

HOUSE BILL No. 6380

September 24, 2002, Introduced by Reps. Gilbert, Meyer and Hager and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 2, 3, 4, 5, 6, 7, 15, 17, 18a, and 19
(MCL 252.302, 252.303, 252.304, 252.305, 252.306, 252.307,
252.315, 252.317, 252.318a, and 252.319), sections 2, 3, 4, 5, 6,
7, 15, 17, and 19 as amended by 1998 PA 533 and section 18a as
added by 1998 PA 464.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(a) "Business area" means an adjacent area which is zoned
under authority of state, county, township or municipal zoning
authority for industrial or commercial purposes, customarily
referred to as "b" or business, "c" or commercial, "i" or
industrial, "m" or manufacturing, and "s" or service, and all
other similar classifications and which is within a city,

1 village, or charter township or is within 1 mile of the corporate
2 limits of a city, village, or charter township or is beyond 1
3 mile of the corporate limits of a city, village, or charter town-
4 ship and contains 1 or more permanent structures devoted to the
5 industrial or commercial purposes described in this subdivision
6 and which extends along the highway a distance of 800 feet beyond
7 each edge of the activity. Each side of the highway is consid-
8 ered separately in applying this definition except where it is
9 not topographically feasible for a sign or sign structure to be
10 erected or maintained on the same side of the highway as the per-
11 manent structure devoted to industrial or commercial purposes, a
12 business area may be established on the opposite side of a pri-
13 mary highway in an area zoned commercial or industrial or in an
14 unzoned area with the approval of the state highway commission.
15 A permanent structure devoted to industrial or commercial pur-
16 poses does not result in the establishment of a business area on
17 both sides of the highway. All measurements shall be from the
18 outer edge of the regularly used building, parking lot or storage
19 or processing area of the commercial or industrial activity and
20 not from the property lines of the activities and shall be along
21 or parallel to the edge or pavement of the highway. Commercial
22 or industrial purposes are those activities generally restricted
23 to commercial or industrial zones in jurisdictions that have
24 zoning. In addition, the following activities shall not be con-
25 sidered commercial or industrial:

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

(ii) Transient or temporary activities.

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

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

(v) Railroad tracks and minor sidings.

(vi) Outdoor advertising.

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

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

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

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

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

(xii) A storage facility for a business or other activity not located on the same property, except a storage building

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 does not result in the establishment of an unzoned commer-
19 cial or industrial area on both sides of the highway. All mea-
20 surements 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 restricted to commercial or industrial
26 zones in jurisdictions that have zoning. In addition, the

1 following activities shall not be considered commercial or
2 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.

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 FOR THE HIGHWAY.

18 (f) "Primary highway" means a highway, other than an inter-
19 state highway or freeway, officially designated as a part of the
20 primary system as defined in section 131 of title 23 of the
21 United States Code, 23 U.S.C. 131, by the department and approved
22 by the appropriate 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.

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

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 (R) "BILLBOARD" MEANS A SIGN SEPARATE FROM A PREMISES
21 ERECTED FOR THE PURPOSE OF ADVERTISING A PRODUCT, EVENT, PERSON,
22 OR SUBJECT NOT RELATED TO THE PREMISES ON WHICH THE SIGN IS
23 LOCATED. OFF-PREMISES DIRECTIONAL SIGNS AS PERMITTED IN THIS ACT
24 ARE NOT CONSIDERED BILLBOARDS FOR THE PURPOSE OF THIS SECTION.

25 (S) "BULLETIN" MEANS A BILLBOARD WITH A FACING OF 14 FEET BY
26 48 FEET.

1 (T) "POSTER" MEANS A BILLBOARD WITH A FACING OF 12 FEET BY
2 25 FEET.

3 (U) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR
4 COUNTY PRIMARY ROAD.

5 (V) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
6 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,
7 CIGARS, TOBACCO SNUFF, AND CHEWING TOBACCO.

