

HOUSE BILL No. 4217

February 18, 2015, Introduced by Rep. Farrington and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 6 and 19 (MCL 252.306 and 252.319), section 6
as amended by 2014 PA 2 and section 19 as amended by 2006 PA 448.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A sign owner shall apply for an annual permit on a
2 form prescribed by the department for each sign or sign structure
3 to be maintained or erected in an adjacent area where the facing of
4 the sign or sign structure is visible from a regulated route. The
5 form shall require the name and business address of the applicant,
6 the name and address of the owner of the property on which the sign
7 or sign structure is to be located, the date the sign or sign
8 structure, if currently maintained, was erected, the zoning

1 classification of the property, a precise description of where the
2 sign or sign structure is or will be situated and a certification
3 that the sign or sign structure is not prohibited by section 18(a),
4 (b), (c), or (d) and that the sign or sign structure does not
5 violate any provisions of this act. The sign permit application
6 shall include a statement signed by the owner of the land on which
7 the sign or sign structure is to be placed, acknowledging that no
8 trees or shrubs in the adjacent highway right-of-way may be
9 removed, trimmed, or in any way damaged or destroyed without the
10 written authorization of the department. The department may require
11 documentation to verify the zoning, the consent of the land owner,
12 and any other matter considered essential to the evaluation of
13 compliance with this act. A sign owner shall apply for a separate
14 annual permit for each sign or sign structure for each regulated
15 route subject to this act from which the facing of the sign or sign
16 structure is visible.

17 (2) The owner of a sign or sign structure shall apply for an
18 annual permit for each sign or sign structure that becomes subject
19 to the permit requirements of this act because of a change in
20 highway designation or other reason not within the control of the
21 sign owner within 2 months after receiving notice from the
22 department that the sign or sign structure is subject to the permit
23 requirements of this act. Both of the following apply to an annual
24 permit issued under this subsection:

25 (a) The annual permit is not subject to section 7a.

26 (b) The annual permit may not be surrendered for an interim
27 permit under section 7a(3).

1 (3) ~~In~~ **SUBJECT TO SUBSECTION (4), IN** addition to an annual
2 permit under subsection (1), a sign owner shall apply for and the
3 department shall issue a digital billboard permit for each digital
4 billboard that is not a nonconforming sign and that meets the
5 requirements of section 17(3) to be maintained or erected in an
6 adjacent area where the facing of the sign or sign structure is
7 visible from a regulated route. The information provided by an
8 applicant under this subsection shall be on a form prescribed by
9 the department. A sign owner shall apply for a separate digital
10 billboard permit for each sign or sign structure allowed under
11 section 17(3) for each regulated route from which the facing of the
12 sign or sign structure is visible. The owner of a sign or sign
13 structure shall apply for a digital billboard permit for each
14 digital billboard that becomes subject to the permit requirements
15 of this act because of a change in highway designation or other
16 reason not within the control of the sign owner within 2 months
17 after receiving notice from the department that the sign or sign
18 structure is subject to the permit requirements of this act. Both
19 of the following apply to a digital billboard permit issued under
20 this subsection:

21 (a) The digital billboard permit is not subject to section 7a.

22 (b) The digital billboard permit may not be surrendered for an
23 interim permit under section 7a(3).

24 (4) ~~Notwithstanding any other provision of this act, within 90~~
25 ~~days after the effective date of the amendatory act that added this~~
26 ~~subsection, the~~ **THE** owner of a digital billboard that was legally
27 erected before ~~the effective date of the amendatory act that added~~

~~this subsection shall apply for, and the department shall issue, a digital billboard permit. A digital billboard permitted under this subsection or subsection (5) is exempt from section 17(3), and the department shall not require any form of consideration for a digital billboard permitted under this subsection or subsection (5) other than payment of the appropriate application fee and annual renewal fees as required under this act.~~**JANUARY 30, 2014 IS EXEMPT FROM SUBSECTION (3).**

(5) Notwithstanding any other provision of this act, if, on ~~the effective date of the amendatory act that added this subsection,~~**JANUARY 30, 2014,** an individual has obtained location approval from the department and approval from the local unit of government having jurisdiction of that location to erect a digital billboard, he or she shall apply for, and the department shall issue, a digital billboard permit.

