 JUST compensation shall be paid from the state ~~trunkline~~
 13 HIGHWAY ADVERTISING fund upon the removal by or in behalf of the
 14 department of ~~any sign or sign structure lawfully in existence~~
 15 ~~on the effective date of this act but which does not comply with~~
 16 ~~the requirements of sections 13(1)(d), 15, 16 and 17 and~~ any
 17 LAWFULLY ERECTED sign or sign structure ~~lawfully erected after~~
 18 ~~effective date of this act but which thereafter~~ THAT becomes
 19 unlawful because of a change in the designation of the highway or
 20 in the zoning of the area in which it is located, OR ANY SIGN OR
 21 SIGN STRUCTURE THAT THE DEPARTMENT REQUIRES TO BE REMOVED PURSU-
 22 ANT TO SECTION 19A.

23 ~~(2) Each removal constitutes a taking and appropriation by~~
 24 ~~the state of the following:~~

25 ~~(a) From the owner of the sign or sign structure, all right,~~
 26 ~~title and interest in and to the same, and his leasehold related~~
 27 ~~thereto.~~

1 ~~(b) From the owner of the real property on which the sign or~~
2 ~~sign structure is located immediately prior to its removal, the~~
3 ~~right to erect and maintain signs thereon, other than those~~
4 ~~described in section 13(1)(a), (b), and (c).~~

5 (2) ~~-(3)-~~ The compensation to be paid pursuant to this sec-
6 tion shall be paid to the persons entitled ~~thereto~~ TO THE
7 COMPENSATION upon presentation to the department of ~~such~~ ANY
8 information ~~as it~~ THE DEPARTMENT may reasonably require.

9 (3) AS USED IN THIS SECTION "JUST COMPENSATION" MEANS AN
10 AMOUNT EQUAL TO TWICE THE STATE EQUALIZED VALUE OF THE SIGN TO BE
11 REMOVED.

12 Section 2. Section 14 of Act No. 106 of the Public Acts of
13 1972, being section 252.314 of the Michigan Compiled Laws, is
14 repealed.