

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

252.311 Trimming or removing trees or shrubs within highway right-of-way; violation; penalty; hearing; removal of sign.

Sec. 11. (1) A person who trims or removes trees or shrubs within a highway right-of-way for the purpose of making a proposed or existing sign more visible without a permit issued under section 11a is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or a fine of \$10,000.00 or up to 5 times the value of the trees or shrubs trimmed or removed, whichever is greater. The value of the removed trees or shrubs shall be determined by the department under section 11a.

(2) If a sign owner, sign owner's agent, or a property owner or agent of a property owner with whom the sign owner has a contractual relationship to maintain the sign on his or her property trims or removes trees or shrubs without first having obtained a permit under section 11a, the sign owner is not eligible to obtain a permit under section 11a for 3 years from the date of trimming or removal of trees or shrubs.

(3) If trees or shrubs have been trimmed or removed without a permit under section 11a by a sign owner, a sign owner's agent, a property owner, or a property owner's agent, the department shall conduct a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After providing notice and opportunity for hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may impose a fine not to exceed 5 times the value of the vegetation that was trimmed or removed, restrict future vegetation management permits, restrict use of the sign or sign structure for a period not to exceed 1 year, or, for a second or subsequent violation, remove the sign under section 19. A sign, the use of which has been restricted under this subsection, shall not be considered an abandoned sign.

(4) If a sign is removed under this section and the department subsequently receives an application for a permit under section 6 for the same area, the department shall consider that the conditions for the permit issued under section 6 remain in force for spacing and all other requirements of this act.

History: Add. 1998, Act 533, Eff. Apr. 1, 1999;—Am. 2006, Act 448, Eff. Jan. 1, 2007;—Am. 2014, Act 2, Imd. Eff. Jan. 30, 2014.