8 Sec. 3. To improve and enhance scenic beauty consistent
9 with section 131 of title 23 of the United States Code, 23
10 U.S.C. 131, AND TO LIMIT AND REDUCE THE ILLEGAL POSSESSION AND
11 USE OF TOBACCO BY MINORS, the legislature finds it appropriate to
12 regulate and control outdoor advertising ~~and outdoor advertising~~
13 ~~as it pertains to tobacco adjacent to the interstate highway,~~
14 ~~freeway, and primary highway systems, and outdoor advertising as~~
15 ~~it pertains to tobacco on secondary highway, major street, and~~
16 ~~local~~ STREETS, roads, HIGHWAYS, AND FREEWAYS within this state
17 and that outdoor advertising is a legitimate accessory commercial
18 use of private property, is an integral part of the marketing
19 function and an established segment of the economy of this
20 state. ~~In addition, the legislature finds it appropriate to~~
21 ~~protect minors from exposure to advertising that encourages them~~
22 ~~to illegally possess tobacco.~~

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

1 (a) A city, village, township, or charter township may enact
2 ordinances to regulate and control the size, lighting, and
3 spacing of signs and sign structures, but ~~the ordinances~~ shall
4 not permit a sign or sign structure that is otherwise prohibited
5 by this act or require or cause the removal of lawfully erected
6 signs or sign structures subject to this act without the payment
7 of just compensation. THE ORDINANCES SHALL PERMIT POSTERS VISI-
8 BLE FROM PRIMARY HIGHWAYS AND SECONDARY HIGHWAYS AND BULLETINS
9 VISIBLE FROM FREEWAYS AND INTERSTATE HIGHWAYS. A sign owner shall
10 apply for an annual permit pursuant to section 6 for each sign to
11 be maintained or to be erected within that city, village, charter
12 township, or township. A sign erected or maintained within that
13 city, village, township, or charter township shall also comply
14 with all applicable provisions of this act.

15 (b) A city, village, charter township, or township vested by
16 law with authority to enact zoning codes has full authority under
17 its own zoning codes or ordinances to establish commercial or
18 industrial areas and the actions of a city, village, charter
19 township, or township in so doing shall be accepted for the pur-
20 poses of this act. However, except as provided in
21 subdivision (a), zoning which is not part of a comprehensive
22 zoning plan and is taken primarily to permit outdoor advertising
23 structures shall not be accepted for purposes of this act. A
24 zone in which limited commercial or industrial activities are
25 permitted as incidental to other primary land uses is not a com-
26 mercial or industrial zone for outdoor advertising control
27 purposes.

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

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

9 Sec. 5. A person shall not engage or continue to engage in
10 outdoor advertising through the erection, use or maintenance of
11 any signs in an adjacent area where the facing of the sign is
12 visible from an interstate highway, freeway, or primary highway,
13 except as provided in this act. A sign having a ~~facing~~ MESSAGE
14 THAT IS visible from more than 1 state highway or other public
15 road shall comply with the requirements ~~for outdoor advertising~~
16 OF THIS ACT for each state highway and each public road from
17 which it is visible.

18 Sec. 6. A sign owner shall apply for an annual permit on a
19 form prescribed by the department for each sign to be maintained
20 or to be erected in an adjacent area where the ~~facing~~ MESSAGE
21 of the sign is visible from an interstate highway, freeway, or
22 primary highway. ~~A sign owner shall apply~~ WHEN AN APPLICATION
23 for a ~~separate~~ sign permit ~~for each sign for each highway~~
24 ~~subject to this act from which the facing of the sign is~~
25 ~~visible. The owner shall apply for the permit for such signs~~
26 ~~which become subject to~~ REQUIRED UNDER this act because of a
27 change in highway designation or other reason not within the

