

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 445**

(As Passed the Senate December 3, 1998)

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 2, 3, 4, 5, 6, 7, 9, 10, 13, 15, 17, 19, and
22 (MCL 252.302, 252.303, 252.304, 252.305, 252.306, 252.307,
252.309, 252.310, 252.313, 252.315, 252.317, 252.319, and
252.322), section 4 as amended by 1990 PA 153, and by adding
sections 11 and 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Business area" means an adjacent area which is zoned
- 3 under authority of state, county, township or municipal zoning
- 4 authority for industrial or commercial purposes, customarily
- 5 referred to as "b" or business, "c" or commercial, "i" or
- 6 industrial, "m" or manufacturing, and "s" or service, and all
- 7 other similar classifications and which ~~is~~ ~~(i)~~ is within a

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

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1 (i) Agricultural, ANIMAL HUSBANDRY, forestry, grazing,
2 farming, and related activities, including, but not limited to,
3 wayside fresh produce 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, OR IN A BUILDING LOCATED ON PROPERTY THAT IS USED
8 PRINCIPALLY FOR RESIDENTIAL PURPOSES OR FOR ACTIVITIES RECITED IN
9 SUBPARAGRAPH (i).

10 (v) Railroad tracks and minor sidings.

11 (vi) Outdoor advertising.

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

14 (viii) ACTIVITIES THAT HAVE NOT BEEN IN CONTINUOUS OPERATION
15 OF A BUSINESS OR COMMERCIAL NATURE FOR AT LEAST 2 YEARS.

16 (ix) PUBLIC UTILITY FACILITIES, WHETHER REGULARLY STAFFED OR
17 NOT.

18 (x) STRUCTURES ASSOCIATED WITH ON-SITE OUTDOOR RECREATIONAL
19 ACTIVITIES SUCH AS RIDING STABLES, GOLF COURSE SHOPS, AND CAMP-
20 GROUND OFFICES.

21 (xi) ACTIVITIES CONDUCTED IN A STRUCTURE FOR WHICH AN OCCU-
22 PANCY PERMIT HAS NOT BEEN ISSUED OR WHICH IS NOT A FULLY ENCLOSED
23 BUILDING, HAVING ALL NECESSARY UTILITY SERVICE AND SANITARY
24 FACILITIES REQUIRED FOR ITS INTENDED COMMERCIAL OR INDUSTRIAL
25 USE.

26 (xii) A STORAGE FACILITY FOR A BUSINESS OR OTHER ACTIVITY
27 NOT LOCATED ON THE SAME PROPERTY, EXCEPT A STORAGE BUILDING

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1 HAVING AT LEAST 10 SEPARATE UNITS THAT ARE AVAILABLE TO BE RENTED
2 BY THE PUBLIC.

3 (b) "Unzoned commercial or industrial area" means an area
4 which is within an adjacent area, which is not zoned by state or
5 local law, regulation or ordinance, which contains 1 or more per-
6 manent structures devoted to the industrial or commercial pur-
7 poses described in subdivision (a), and which 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, an unzoned commercial or
14 industrial area may be established on the opposite side of a pri-
15 mary highway in an area zoned commercial or industrial or in an
16 unzoned area with the approval of the state highway commission.
17 A permanent structure devoted to industrial or commercial pur-
18 poses ~~shall~~ DOES not result in the establishment of an unzoned
19 commercial or industrial area on both sides of the highway. All
20 measurements shall be from the outer edge of the regularly used
21 building, parking lot or storage or processing area of the com-
22 mercial or industrial activity and not from the property lines of
23 the activities and shall be along or parallel to the edge or
24 pavement of the highway. Commercial or industrial purposes are
25 those activities generally ~~recognized as~~ RESTRICTED TO commer-
26 cial or industrial ~~by zoning authorities except that~~ ZONES IN

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1 JURISDICTIONS THAT HAVE ZONING. IN ADDITION, the following
2 activities shall not be considered commercial or industrial:

3 (i) Agricultural, ANIMAL HUSBANDRY, forestry, grazing, farm-
4 ing and related activities, including, but not limited to, way-
5 side fresh produce stands.

