

SENATE BILL No. 953

May 4, 2016, Introduced by Senator CASPERSON 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, 6, 7b, 11, 11a, 17, and 17a (MCL 252.302, 252.303, 252.304, 252.306, 252.307b, 252.311, 252.311a, 252.317, and 252.317a), sections 2, 4, 6, 11, 11a, and 17 as amended and sections 7b and 17a as added by 2014 PA 2 and section 3 as amended by 2006 PA 448.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

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

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

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

10 (d) "Billboard" means a sign separate from a premises erected
11 for the purpose of advertising a product, event, person, or subject
12 not related to the premises on which the sign is located. Billboard
13 does not include an off-premises directional sign.

14 (e) "Business area" means an adjacent area that is zoned by a
15 state, county, township, or municipal zoning authority for
16 industrial or commercial purposes, customarily referred to as "b"
17 or business, "c" or commercial, "i" or industrial, "m" or
18 manufacturing, and "s" or service, and all other similar
19 classifications and that is within a city, village, or charter
20 township or is within 1 mile of the corporate limits of a city,
21 village, or charter township or is beyond 1 mile of the corporate
22 limits of a city, village, or charter township and contains 1 or
23 more permanent structures devoted to the industrial or commercial
24 purposes described in this subdivision and that extends along the
25 highway a distance of 800 feet beyond each edge of the activity.

26 **BUSINESS AREA INCLUDES AN ADJACENT AREA THAT IS ZONED BY A STATE,**
27 **COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP ZONING**

1 **AUTHORITY AS PART OF A COMPREHENSIVE LAND DEVELOPMENT PROJECT OR**
2 **PLANNED UNIT DEVELOPMENT IN WHICH COMMERCIAL OR INDUSTRIAL ACTIVITY**
3 **IS ALLOWED.** Each side of the highway is considered separately in
4 applying this definition except that where it is not
5 topographically feasible for a sign or sign structure to be erected
6 or maintained on the same side of the highway as the permanent
7 structure devoted to industrial or commercial purposes, a business
8 area may be established on the opposite side of a primary highway
9 in an area zoned commercial or industrial or in an unzoned area
10 with the approval of the state highway commission. A permanent
11 structure devoted to industrial or commercial purposes does not
12 result in the establishment of a business area on both sides of the
13 highway. All measurements shall be from the outer edge of the
14 regularly used building, parking lot, or storage or processing area
15 of the commercial or industrial activity and not from the property
16 lines of the activities and shall be along or parallel to the edge
17 or pavement of the highway. Commercial or industrial purposes are
18 those activities generally restricted to commercial or industrial
19 zones in jurisdictions that have zoning. In addition, the following
20 activities are not commercial or industrial:

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

24 (ii) Transient or temporary activities.

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

26 (iv) Activities conducted in a building principally used as a
27 residence, or in a building located on property that is used

1 principally for residential purposes or for the activities in
2 subparagraph (i).

3 (v) Railroad tracks and minor sidings.

4 (vi) Outdoor advertising.

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

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

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

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

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

19 (xii) A storage facility for a business or other activity not
20 located on the same property, except a storage building having at
21 least 10 separate units that are available for rent by the public.

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

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

25 (g) "Destroyed sign" means a nonconforming sign that has been
26 damaged by storm, fire, or other casualty that requires customary
27 maintenance and repair in excess of 60% of the replacement cost of

1 a new sign structure constructed of equivalent materials and
2 equipment. Destroyed sign does not include a nonconforming sign
3 that has been damaged by vandalism or a negligent act of a person.

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

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

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

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

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

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

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

1 billboard or a device that displays graphics other than messages
2 containing text or numbers.

3 (l) "Erect" means to construct, build, raise, assemble, place,
4 affix, attach, create, paint, draw, or in any other way bring into
5 being or establish. **ERECT INCLUDES BEING IN THE PROCESS OF**
6 **CONSTRUCTING, BUILDING, RAISING, ASSEMBLING, PLACING, AFFIXING,**
7 **ATTACHING, CREATING, PAINTING, DRAWING, OR IN ANY OTHER WAY**
8 **BRINGING INTO BEING OR ESTABLISHING.**

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

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

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

22 (p) "Index" means the Detroit consumer price index for all
23 urban consumers published by the United States ~~bureau~~ **BUREAU** of
24 ~~labor statistics~~ **LABOR STATISTICS** or, if that index ceases to be
25 published by the United States ~~bureau~~ **BUREAU** of ~~labor statistics,~~
26 **LABOR STATISTICS**, the published index that most closely measures
27 inflation, as determined by the department.