(6) Both of the following apply to the owner of a nonstandard sign:

(a) In addition to an annual permit under subsection (1), the owner of a nonstandard sign may apply for a digital billboard permit to erect and maintain a digital billboard on a nonstandard sign by applying for a digital billboard permit on a form prescribed by the department, paying the required fee, and surrendering 3 interim permits to the department. The owner of a nonstandard sign seeking a digital billboard permit under this subsection shall apply for a separate digital billboard permit for each sign or sign structure for each regulated route from which the facing of the sign or sign structure is visible, but shall not be

1 required to surrender more than a total of 3 interim permits.

2 (b) Beginning on ~~the effective date of the amendatory act that~~
3 ~~added this subdivision~~ **JANUARY 30, 2014** and ending ~~1 year after the~~
4 ~~effective date of the amendatory act that added this subdivision,~~
5 **ON JANUARY 30, 2015**, for the first 8 nonstandard signs for which
6 the owner applies for a digital billboard permit under subdivision
7 (a), the owner shall not be required to surrender 3 interim
8 permits. This subdivision only applies to signs located in a county
9 having a population of not less than 750,000. The spacing
10 requirements under section 17(4) apply to the first 8 nonstandard
11 signs for which the owner applies for a digital billboard permit
12 under subdivision (a).

13 Sec. 19. (1) ~~Signs~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
14 **(9), SIGNS** and their supporting structures erected or maintained in
15 violation of this act may be removed by the department in the
16 manner prescribed in this section.

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

27 (3) If the sign or sign structure is not removed or brought

1 into compliance with this act within 60 days following the date of
2 posting or mailing of written notice or within such further time as
3 the department may allow in writing, the sign or sign structure
4 shall be considered ~~to be~~ abandoned.

5 (4) The department shall conduct a hearing ~~pursuant to~~ **UNDER**
6 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
7 to 24.328, at which it shall confirm that the sign is abandoned,
8 that due process has been observed, and that the sign may be
9 removed by the department without payment of compensation and at
10 the expense of the owner. Signs or sign structures considered
11 abandoned, and any other sign or sign structure erected or
12 maintained in violation of this act that is not eligible for
13 removal compensation as provided in section 22, shall be removed by
14 the department forthwith or upon the expiration of such further
15 time as the department allows. The department may recover as a
16 penalty from the owner of the sign or sign structure or, if he or
17 she cannot be found, the owner of the real property upon which the
18 sign or sign structure is located, double the cost of removal or
19 \$500.00, whichever is greater. For frivolous hearings as determined
20 by the administrative law judge, the department may recover as a
21 penalty from the owner of the sign or sign structure, or, if the
22 owner of the sign or sign structure cannot be found, the owner of
23 the real property upon which the sign or sign structure is located,
24 double the cost of an administrative hearing incurred by the
25 department or \$500.00, whichever is greater. Any penalty imposed
26 under this section is subject to de novo review in circuit court.

27 (5) The department, its agents and employees, and any person

1 acting under the authority of or by contract with the department
2 may enter upon private property without liability for so doing in
3 connection with the posting or the removal of any sign or sign
4 structure pursuant to this act.

5 (6) The department may contract on a negotiated basis without
6 competitive bidding with a permittee under this act for the removal
7 of any sign or sign structure ~~pursuant to~~ **UNDER** this act.

8 (7) Any repeat violation of this act shall be considered a
9 continuing violation of this act.

10 (8) A sign or sign structure erected or maintained in
11 violation of this act is a nuisance per se. The department, before
12 or after a hearing is conducted, may apply to the circuit court in
13 the county in which a sign is located for an order to show cause
14 why the use of a sign erected or maintained in violation of this
15 act should not be enjoined pending its removal in accordance with
16 this section.

17 (9) **THE DEPARTMENT SHALL NOT REMOVE A SIGN OR SIGN STRUCTURE**
18 **THAT WAS ERECTED BEFORE JANUARY 30, 2014 AND MEETS ALL OF THE**
19 **FOLLOWING:**

20 (A) **THE DEPARTMENT ISSUED A PERMIT FOR THE SIGN OR SIGN**
21 **STRUCTURE AS PROVIDED IN SECTION 6.**

22 (B) **THE DEPARTMENT RENEWED THE PERMIT DESCRIBED IN SUBDIVISION**
23 **(A) AT LEAST 1 TIME AS PROVIDED IN SECTION 7.**

24 (C) **THE SIGN OR SIGN STRUCTURE COMPLIES WITH THE PROVISIONS OF**
25 **THE MARCH 30, 1972 AGREEMENT BETWEEN THE UNITED STATES OF AMERICA**
26 **AND THIS STATE FOR CARRYING OUT NATIONAL POLICY RELATING TO THE**
27 **CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL**

- 1 SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL AID
- 2 PRIMARY SYSTEM.