6 (ii) Transient or temporary activities.

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

8 (iv) Activities conducted in a building principally used as
9 a residence, OR IN A BUILDING LOCATED ON PROPERTY THAT IS USED
10 PRINCIPALLY FOR RESIDENTIAL PURPOSES OR FOR ACTIVITIES RECITED IN
11 SUBPARAGRAPH (i).

12 (v) Railroad tracks and minor sidings.

13 (vi) Outdoor advertising.

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

16 (viii) ACTIVITIES THAT HAVE NOT BEEN IN CONTINUOUS OPERATION
17 OF A BUSINESS OR COMMERCIAL NATURE FOR AT LEAST 2 YEARS.

18 (ix) PUBLIC UTILITY FACILITIES, WHETHER REGULARLY STAFFED OR
19 NOT.

20 (x) STRUCTURES ASSOCIATED WITH ON-SITE OUTDOOR RECREATIONAL
21 ACTIVITIES SUCH AS RIDING STABLES, GOLF COURSE SHOPS, AND CAMP-
22 GROUND OFFICES.

23 (xi) ACTIVITIES CONDUCTED IN A STRUCTURE FOR WHICH AN OCCU-
24 PANCY PERMIT HAS NOT BEEN ISSUED OR WHICH IS NOT A FULLY ENCLOSED
25 BUILDING, HAVING ALL NECESSARY UTILITY SERVICE AND SANITARY
26 FACILITIES REQUIRED FOR ITS INTENDED COMMERCIAL OR INDUSTRIAL
27 USE.

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Sub. S.B. 445 (S-5) as amended December 10, 1998

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1 (xii) A STORAGE FACILITY FOR A BUSINESS OR OTHER ACTIVITY
2 NOT LOCATED ON THE SAME PROPERTY, EXCEPT A STORAGE BUILDING
3 HAVING AT LEAST 10 SEPARATE UNITS THAT ARE AVAILABLE TO BE RENTED
4 BY THE PUBLIC.

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

8 (d) "Interstate highway" means a highway officially desig-
9 nated as a part of the national system of interstate and defense
10 highways by the department and approved by the appropriate
11 authority of the federal government.

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

17 (f) "Primary highway" means a highway, other than an inter-
18 state highway or freeway, officially designated as a part of the
19 ~~federal aid primary~~ [primary] system as defined in section
20 [131] of title 23 of the United States ~~code, as amended~~ CODE,
21 23 U.S.C. [131], by the department and approved by the appropriate
22 authority of the federal government.

23 (g) "Main-traveled way" means the traveled way of a highway
24 on which through traffic is carried. The traveled way of each of
25 the separate roadways for traffic in opposite directions is a
26 main-traveled way of a divided highway. It does not include
27 facilities as frontage roads, turning roadways or parking areas.

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

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

11 (j) "Visible" means A SIGN THAT HAS A MESSAGE THAT IS
12 capable of being seen AND READ by a person of normal visual
13 acuity WHEN TRAVELING IN A MOTOR VEHICLE.

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

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

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

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

26 (o) "Adjacent area" means the area measured from the nearest
27 edge of the right of way of an interstate highway, freeway, or

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Sub. S.B. 445 (S-5) as amended December 10, 1998

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1 primary highway and extending 3,000 feet perpendicularly and then
2 along a line parallel to the right-of-way line.

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

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

20 [Sec. 3. To improve and enhance scenic beauty consistent with -
21 ~~the provision of~~ section 131 of title 23 of the United States -
22 ~~code, as amended,~~ CODE, 23 U.S.C. 131, the legislature finds it
23 appropriate to regulate and control outdoor advertising AND OUTDOOR
24 ADVERTISING AS IT PERTAINS TO TOBACCO adjacent to the interstate
25 highway, freeway, and primary highway systems, AND OUTDOOR
26 ADVERTISING AS IT PERTAINS TO TOBACCO ON SECONDARY HIGHWAY, MAJOR

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1 STREET, AND LOCAL ROADS within this state and that outdoor
2 advertising is a legitimate ACCESSORY commercial use of private
property, is an integral part of the marketing function and an
established segment of the economy of this state. IN ADDITION, THE
LEGISLATURE FINDS IT APPROPRIATE TO PROTECT MINORS FROM EXPOSURE TO
ADVERTISING THAT ENCOURAGES THEM TO ILLEGALLY POSSESS TOBACCO.]