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

4 (r) "Interstate highway" means a highway officially designated
5 as a part of the national system of interstate and defense highways
6 by the department and approved by the federal government under 23
7 USC 103.

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

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

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

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

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

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

23 (iii) Staffed and maintains a register of visitors.

24 (iv) Listed in national travel guides.

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

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

5 (i) ~~Was~~ **A PERMIT FOR THE SIGN OR SIGN STRUCTURE WAS** legally
6 ~~erected~~ **ISSUED** before March 31, 1972 but **A PERMIT FOR THE SIGN OR**
7 **SIGN STRUCTURE** could not be legally ~~erected~~ **ISSUED** under the
8 current provisions of this act.

9 (ii) Is a sign or sign structure regulated under this act ~~that~~
10 **FOR WHICH A PERMIT** was legally ~~erected~~ **ISSUED** after March 31, 1972
11 but **A PERMIT FOR THE SIGN OR SIGN STRUCTURE** could not be legally
12 ~~erected~~ **ISSUED** under the current provisions of this act.

13 (x) "Nonstandard sign" means a sign or sign structure other
14 than a nonconforming sign, that is subject to this act, **FOR WHICH A**
15 **PERMIT** was legally ~~erected~~ **ISSUED UNDER THIS ACT** before March 23,
16 1999, is not a nonconforming sign, and does not comply with the
17 spacing requirements in section 17(1) **OR (2)**, but otherwise
18 complies with this act.

19 (y) "On-premises sign" means a sign advertising activities
20 conducted or maintained on the property on which it is located. The
21 boundary of the property shall be as determined by tax rolls, deed
22 registrations, and apparent land use delineations. If a sign
23 consists principally of brand name or trade name advertising and
24 the product or service advertised is only incidental to the
25 principal activity conducted or maintained on the property, or if
26 the sign brings rental income to the property owner or sign owner,
27 it shall be considered the business of outdoor advertising and not

1 an on-premises sign. On-premises sign does not include a sign on a
2 narrow strip of land contiguous to the advertised activity, or a
3 sign on an easement on adjacent property, when the purpose is
4 clearly to circumvent the intent of this act.

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

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

11 **(BB) "PUBLIC SCHOOL PROPERTY" MEANS PROPERTY OWNED OR LEASED**
12 **BY THE GOVERNING BOARD OF A PUBLIC SCHOOL OR PROPERTY OWNED OR**
13 **LEASED BY A FOUNDATION OWNED OR MANAGED BY THE GOVERNING BOARD OF A**
14 **PUBLIC SCHOOL.**

15 **(CC)** ~~(bb)~~—"Regionally known" means an activity or attraction
16 that is all of the following:

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

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

21 (iii) Staffed and maintains a register of visitors.

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

25 **(DD)** ~~(ee)~~—"Regulated route" means an interstate highway,
26 freeway, or primary highway required to be regulated under 23 USC
27 131 and any other route that is required to be regulated or may

1 become required to be regulated by the department under this act or
2 another state or federal statute or legal requirement.

3 **(EE)** ~~(dd)~~—"Religious organization sign" means a sign, not
4 larger than 8 square feet, that gives notice of religious services.

5 **(FF)** ~~(ee)~~—"Scenic byway" means a regulated route that is
6 required to be regulated as a scenic byway under 23 USC 131.

7 **(GG)** ~~(ff)~~—"Secondary highway" means a state secondary road or
8 county primary road.

9 **(HH)** ~~(gg)~~—"Service club sign" means a sign, not larger than 8
10 square feet, that gives notice about nonprofit service clubs or
11 charitable associations.

