



HOUSE BILL No. 4673

March 28, 1995, Introduced by Reps. Harder, Curtis, Baade, Willard, Tesanovich, DeMars and Wetters and referred to the Committee on Transportation.

A bill to amend sections 2 and 13 of Act No. 106 of the Public Acts of 1972, entitled "Highway advertising act of 1972," being sections 252.302 and 252.313 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 13 of Act No. 106 of the Public
2 Acts of 1972, being sections 252.302 to 252.313 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Business area" means an adjacent area ~~which~~ THAT is
6 zoned under authority of state, county, township or municipal
7 zoning authority for industrial or commercial purposes,
8 customarily referred to as "b" or business, "c" or commercial,
9 "i" or industrial, "m" or manufacturing, and "s" or service, and

1 all other similar classifications and ~~which~~ THAT: (i) is
2 within a city, village, or charter township or (ii) is within 1
3 mile of the corporate limits of a city, village, or charter town-
4 ship or (iii) is beyond 1 mile of the corporate limits of a city,
5 village, or charter township and contains 1 or more permanent
6 structures devoted to the industrial or commercial purposes
7 described in this subdivision and ~~which~~ THAT extends along the
8 highway a distance of 800 feet beyond each edge of the activity.
9 Each side of the highway is considered separately in applying
10 this definition except where it is not topographically feasible
11 for a sign or sign structure to be erected or maintained on the
12 same side of the highway as the permanent structure devoted to
13 industrial or commercial purposes, a business area may be estab-
14 lished on the opposite side of a primary highway in an area zoned
15 commercial or industrial or in an unzoned area with the approval
16 of the state highway commission. A permanent structure devoted
17 to industrial or commercial purposes shall not result in the
18 establishment of a business area on both sides of the highway.
19 All measurements shall be from the outer edge of the regularly
20 used building, parking lot, or storage or processing area of the
21 commercial or industrial activity and not from the property lines
22 of the activities and shall be along or parallel to the edge or
23 pavement of the highway. Commercial or industrial purposes are
24 those activities generally recognized as commercial or industrial
25 by zoning authorities except that the following activities shall
26 not be considered commercial or industrial:

1 (i) Agricultural, forestry, grazing, farming, and related
2 activities, including, but not limited to, wayside fresh produce
3 stands.

4 (ii) Transient or temporary activities.

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

6 (iv) Activities conducted in a building principally used as
7 a residence.

8 (v) Railroad tracks and minor sidings.

9 (vi) Outdoor advertising.

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

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

1 commercial or industrial area on both sides of the highway. All
2 measurements shall be from the outer edge of the regularly used
3 building, parking lot or storage or processing area of the com-
4 mercial or industrial activity and not from the property lines of
5 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 recognized as commercial or industrial
8 by zoning authorities except that the following activities shall
9 not be considered commercial or industrial:

10 (i) Agricultural, forestry, grazing, farming and related
11 activities, including, but not limited to, wayside fresh produce
12 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
16 a residence.

17 (v) Railroad tracks and minor sidings.

18 (vi) Outdoor advertising.

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

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

24 (d) "Interstate highway" means a highway officially desig-
25 nated as a part of the national system of interstate and defense
26 highways by the department and approved by the appropriate
27 authority of the federal government.

1 (e) "Freeway" means a divided highway of not less than 2
 2 lanes in each direction to, FROM, OR ACROSS which owners or occu-
 3 pants of abutting property or the public do not have a right of
 4 ingress or egress, ~~to, from or across the highway,~~ except at
 5 points determined by or as otherwise provided by the RESPONSIBLE
 6 authorities. ~~responsible therefor.~~

7 (f) "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~~ 131 of
 10 title 23 of the United States ~~code, as amended~~ CODE, 23
 11 U.S.C. 131, by the department and approved by the appropriate
 12 authority of the federal government.

13 (g) "Main-traveled way" means the traveled way of a highway
 14 on which through traffic is carried. The traveled way of each of
 15 the separate roadways for traffic in opposite directions is a
 16 main-traveled way of a divided highway. It does not include
 17 facilities SUCH as frontage roads, turning roadways, or parking
 18 areas.