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

7 (a) A city, village, township, or charter township may enact
8 ordinances to regulate and control the size, lighting, and spac-
9 ing of signs and sign structures, but the ordinances shall not
10 permit a sign or sign structure that is otherwise prohibited by
11 this act OR REQUIRE OR CAUSE THE REMOVAL OF LAWFULLY ERECTED
12 SIGNS OR SIGN STRUCTURES SUBJECT TO THIS ACT WITHOUT THE PAYMENT
13 OF JUST COMPENSATION. ~~A city, village, township, or charter~~
14 ~~township shall certify to the state transportation commission~~
15 ~~that it regulates and controls the size, lighting, and spacing of~~
16 ~~signs and sign structures and shall submit a copy of its ordi-~~
17 ~~nances and all subsequent amendments to the department.~~ A sign
18 owner shall apply for an annual permit pursuant to section 6 for
19 each sign to be maintained or to be erected within that city,
20 village, charter township, or township. A SIGN ERECTED OR MAIN-
21 TAINED WITHIN THAT CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP
22 SHALL ALSO COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ACT.

23 (b) A city, village, charter township, or township vested by
24 law with authority to enact zoning codes has full authority under
25 its own zoning codes or ordinances to establish commercial or
26 industrial areas and the actions of a city, village, charter
27 township, or township in so doing shall be accepted for the

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1 purposes of this act. HOWEVER, EXCEPT AS PROVIDED IN
2 SUBDIVISION (A), ZONING WHICH IS NOT PART OF A
3 COMPREHENSIVE ZONING PLAN AND IS TAKEN PRIMARILY TO PERMIT OUT-
4 DOOR ADVERTISING STRUCTURES SHALL NOT BE ACCEPTED FOR PURPOSES OF
5 THIS ACT. A ZONE IN WHICH LIMITED COMMERCIAL OR INDUSTRIAL
6 ACTIVITIES ARE PERMITTED AS INCIDENTAL TO OTHER PRIMARY LAND USES
7 IS NOT A COMMERCIAL OR INDUSTRIAL ZONE FOR OUTDOOR ADVERTISING
8 CONTROL PURPOSES.

8 (c) An ordinance or code of a city, village, township, or
9 charter township that existed on March 31, 1972 and that prohib-
10 its signs or sign structures is not made void by this act.

11 (d) A county, on its own initiative or at the request of a
12 city, village, township, or charter township within that county,
13 may prepare a model ordinance as described in subdivision (a). A
14 city, village, township, or charter township within that county
15 may adopt the model ordinance.

16 Sec. 5. A person shall not engage or continue to engage in
17 outdoor advertising through the erection, use or maintenance of
18 any signs in an adjacent area where the facing of the sign is
19 visible from an interstate highway, freeway, or primary highway,
20 except as provided in this act. A SIGN HAVING A FACING VISIBLE
21 FROM MORE THAN 1 STATE HIGHWAY OR OTHER PUBLIC ROAD SHALL COMPLY
22 WITH THE REQUIREMENTS FOR OUTDOOR ADVERTISING FOR EACH STATE
23 HIGHWAY AND EACH PUBLIC ROAD FROM WHICH IT IS VISIBLE.

24 Sec. 6. A sign owner shall apply for an annual permit on a
25 form prescribed by the department for each sign to be maintained
26 or to be erected in an adjacent area where the facing of the sign
27 is visible from an interstate highway, freeway, or primary