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

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

22 **(KK)** ~~(jj)~~—"Tobacco product" means any tobacco product sold to
23 the general public and includes, but is not limited to, cigarettes,
24 tobacco snuff, and chewing tobacco.

25 **(ll)** ~~(kk)~~—"Trivision sign" means a sign or sign structure that
26 uses mechanical means to display more than 1 message in sequence.

27 **(MM)** ~~(ll)~~—"Unzoned commercial or industrial area" means an

1 area that is within an adjacent area, that is not zoned by state or
2 local law, regulation, or ordinance, that contains 1 or more
3 permanent structures devoted to the industrial or commercial
4 purposes described in subdivision (e), and that extends along the
5 highway a distance of 800 feet beyond each edge of the activity.
6 Each side of the highway is considered separately in applying this
7 definition except that where it is not topographically feasible for
8 a sign or sign structure to be erected or maintained on the same
9 side of the highway as the permanent structure devoted to
10 industrial or commercial purposes, an unzoned commercial or
11 industrial area may be established on the opposite side of a
12 primary highway in an area zoned commercial or industrial or in an
13 unzoned area with the approval of the state highway commission. A
14 permanent structure devoted to industrial or commercial purposes
15 does not result in the establishment of an unzoned commercial or
16 industrial area on both sides of the highway. All measurements
17 shall be from the outer edge of the regularly used building,
18 parking lot, or storage or processing area of the commercial or
19 industrial activity and not from the property lines of the
20 activities and shall be along or parallel to the edge or pavement
21 of the highway. Commercial or industrial purposes are those
22 activities generally restricted to commercial or industrial zones
23 in jurisdictions that have zoning. In addition, the following
24 activities are not commercial or industrial:

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

- 1 (ii) Transient or temporary activities.
- 2 (iii) Activities not visible from the main-traveled way.
- 3 (iv) Activities conducted in a building principally used as a
4 residence, or in a building located on property that is used
5 principally for residential purposes or for the activities in
6 subparagraph (i).
- 7 (v) Railroad tracks and minor sidings.
- 8 (vi) Outdoor advertising.
- 9 (vii) Activities more than 660 feet from the main-traveled
10 way.
- 11 (viii) Activities that have not been in continuous operation
12 of a business or commercial nature for at least 2 years.
- 13 (ix) Public utility facilities, whether regularly staffed or
14 not.
- 15 (x) Structures associated with on-site outdoor recreational
16 activities such as riding stables, golf course shops, and
17 campground offices.
- 18 (xi) Activities conducted in a structure for which an
19 occupancy permit has not been issued or that is not a fully
20 enclosed building, having all necessary utility service and
21 sanitary facilities required for its intended commercial or
22 industrial use.
- 23 (xii) A storage facility for a business or other activity not
24 located on the same property, except a storage building having at
25 least 10 separate units that are available for rent by the public.
- 26 (xiii) A temporary business solely established to qualify as
27 commercial or industrial activity under this act.

1 (NN) ~~(mm)~~ "Visible" means a sign that has a message that is
 2 capable of being seen by an individual of normal visual acuity when
 3 traveling in a motor vehicle.

4 Sec. 3. To **PROMOTE THE REASONABLE, ORDERLY, AND EFFECTIVE**
 5 **DISPLAY OF OUTDOOR ADVERTISING, TO** improve and enhance scenic
 6 beauty consistent with ~~section 131 of title 23 of the United States~~
 7 ~~Code,~~ 23 USC 131, and to limit and reduce the illegal possession
 8 and use of tobacco by minors, the legislature finds it appropriate
 9 to regulate and control outdoor advertising and outdoor advertising
 10 as it pertains to tobacco adjacent to the streets, roads, highways,
 11 and freeways within this state and that outdoor advertising ~~is~~
 12 **SERVES A PUBLIC NEED AS** a legitimate accessory commercial use of
 13 private property, ~~is~~ an integral part of the marketing function,
 14 and an established segment of the economy of this state.