1 control of the sign owner, THE SIGN OWNER SHALL APPLY FOR THE
2 PERMIT within 2 months after the DATE THE sign becomes ~~subject~~
3 ~~to this act~~ VISIBLE FROM AN INTERSTATE HIGHWAY, FREEWAY, OR PRI-
4 MARY HIGHWAY. The SIGN PERMIT APPLICATION form shall require the
5 name and business address of the applicant, the name and address
6 of the owner of the property on which the sign is to be located,
7 the date the sign, if currently maintained, was erected, the
8 zoning classification of the property, a precise description of
9 where the sign is or will be situated and a certification that
10 the sign is not prohibited by section 18(a), (b), (c), or (d) and
11 that the sign does not violate any provisions of this act. The
12 sign permit application shall include a statement signed by the
13 owner of the land on which the sign is to be placed, acknowledg-
14 ing that no trees or shrubs in the adjacent highway right-of-way
15 may be removed, trimmed, or in any way damaged or destroyed with-
16 out the written authorization of the department. The department
17 may require documentation to verify the zoning, the consent of
18 the land owner, and any other matter considered essential to the
19 evaluation of the compliance with this act.

20 Sec. 7. (1) A permit fee is payable annually in advance, to
21 be credited to the state trunk line fund. The fee is \$100.00 for
22 the first year except that signs in existence prior to a
23 highway's change in designation or jurisdiction which would
24 require signs to be permitted shall only be required to pay the
25 permit renewal amount as provided in subsection (2). The depart-
26 ment shall establish an annual expiration date for each permit
27 and may change the expiration date of existing permits to spread

1 the permit renewal activity over the year. Permit fees may be
2 prorated the first year. An application for the renewal of a
3 permit shall be filed with the department at least 30 days before
4 the expiration date.

5 (2) For signs ~~greater than 8 square feet and~~ up to and
6 including 300 square feet, the annual permit renewal fee is
7 \$25.00. For signs greater than 300 square feet, the annual
8 permit renewal fee is \$40.00. Signs of the service club and
9 religious category as defined in rules promulgated by the depart-
10 ment are not subject to an annual ~~renewal~~ fee.

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

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

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

25 (c) For signs erected after ~~the effective date of the amen-~~
26 ~~datory act that added this subdivision~~ MARCH 23, 1999, signs on
27 a sign structure shall not be stacked 1 on top of another. For

1 signs erected ~~prior to the effective date of the amendatory act~~
2 ~~that added this subdivision~~ BEFORE MARCH 23, 1999, the sign or
3 sign structure shall not be modified to provide a sign or sign
4 structure that is stacked 1 on top of another.

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

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

14 (2) Along primary highways, ~~within the limits of an incor-~~
15 ~~porated municipality~~ a sign structure LOCATED IN A BUSINESS AREA
16 OR UNZONED COMMERCIAL OR INDUSTRIAL AREA shall not be ERECTED
17 closer than 500 feet to another sign structure ON THE SAME SIDE
18 OF THE HIGHWAY.

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

22 (3) ~~(4)~~ The provisions of this section do not apply to
23 signs separated by a building or other visual obstruction in such
24 a manner that only 1 sign located within the spacing distances is
25 visible from the highway at any time, provided that the building
26 or other visual obstruction has not been created for the purpose
27 of visually obstructing either of the signs at issue.

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

8 (5) ~~—(6)—~~ Official signs as described in section 13(1)(a)
9 and on-premises signs shall not be counted nor shall measurements
10 be made from them for purposes of determining compliance with the
11 spacing requirements provided in this section.

12 (6) ~~—(7)—~~ The spacing requirements provided in this section
13 apply separately to each side of the highway.

14 (7) ~~—(8)—~~ The spacing requirements provided in this section
15 shall be measured along the nearest edge of the pavement of the
16 highway between points directly opposite each sign.

17 (8) ~~—(9)—~~ A sign that was erected in compliance with the
18 spacing requirements of this section that were in effect at the
19 time when the sign was erected, but which does not comply with
20 the spacing requirements of this section ~~as modified by the~~
21 ~~amendatory act that added this subsection~~ AFTER MARCH 23, 1999,
22 shall not be considered unlawful as that term is used in section
23 22.

24 Sec. 18a. (1) Notwithstanding any other provision of this
25 act, beginning January 1, 2000, ALL BILLBOARDS WITHIN THIS STATE
26 ARE SUBJECT TO THIS ACT AND a billboard shall not advertise the
27 purchase or consumption of tobacco products.