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1 highway. A SIGN OWNER SHALL APPLY FOR A SEPARATE SIGN PERMIT FOR
2 EACH SIGN FOR EACH HIGHWAY SUBJECT TO THIS ACT FROM WHICH THE
3 FACING OF THE SIGN IS VISIBLE. The owner shall apply for the
4 permit for such signs ~~in existence on the effective date of this~~
5 ~~act~~ WHICH BECOME SUBJECT TO THIS ACT BECAUSE OF A CHANGE IN
6 HIGHWAY DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF THE
7 SIGN OWNER within 2 months after the ~~effective date of~~ SIGN
8 BECOMES SUBJECT TO this act. ~~All permits applied for within~~
9 ~~this period shall be effective until June 30, 1973.~~ The form
10 shall require the name and business address of the applicant, the
11 name and address of ~~those people who have an interest in~~ THE
12 OWNER OF the property on which the sign is to be located, the
13 date the sign, if currently maintained, was erected, the zoning
14 classification of the property, a ~~general~~ PRECISE description
15 of where the sign is or will be situated and a certification that
16 the sign is not prohibited ~~pursuant to subdivisions (a)~~ BY SEC-
17 TION 18(A), (b), (c), or (d) ~~of section 18~~ and that the sign
18 does not violate any provisions of this act. THE SIGN PERMIT
19 APPLICATION SHALL INCLUDE A STATEMENT SIGNED BY THE OWNER OF THE
20 LAND ON WHICH THE SIGN IS TO BE PLACED, ACKNOWLEDGING THAT NO
21 TREES OR SHRUBS IN THE ADJACENT HIGHWAY RIGHT-OF-WAY MAY BE
22 REMOVED, OR IN ANY WAY DAMAGED OR DESTROYED WITHOUT THE WRITTEN
23 AUTHORIZATION OF THE DEPARTMENT. THE DEPARTMENT MAY REQUIRE DOC-
24 UMENTATION TO VERIFY THE ZONING, THE CONSENT OF THE LAND OWNER,
25 AND ANY OTHER MATTER CONSIDERED ESSENTIAL TO THE EVALUATION OF
26 THE COMPLIANCE WITH THIS ACT.

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1 Sec. 7. (1) A permit fee is payable annually in advance, to
2 be credited to the state trunk line fund. The fee is ~~-\$5.00-~~
3 \$100.00 FOR THE FIRST YEAR EXCEPT THAT SIGNS IN EXISTENCE PRIOR
4 TO A HIGHWAY'S CHANGE IN DESIGNATION OR JURISDICTION WHICH WOULD
5 REQUIRE SIGNS TO BE PERMITTED SHALL ONLY BE REQUIRED TO PAY THE
6 PERMIT RENEWAL AMOUNT AS PROVIDED IN SUBSECTION (2). ~~Permits~~
7 ~~expire on June 30 of each year and permit~~ THE DEPARTMENT SHALL
8 ESTABLISH AN ANNUAL EXPIRATION DATE FOR EACH PERMIT AND MAY
9 CHANGE THE EXPIRATION DATE OF EXISTING PERMITS TO SPREAD THE
10 PERMIT RENEWAL ACTIVITY OVER THE YEAR. PERMIT fees may ~~not~~ be
11 prorated ~~after~~ the first year. An application for the renewal
12 of a permit shall be filed with the department AT LEAST 30 DAYS
13 before ~~June 1 preceding~~ the expiration date.

14 (2) FOR SIGNS GREATER THAN 8 SQUARE FEET AND UP TO AND
15 INCLUDING 300 SQUARE FEET, THE ANNUAL PERMIT RENEWAL FEE IS
16 \$25.00. FOR SIGNS GREATER THAN 300 SQUARE FEET, THE ANNUAL
17 PERMIT RENEWAL FEE IS \$40.00. SIGNS OF THE SERVICE CLUB AND RELI-
18 GIOUS CATEGORY AS DEFINED IN RULES PROMULGATED BY THE DEPARTMENT
19 ARE NOT SUBJECT TO AN ANNUAL RENEWAL FEE.

20 Sec. 9. Except for signs existing on ~~the effective date of~~
21 ~~this act~~ MARCH 31, 1972, a permit shall be issued or denied
22 within 10 business days after proper receipt of the permit form
23 and the permit fee from the applicant. A permit shall not be
24 issued for a sign which is prohibited ~~pursuant to~~ BY section
25 18(a), (b), (c), or (d). ~~or which violates this act.~~ A PERMIT
26 SHALL NOT BE ISSUED FOR A SIGN THAT VIOLATES THIS ACT UNLESS THE
27 SIGN IS ELIGIBLE FOR REMOVAL COMPENSATION UNDER SECTION 22.