15 Sec. 4. (1) This act regulates and controls the size,
 16 lighting, and spacing of signs and sign structures in adjacent
 17 areas and occupies the whole field of that regulation and control
 18 except for the following:

19 (a) A county, city, village, township, or charter township may
 20 enact ordinances to regulate and control the operation, size,
 21 lighting, and spacing of signs and sign structures but shall not
 22 permit a sign or sign structure that is otherwise prohibited by
 23 this act or require or cause the removal of lawfully erected signs
 24 or sign structures subject to this act without the payment of just
 25 compensation. A sign owner shall apply for an annual permit
 26 pursuant to section 6 for each sign to be maintained or to be
 27 erected within that county, city, village, charter township, or

1 township. A sign erected or maintained within that county, city,
2 village, township, or charter township shall also comply with all
3 applicable provisions of this act. An ordinance or code adopted by
4 a county, city, village, township, or charter township that
5 regulates the operation, size, lighting, or spacing of signs and
6 sign structures and that is more stringent than the laws of this
7 state is not made void by this act.

8 (b) A county, city, village, charter township, or township
9 vested by law with authority to enact zoning codes has full
10 authority under its own zoning codes or ordinances to establish
11 commercial or industrial areas and the actions of a county, city,
12 village, charter township, or township in so doing shall be
13 accepted for the purposes of this act. However, except as provided
14 in subdivision (a), zoning that is not part of a comprehensive
15 zoning plan and is taken primarily to permit outdoor advertising
16 structures shall not be accepted for purposes of this act. A zone
17 in which limited commercial or industrial activities are permitted
18 as incidental to other primary land uses is not a commercial or
19 industrial zone for outdoor advertising control purposes.

20 (c) An ordinance or code of a city, village, township, or
21 charter township that existed on March 31, 1972 and that prohibits
22 signs or sign structures is not made void by this act.

23 (d) A county ordinance that regulates and controls the size,
24 lighting, and spacing of signs and sign structures shall only apply
25 in a township within the county if the township has not enacted an
26 ordinance to regulate and control the size, lighting, and spacing
27 of signs and sign structures.

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

6 (2) CONSISTENT WITH SECTION 1263 OF THE REVISED SCHOOL CODE,
7 1976 PA 451, MCL 380.1263, AND CHARTER TWP OF NORTHVILLE V
8 NORTHVILLE PUB SCHOOLS, 469 MICH 285 (2003), PUBLIC SCHOOL PROPERTY
9 IS EXEMPT FROM A ZONING ORDINANCE ENACTED BY OR A ZONING
10 CLASSIFICATION ASSIGNED BY A COUNTY, CITY, VILLAGE, TOWNSHIP, OR
11 CHARTER TOWNSHIP.

12 (3) PUBLIC SCHOOL PROPERTY SHALL QUALIFY AS UNZONED PROPERTY
13 OF A MIXED PUBLIC AND COMMERCIAL USE UNDER THIS ACT, REGARDLESS OF
14 THE ZONING CLASSIFICATION ASSIGNED TO THE PROPERTY BY A COUNTY,
15 CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP, IF THE PUBLIC SCHOOL
16 IS USING OR PROPOSING TO USE PUBLIC SCHOOL PROPERTY FOR A PURPOSE
17 THAT MAY PROVIDE A BENEFIT, INCLUDING, BUT NOT LIMITED TO, A
18 COMMERCIAL OR FINANCIAL BENEFIT, TO THE PUBLIC SCHOOL, ITS
19 GOVERNING BOARD, OR ITS FOUNDATION.

20 (4) A SCHOOL BUILDING OR A HIGH SCHOOL BUILDING, INCLUDING AN
21 ATHLETIC FIELD OR FACILITY, THAT IS LOCATED ON PUBLIC SCHOOL
22 PROPERTY AND USED FOR INSTRUCTIONAL OR NONINSTRUCTIONAL SCHOOL
23 PURPOSES AND THAT PROVIDES A BENEFIT, INCLUDING, BUT NOT A LIMITED
24 TO, A COMMERCIAL OR FINANCIAL BENEFIT, TO A PUBLIC SCHOOL OR THE
25 GOVERNING BOARD OF A PUBLIC SCHOOL SHALL QUALIFY AS A PERMANENT
26 STRUCTURE DEVOTED TO THE INDUSTRIAL OR COMMERCIAL PURPOSES
27 DESCRIBED IN SECTION 2(E).