(2) Notwithstanding any other provision of this act, a person who violates this section is responsible for a civil fine of not less than \$5,000.00 or more than \$10,000.00 for each day of violation. A civil fine collected under this section shall be distributed to public libraries as provided under 1964 PA 59, MCL 397.31 to 397.40.

~~(3) As used in this section:~~

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

~~(b) "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.~~

~~(c) "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.~~

~~(d) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. The traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way of a divided highway. It does not include~~

1 ~~facilities as frontage roads, turning roadways, or parking~~
2 ~~areas.~~

3 ~~(e) "Primary highway" means a highway, other than an inter-~~
4 ~~state highway or freeway, officially designated as a part of the~~
5 ~~primary system as defined in section 131 of title 23 of the~~
6 ~~United States code, 23 U.S.C. 131, by the department and approved~~
7 ~~by the appropriate authority of the federal government.~~

8 ~~(f) "Secondary highway" means a state secondary road or~~
9 ~~county primary road.~~

10 ~~(g) "Tobacco product" means any tobacco product sold to the~~
11 ~~general public and includes, but is not limited to, cigarettes,~~
12 ~~cigars, tobacco snuff, and chewing tobacco.~~

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

16 (2) There shall be mailed to the owner of the sign by certi-
17 fied mail a notice that the sign or its supporting sign structure
18 violates stated specified provisions of this act and is subject
19 to removal. If the owner's address cannot be determined, a
20 notice shall be posted on the sign. The posted notice shall be
21 written on red waterproof paper stock of a size not less than
22 8-1/2 inches by 11 inches. The notice shall be posted in the
23 area designated by section 12 for the placing of permit numbers,
24 in a manner so that it is visible from the highway faced by the
25 sign or sign structure.

26 (3) If the sign or sign structure is not removed or brought
27 into compliance with this act within 60 days following the date

1 of posting or mailing of written notice or within such further
2 time as the department may allow in writing the sign or sign
3 structure shall be considered to be abandoned.

4 (4) The department shall conduct a hearing pursuant to the
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
6 24.328, at which it shall confirm that the sign is abandoned,
7 that due process has been observed, and that the sign may be
8 removed by the department without payment of compensation and at
9 the expense of the owner. Signs or sign structures considered
10 abandoned, and any other sign or sign structure erected or main-
11 tained in violation of this act that is not eligible for removal
12 compensation as provided in section 22, shall be removed by the
13 department forthwith or upon the expiration of such further time
14 as the department allows. The department may recover as a pen-
15 alty from the owner of the sign or sign structure, or if he OR
16 SHE cannot be found, the owner of the real property upon which
17 the sign or sign structure is located, double the cost of removal
18 or \$50.00, whichever is greater.

19 (5) The department, its agents and employees, and any person
20 acting under the authority of, or by contract with the depart-
21 ment, may enter upon private property without liability for so
22 doing in connection with the posting or the removal of any sign
23 or sign structure pursuant to this act.

24 (6) The department may contract on a negotiated basis with-
25 out competitive bidding with a permittee under this act for the
26 removal of any sign or sign structure pursuant to this act.

1 (7) A SIGN OR SIGN STRUCTURE THAT IS ERECTED OR MAINTAINED
2 IN VIOLATION OF THIS ACT IS A NUISANCE PER SE. THE DEPARTMENT
3 MAY APPLY TO THE CIRCUIT COURT IN THE COUNTY IN WHICH A SIGN IS
4 LOCATED FOR AN ORDER TO SHOW CAUSE WHY THE USE OF A SIGN ERECTED
5 AND MAINTAINED IN VIOLATION OF THIS ACT SHOULD NOT BE ENJOINED
6 PENDING ITS REMOVAL IN ACCORDANCE WITH THIS SECTION. THE DEPART-
7 MENT MAY APPLY FOR AN ORDER TO SHOW CAUSE BEFORE OR AFTER A HEAR-
8 ING IS CONDUCTED.