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1 Sec. 10. ~~A person advertising his own business, products~~
2 ~~or profession by means of a sign located on his own premises~~ THE
3 OWNER OF A SIGN ALLOWED UNDER SECTION 13(1)(B) OR (C) is not
4 required to obtain a permit FOR THAT SIGN.

5 SEC. 11. A PERSON WHO DESTROYS TREES OR SHRUBS WITHIN A
6 HIGHWAY RIGHT-OF-WAY FOR THE PURPOSE OF MAKING A SIGN, WHETHER
7 PROPOSED OR EXISTING, MORE VISIBLE IS GUILTY OF A FELONY PUNISH-
8 ABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT
9 MORE THAN \$10,000.00, OR BOTH. IF A COURT DETERMINES THAT TREES
10 OR SHRUBS WITHIN A HIGHWAY RIGHT-OF-WAY HAVE BEEN REMOVED BY THE
11 SIGN OWNER, THE LAND OWNER, OR AN AGENT OF EITHER PARTY FOR THE
12 PURPOSE OF MAKING A SIGN MORE VISIBLE, THE SIGN SHALL BE CONSID-
13 ERED ILLEGAL AND THE DEPARTMENT MAY REMOVE THE SIGN PURSUANT TO
14 THE PROCEDURES CONTAINED IN SECTION 19.

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

19 (a) Directional and other official signs, including, but not
20 limited to, signs pertaining to natural wonders, scenic and his-
21 torical attractions, which are required or authorized by law, and
22 which comply with rules promulgated by the department relative to
23 the lighting, size, number, and spacing thereof.

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

26 (c) ~~Signs advertising activities conducted or maintained on~~
27 ~~the property on which they are located~~ ON-PREMISES SIGNS.

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1 (d) Signs located in a business area or an unzoned
2 commercial and industrial area and ~~which~~ THAT comply with sec-
3 tions 12, 15, 16, and 17 except that a sign not described in sub-
4 division (a), (b), or (c) shall not be erected or maintained
5 beyond 660 feet of the nearest edge of the right of way.

6 (2) If the department is authorized by law to designate
7 scenic areas along an interstate highway, freeway, or primary
8 highway, ~~outdoor advertising~~ signs shall not be erected or
9 maintained within areas so designated unless located within a
10 business area or an unzoned commercial or industrial area where
11 signs may be erected or maintained in compliance with this act.

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

15 (a) In counties of less than 425,000 population, signs shall
16 not exceed 1,200 square feet in area, including border or trim
17 but excluding ornamental base or apron, supports and other struc-
18 tural members.

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

26 (C) FOR SIGNS ERECTED AFTER THE EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, SIGNS ON A SIGN

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1 STRUCTURE SHALL NOT BE STACKED 1 ON TOP OF ANOTHER. FOR SIGNS
2 ERECTED PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
3 ADDED THIS SUBDIVISION, THE SIGN OR SIGN STRUCTURE SHALL NOT BE
4 MODIFIED TO PROVIDE A SIGN OR SIGN STRUCTURE THAT IS STACKED 1 ON
5 TOP OF ANOTHER.

6 (2) Maximum size limitations shall apply to each side of a
7 sign structure. Signs may be placed back to back, side by side
8 or in V-type or T-type construction, with not more than 2 sign
9 displays to each side. Any such sign structure shall be consid-
10 ered as 1 sign for the purposes of this section.

11 Sec. 17. (1) Along interstate highways and freeways, a sign
12 structure located in a business area or unzoned commercial or
13 industrial area shall not be erected closer than ~~500~~ 1,000 feet
14 to another sign structure on the same side of the highway.

15 (2) Along primary highways within the limits of an incorpo-
16 rated municipality a sign structure shall not be closer than
17 ~~100~~ 500 feet to another sign structure.

18 (3) Along primary highways in areas outside of the limits of
19 an incorporated municipality a sign structure shall not be closer
20 than ~~300~~ 500 feet to another sign structure.