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
9 classification of the property, a precise description of where the
10 sign or sign structure is or will be situated and a certification
11 that the sign or sign structure is not prohibited by section 18(a),
12 (b), (c), or (d) and that the sign or sign structure does not
13 violate any provisions of this act. The sign permit application
14 shall include a statement signed by the owner of the land on which
15 the sign or sign structure is to be placed, acknowledging that no
16 trees or shrubs in the adjacent highway right-of-way may be
17 removed, trimmed, or in any way damaged or destroyed without the
18 written authorization of the department. ~~The~~**EXCEPT AS OTHERWISE**
19 **PROVIDED IN THIS SUBSECTION, THE** department may require
20 documentation to verify the zoning **CLASSIFICATION OF THE PROPERTY,**
21 the consent of the land owner, and any other matter considered
22 essential to the evaluation of compliance with this act. **THE**
23 **DEPARTMENT SHALL NOT REQUIRE A SIGNED WRITTEN STATEMENT FROM A**
24 **COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AS PART OF THE**
25 **DOCUMENTATION IT MAY REQUIRE UNDER THIS SUBSECTION.** A sign owner
26 shall apply for a separate annual permit for each sign or sign
27 structure for each regulated route subject to this act from which

1 the facing of the sign or sign structure is visible.

2 (2) The owner of a sign or sign structure shall apply for an
3 annual permit for each sign or sign structure that becomes subject
4 to the permit requirements of this act because of a change in
5 highway designation or other reason not within the control of the
6 sign owner within 2 months after receiving notice from the
7 department that the sign or sign structure is subject to the permit
8 requirements of this act. Both of the following apply to an annual
9 permit issued under this subsection:

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

11 (b) The annual permit may not be surrendered for an interim
12 permit under section 7a(3) **FOR THE ERECTION AND MAINTENANCE OF A**
13 **SIGN OR SIGN STRUCTURE ALONG A REGULATED ROUTE THAT BECAME SUBJECT**
14 **TO THIS ACT PRIOR TO FEBRUARY 1, 2014.**

15 (c) **AN ANNUAL PERMIT MAY BE SURRENDERED FOR AN INTERIM PERMIT**
16 **AS PROVIDED IN SECTION 7A(3) FOR THE ERECTION AND MAINTENANCE OF A**
17 **SIGN OR SIGN STRUCTURE ALONG A REGULATED ROUTE THAT BECAME SUBJECT**
18 **TO THIS ACT AFTER FEBRUARY 1, 2014.**

19 (3) ~~In~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN**
20 addition to an annual permit under subsection (1), a sign owner
21 shall apply for and the department shall issue a digital billboard
22 permit for each digital billboard that is not a nonconforming sign
23 and that meets the requirements of section 17(3) to be maintained
24 or erected in an adjacent area where the facing of the sign or sign
25 structure is visible from a regulated route. The information
26 provided by an applicant under this subsection shall be on a form
27 prescribed by the department. A sign owner shall apply for a

1 separate digital billboard permit for each sign or sign structure
2 allowed under section 17(3) for each regulated route from which the
3 facing of the sign or sign structure is visible. The owner of a
4 sign or sign structure shall apply for a digital billboard permit
5 for each digital billboard that becomes subject to the permit
6 requirements of this act because of a change in highway designation
7 or other reason not within the control of the sign owner within 2
8 months after receiving notice from the department that the sign or
9 sign structure is subject to the permit requirements of this act.
10 Both of the following apply to a digital billboard permit issued
11 under this subsection:

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

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

15 (4) Notwithstanding any other provision of this act, ~~within 90~~
16 ~~days after the effective date of the amendatory act that added this~~
17 ~~subsection,~~ the owner of a ~~digital~~ billboard that was legally
18 erected **AND WHO APPLIED FOR A DIGITAL BILLBOARD PERMIT** before the
19 ~~effective date of the amendatory act that added this subsection~~
20 ~~shall apply~~ **AUGUST 1, 2015 THAT WAS REVOKED OR DENIED MAY REAPPLY**
21 for, and the department shall issue, a digital billboard permit. A
22 digital billboard permitted under this subsection or subsection (5)
23 is exempt from section 17(3), and the department shall not require
24 any form of consideration for a digital billboard permitted under
25 this subsection or subsection (5) other than payment of the
26 appropriate application fee and annual renewal fees as required
27 under this act.

