

HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)
Act 106 of 1972

252.302 Definitions.

Sec. 2. As used in this act:

(a) "Abandoned or discontinued sign or sign structure" or "abandoned sign" means a sign or sign structure subject to this act, the owner of which has failed to secure a permit, has failed to identify the sign or sign structure, or has failed to respond to notice.

(b) "Adjacent area" means the area measured from the nearest edge of the right-of-way of an interstate highway, freeway, or primary highway and, in urbanized areas, extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line or, outside of urbanized areas, extending perpendicularly to the limit where a sign is visible and then along a line parallel to the right-of-way line.

(c) "Annual permit" means a permit for a billboard under this act.

(d) "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. Billboard does not include an off-premises directional sign.

(e) "Business area" means an adjacent area that is zoned by a 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 that is within a city, village, or charter township or is within 1 mile of the corporate limits of a city, village, or charter township or is beyond 1 mile of the corporate limits of a city, village, or charter township and contains 1 or more permanent structures devoted to the industrial or commercial purposes described in this subdivision and that extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except that where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of a business area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot, or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities are not 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 the activities 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 that 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 having at least 10 separate units that are available for rent by the public.

(xiii) A temporary business solely established to qualify as commercial or industrial activity under this act.

(f) "Department" means the state transportation department.

(g) "Destroyed sign" means a nonconforming sign that has been damaged by storm, fire, or other casualty that requires customary maintenance and repair in excess of 60% of the replacement cost of a new sign structure constructed of equivalent materials and equipment. Destroyed sign does not include a

nonconforming sign that has been damaged by vandalism or a negligent act of a person.

(h) "Digital billboard" means a sign or sign structure that utilizes an electronic means to display a series of messages that are changed by electronic means. Digital billboard does not include a sign that contains an embedded electronic message device or a trivision sign.

(i) "Digital billboard permit" means a permit for a digital billboard that is renewable on an annual basis.

(j) "Directional sign" means a sign that contains only directional information regarding and the identification of 1 of the following:

(i) A public or private activity or attraction that is owned or operated by the federal or a state or local government or an agency of the federal or a state or local government.

(ii) A publicly or privately owned natural phenomenon or a historic, cultural, scientific, educational, or religious site.

(iii) An area that is in the interest of the traveling public, if the area is of natural scenic beauty or is naturally suited for outdoor recreation.

(k) "Embedded electronic message device" means an accessory that is made part of a sign, sign face, or sign structure with a total area that is less than that of the sign face to which it is attached, and displays only static messages containing text or numbers that are directly associated with the current advertiser. Embedded electronic message device does not include a digital billboard or a device that displays graphics other than messages containing text or numbers.

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

(m) "Existing vegetation" means trees, bushes, and ground cover that the department intends to maintain and that are at least the same size as similar vegetation that the department would customarily install and maintain or allow to be installed and maintained as part of a roadside management plan, roadside management project, or landscaping project.

(n) "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 freeway.

(o) "Incorporated municipality" means a city, village, or charter township.

(p) "Index" means the Detroit consumer price index for all urban consumers published by the United States bureau of labor statistics or, if that index ceases to be published by the United States bureau of labor statistics, the published index that most closely measures inflation, as determined by the department.

(q) "Interim permit" means a permit that can be utilized by the applicant to construct a sign structure that is visible from a freeway, interstate, or primary highway.

(r) "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 federal government under 23 USC 103.

(s) "Location" means a place where a sign structure subject to this act is located.

(t) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. Main-traveled way includes the traveled way of each of the separate roadways for traffic in opposite directions on a divided highway. Main-traveled way does not include facilities such as frontage roads, turning roadways, or parking areas.

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

(v) "Nationally known" means an activity or attraction that is all of the following:

(i) An active part of a national advertising promotion.

(ii) Listed on a national register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Listed in national travel guides.

(v) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

(w) "Nonconforming sign" means a sign or sign structure, other than a nonstandard sign or a sign that is erected and maintained in a business area along a scenic byway prior to the designation as a scenic byway, that satisfies 1 of the following:

(i) Was legally erected before March 31, 1972 but could not be legally erected under the current provisions of this act.

(ii) Is a sign or sign structure regulated under this act that was legally erected after March 31, 1972 but could not be legally erected under the current provisions of this act.

(x) "Nonstandard sign" means a sign or sign structure other than a nonconforming sign, that is subject to

this act, was legally erected before March 23, 1999, is not a nonconforming sign, and does not comply with the spacing requirements in section 17(1), but otherwise complies with this act.

(y) "On-premises sign" means a sign advertising activities conducted or maintained on the property on which it is located. The boundary of the property shall be as determined by tax rolls, deed registrations, and apparent land use delineations. If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity conducted or maintained on the property, or if the sign brings rental income to the property owner or sign owner, it shall be considered the business of outdoor advertising and not an on-premises sign. On-premises sign does not include a sign on a narrow strip of land contiguous to the advertised activity, or a sign on an easement on adjacent property, when the purpose is clearly to circumvent the intent of this act.

(z) "Person" means any individual, partnership, private association, or corporation, state, county, city, village, township, charter township, or other public or municipal association or corporation.

(aa) "Primary highway" means a highway other than an interstate highway or freeway that is a regulated route.

(bb) "Regionally known" means an activity or attraction that is all of the following:

(i) Known throughout this state or the peninsula of this state in which the activity or attraction is located and in 1 or more states adjoining this state.

(ii) Listed on a state register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

(cc) "Regulated route" means an interstate highway, freeway, or primary highway required to be regulated under 23 USC 131 and any other route that is required to be regulated or may become required to be regulated by the department under this act or another state or federal statute or legal requirement.

(dd) "Religious organization sign" means a sign, not larger than 8 square feet, that gives notice of religious services.

(ee) "Scenic byway" means a regulated route that is required to be regulated as a scenic byway under 23 USC 131.

(ff) "Secondary highway" means a state secondary road or county primary road.

(gg) "Service club sign" means a sign, not larger than 8 square feet, that gives notice about nonprofit service clubs or charitable associations.

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

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

(jj) "Tobacco product" means any tobacco product sold to the general public and includes, but is not limited to, cigarettes, tobacco snuff, and chewing tobacco.

(kk) "Trivision sign" means a sign or sign structure that uses mechanical means to display more than 1 message in sequence.

(ll) "Unzoned commercial or industrial area" means an area that is within an adjacent area, that is not zoned by state or local law, regulation, or ordinance, that contains 1 or more permanent structures devoted to the industrial or commercial purposes described in subdivision (e), and that extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except that where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, an unzoned commercial or industrial area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of an unzoned commercial or industrial area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot, or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities are not 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 the activities 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 that 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 having at least 10 separate units that are available for rent by the public.
- (xiii) A temporary business solely established to qualify as commercial or industrial activity under this act.
- (mm) "Visible" means a sign that has a message that is capable of being seen by an individual of normal visual acuity when traveling in a motor vehicle.

History: 1972, Act 106, Imd. Eff. Mar. 31, 1972;—Am. 1976, Act 265, Imd. Eff. Oct. 1, 1976;—Am. 1998, Act 533, Eff. Mar. 23, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2009, Act 86, Imd. Eff. Sept. 3, 2009;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.