21 (4) The provisions of this section ~~shall~~ DO not apply to
22 signs separated by a building or other visual obstruction in such
23 a manner that only 1 sign located within the spacing distances is
24 visible from the highway at any time, PROVIDED THAT THE BUILDING
25 OR OTHER VISUAL OBSTRUCTION HAS NOT BEEN CREATED FOR THE PURPOSE
26 OF VISUALLY OBSTRUCTING EITHER OF THE SIGNS AT ISSUE.

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

8 (6) Official SIGNS AS DESCRIBED IN SECTION 13(1)(A) and
9 ~~on-premise~~ ON-PREMISES signs ~~as defined in section 131(c) of~~
10 ~~title 23 of the United States code~~ shall not be counted nor
11 shall measurements be made from them for purposes of determining
12 compliance with the spacing requirements provided in this
13 section.

14 (7) The spacing requirements provided in this section apply
15 separately to each side of the highway.

16 (8) The spacing requirements provided in this section shall
17 be measured along the nearest edge of the pavement of the highway
18 between points directly opposite each sign.

19 (9) A SIGN THAT WAS ERECTED IN COMPLIANCE WITH THE SPACING
20 REQUIREMENTS OF THIS SECTION THAT WERE IN EFFECT AT THE TIME WHEN
21 THE SIGN WAS ERECTED, BUT WHICH DOES NOT COMPLY WITH THE SPACING
22 REQUIREMENTS OF THIS SECTION AS MODIFIED BY THE AMENDATORY ACT
23 THAT ADDED THIS SUBSECTION, SHALL NOT BE CONSIDERED UNLAWFUL AS
24 THAT TERM IS USED IN SECTION 22.

25 Sec. 19. (1) Signs and their supporting structures erected
26 or maintained in violation of this act may be removed by the
27 department in the manner prescribed in this section.

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1 (2) There shall be ~~posted on the sign~~ MAILED TO THE OWNER
2 OF THE SIGN BY CERTIFIED MAIL a notice that the sign or its sup-
3 porting sign structure violates stated specified provisions of
4 this act and is subject to removal. IF THE OWNER'S ADDRESS
5 CANNOT BE DETERMINED, A NOTICE SHALL BE POSTED ON THE SIGN. The
6 POSTED notice shall be written on red waterproof paper stock of a
7 size not less than 8 1/2 inches by 11 inches. The notice shall
8 be posted in the area designated by section 12 for the placing of
9 permit numbers, in a manner so that it is visible from the high-
10 way faced by the sign or sign structure.

11 ~~(3) Where a sign bears a permit number, written notice that~~
12 ~~the sign or sign structure violates specified provisions of this~~
13 ~~act and is subject to removal shall be given the permittee by~~
14 ~~certified mail in addition to the posted notice required by sub-~~
15 ~~section (2).~~

16 (3) ~~(4)~~ If the sign or sign structure is not removed or
17 brought into compliance with this act within 60 days following
18 the date of posting or mailing of written notice or within such
19 further time as the department may allow in writing the sign or
20 sign structure shall be ~~deemed~~ CONSIDERED to be abandoned.

21 (4) ~~(5)~~ THE DEPARTMENT SHALL CONDUCT A HEARING PURSUANT TO
22 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
23 24.201 TO 24.328, AT WHICH IT SHALL CONFIRM THAT THE SIGN IS
24 ABANDONED, THAT DUE PROCESS HAS BEEN OBSERVED, AND THAT THE SIGN
25 MAY BE REMOVED BY THE DEPARTMENT WITHOUT PAYMENT OF COMPENSATION
26 AND AT THE EXPENSE OF THE OWNER. Signs or sign structures
27 ~~deemed~~ CONSIDERED abandoned, and any other sign or sign

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1 structure erected or maintained in violation of this act ~~which~~
2 THAT is not eligible for removal compensation as provided in sec-
3 tion 22, shall be removed by the department forthwith ~~upon the~~
4 ~~expiration of the 60-day period following the date of posting or~~
5 ~~mailing written notice~~ or upon the expiration of such further
6 time as the department ~~may have allowed~~ ALLOWS. The department
7 may recover as a penalty from the owner of the sign or sign
8 structure, or if he cannot be found, the owner of the real prop-
9 erty upon which the sign or sign structure is located, double the
10 cost of removal or \$50.00, whichever is greater.