19 (h) "Sign" means ~~any~~ AN outdoor sign, display, device,
 20 figure, painting, drawing, message, placard, poster, billboard,
 21 or other thing, whether placed individually or on a T-type,
 22 V-type, back to back or double-faced display, designed, intended,
 23 or used to advertise or inform.

24 (i) "Sign structure" means the assembled components ~~which~~
 25 THAT make up an outdoor advertising display, including but not
 26 limited to uprights, supports, facings and trim. ~~Such~~ A sign

1 structure may contain 1 or 2 signs per facing and may be
2 double-faced, back to back, T-type or V-type.

3 (j) "Visible" means capable of being seen by a person of
4 normal visual acuity.

5 (k) "Location" means a place where there is located a
6 single, double-faced, back to back, T-type, or V-type sign
7 structure.

8 (l) "Maintain" means to allow to exist and includes the
9 periodic changing of advertising messages, customary maintenance
10 and repair of signs and sign structures.

11 (m) "Abandoned sign or sign structure" means a sign or sign
12 structure subject to the provisions of this act, the owner of
13 which has failed to secure a permit, has failed to identify the
14 sign or sign structure or has failed to respond to notice.

15 (n) "Department" means the department of ~~state highways~~
16 ~~and~~ transportation.

17 (o) "Adjacent area" means the area measured from the nearest
18 edge of the right of way of an interstate highway, freeway, or
19 primary highway and extending 3,000 feet perpendicularly and then
20 along a line parallel to the right-of-way line.

21 (p) "Person" means any individual, partnership, private
22 association, or LIMITED LIABILITY COMPANY, corporation, state,
23 county, city, village, township, charter township, or other
24 public or municipal association or corporation.

25 (Q) "CONSUMER-PICK FARM OPERATION" MEANS AN ESTABLISHMENT
26 THAT SELLS DIRECTLY TO CONSUMERS FOR HUMAN CONSUMPTION FRUITS,

1 VEGETABLES, GRAIN, OR NUTS GROWN BY THE OWNER OF THE
2 ESTABLISHMENT AND HARVESTED BY THE CONSUMER.

3 (R) "WAYSIDE FRESH PRODUCE STAND" MEANS AN ESTABLISHMENT
4 THAT SELLS DIRECTLY TO CONSUMERS FOR HUMAN CONSUMPTION FRUITS,
5 VEGETABLES, GRAIN, OR NUTS GROWN AND HARVESTED BY THE OWNER OF
6 THE ESTABLISHMENT- ON THE PROPERTY ON WHICH THE ESTABLISHMENT IS
7 LOCATED.

8 Sec. 13. (1) A sign shall not be erected or maintained in
9 an adjacent area where the facing of the sign is visible from an
10 interstate highway, freeway, or primary highway except the
11 following:

12 (a) Directional and other official signs, including, but not
13 limited to, signs pertaining to natural wonders, OR scenic ~~and~~
14 OR historical attractions, ~~which~~ THAT are required or autho-
15 rized by law, and ~~which~~ THAT comply with rules promulgated by
16 the department relative to the lighting, size, number, and spac-
17 ing ~~thereof~~ OF THE SIGN.

18 (b) Signs advertising the sale or lease of real property
19 upon which they are located.

20 (c) Signs advertising activities conducted or maintained on
21 the property on which they are located.

22 (d) Signs located in a business area or an unzoned commer-
23 cial and industrial area and which comply with sections 12, 15,
24 16, and 17 except that a sign not described in subdivision (a),
25 (b), or (c) shall not be erected or maintained beyond 660 feet of
26 the nearest edge of the right-of-way.

1 (E) SIGNS ADVERTISING CONSUMER-PICK FARM OPERATIONS OR
2 WAYSIDE FRESH PRODUCE STANDS.

3 (2) If the department is authorized by law to designate
4 scenic areas along an interstate highway, freeway, or primary
5 highway, outdoor advertising signs shall not be erected or main-
6 tained within areas so designated unless located within a busi-
7 ness area or an unzoned commercial or industrial area where signs
8 may be erected or maintained in compliance with this act.