11 ~~(6) If a sign erected or maintained in violation of this~~
12 ~~act is eligible for removal compensation, as provided in section~~
13 ~~22, the department may proceed with removal at state expense upon~~
14 ~~payment of just compensation therefor as provided in section 22.~~

15 (5) ~~(7)~~ The department, its agents and employees, and any
16 person acting under the authority of, or by contract with the
17 department, may enter upon private property without liability for
18 so doing in connection with the posting or the removal of any
19 sign or sign structure pursuant to this act.

20 (6) ~~(8)~~ The department may contract on a negotiated basis
21 without competitive bidding with a permittee under this act for
22 the removal of any sign or sign structure pursuant to this act.

23 Sec. 22. (1) Just compensation shall be paid from the state
24 trunk line fund upon the removal by or in behalf of the depart-
25 ment of any sign or sign structure lawfully in existence on ~~the~~
26 ~~effective date of this act~~ MARCH 31, 1972 but which does not
27 comply with the requirements of sections 13(1)(d), 15, 16, and 17

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1 and any sign or sign structure lawfully erected after ~~the~~
2 ~~effective date of this act~~ MARCH 31, 1972 but which thereafter
3 becomes unlawful because of a change in the designation of the
4 highway or in the zoning of the area in which it is located.

5 (2) Each removal constitutes a taking and appropriation by
6 the state of the following:

7 (a) From the owner of the sign or sign structure, all right,
8 title and interest in and to the ~~same~~ SIGN OR SIGN STRUCTURE,
9 and ~~his~~ THE OWNER'S leasehold related thereto.

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

14 (3) The compensation to be paid pursuant to this section
15 shall be paid to the persons entitled ~~thereto~~ TO IT upon pre-
16 sentation to the department of such information as ~~it~~ THE
17 DEPARTMENT may reasonably require.

18 (4) UNLESS A SIGN IS EXEMPT UNDER SECTION 10, ITS OWNER
19 SHALL SECURE AND SHALL KEEP IN FORCE A PERMIT UNDER SECTIONS 6
20 AND 7. COMPLIANCE WITH THIS SUBSECTION IS A CONDITION FOR ELIGI-
21 BILITY FOR COMPENSATION. COMPENSATION SHALL NOT BE PAID FOR ANY
22 SIGN, INCLUDING A SIGN DESCRIBED IN SUBSECTION (1), WHICH IS
23 REMOVED BY THE DEPARTMENT BECAUSE IT IS ABANDONED.

24 SEC. 25. IT IS THE INTENT OF THE LEGISLATURE THAT THE STATE
25 FUND A STUDY TO ANALYZE THE EFFECT OF THE AMENDATORY ACT THAT
26 ADDED THIS SECTION AND TO MAKE RECOMMENDATIONS TO THE LEGISLATURE

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1 OF ANY ADDITIONAL CHANGES TO THIS ACT THAT SHOULD BE CONSIDERED.

2 AT A MINIMUM, THE STUDY SHALL CONSIDER ALL OF THE FOLLOWING:

3 (A) WHETHER REGULATORY AUTHORITY UNDER THIS ACT SHOULD BE
4 EXTENDED TO COUNTIES.

5 (B) WHETHER HEIGHT RESTRICTIONS OF SIGNS AND SIGN STRUCTURES
6 SHOULD BE REGULATED AND, IF SO, WHETHER DISTINCTIONS SHOULD BE
7 MADE BETWEEN AREAS OF THE STATE.

8 (C) THE EFFECT OF CHANGES TO THIS ACT ON THE ABILITY OF
9 BUSINESSES TO ADVERTISE THEIR GOODS AND SERVICES WITHIN THE
10 STATE.

[Enacting section 1. Section 11 of the highway advertising act
of 1972, 1972 PA 106, as added by this amendatory act takes effect
April 1, 1999.]