1 (5) Notwithstanding any other provision of this act, if, on
2 ~~the effective date of the amendatory act that added this~~
3 ~~subsection, OR BEFORE JANUARY 1, 2016,~~ an individual has obtained
4 location approval from the department and approval from the local
5 unit of government having jurisdiction of that location to ~~erect~~
6 **CONVERT AN EXISTING BILLBOARD TO** a digital billboard, he or she
7 shall apply for, and the department shall issue, a digital
8 billboard permit.

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

11 (a) In addition to an annual permit under subsection (1), the
12 owner of a nonstandard sign may apply for a digital billboard
13 permit to erect and maintain a digital billboard on a nonstandard
14 sign by applying for a digital billboard permit on a form
15 prescribed by the department, paying the required fee, and
16 surrendering 3 interim permits to the department. The owner of a
17 nonstandard sign seeking a digital billboard permit under this
18 subsection shall apply for a separate digital billboard permit for
19 each sign or sign structure for each regulated route from which the
20 facing of the sign or sign structure is visible, but shall not be
21 required to surrender more than a total of 3 interim permits.

22 (b) ~~Beginning~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
23 **SUBDIVISION, BEGINNING** ~~on the effective date of the amendatory act~~
24 ~~that added this subdivision~~ **JANUARY 30, 2014** and ending ~~1 year~~
25 ~~after the effective date of the amendatory act that added this~~
26 ~~subdivision,~~ **JANUARY 30, 2015,** for the first 8 nonstandard signs
27 for which the owner applies for a digital billboard permit under

1 subdivision (a), the owner shall not be required to surrender 3
2 interim permits. This subdivision only applies to signs located in
3 a county having a population of not less than 750,000. The spacing
4 requirements under section 17(4) apply to the first 8 nonstandard
5 signs for which the owner applies for a digital billboard permit
6 under subdivision (a). **THE JANUARY 30, 2015 DEADLINE DESCRIBED IN**
7 **THIS SUBDIVISION SHALL BE EXTENDED FOR AN OWNER WHO HAS APPLIED FOR**
8 **A DIGITAL BILLBOARD PERMIT UNDER THIS SECTION AND HAS APPLIED FOR,**
9 **BUT NOT YET RECEIVED, APPROVAL FROM A LOCAL UNIT OF GOVERNMENT**
10 **HAVING JURISDICTION OF THE LOCATION UPON WHICH HE OR SHE SEEKS TO**
11 **ERECT A DIGITAL BILLBOARD. THE EXTENSION DESCRIBED IN THIS**
12 **SUBDIVISION SHALL BE FOR AN AMOUNT OF TIME EQUAL TO THE AMOUNT OF**
13 **TIME THAT ELAPSED BETWEEN THE DATE OF APPLICATION FOR APPROVAL TO**
14 **THE LOCAL UNIT OF GOVERNMENT AND THE DATE APPROVAL IS GRANTED BY**
15 **THE LOCAL UNIT OF GOVERNMENT. FOR PURPOSES OF THIS SUBDIVISION, A**
16 **2-SIDED SIGN OR SIGN STRUCTURE THAT WAS ERECTED ON OR BEFORE**
17 **JANUARY 30, 2014 SHALL BE TREATED AS A SINGLE SIGN OR SIGN**
18 **STRUCTURE AND THE OWNER SHALL NOT BE REQUIRED TO SURRENDER MORE**
19 **THAN 3 INTERIM PERMITS UNDER THIS SUBDIVISION. AN OWNER MAY REAPPLY**
20 **FOR A DIGITAL BILLBOARD PERMIT THAT HE OR SHE PREVIOUSLY APPLIED**
21 **FOR AND WAS EITHER DENIED OR REVOKED BEFORE JANUARY 1, 2016. UPON A**
22 **REAPPLICATION DESCRIBED IN THIS SUBDIVISION, THE DEPARTMENT SHALL**
23 **ISSUE A DIGITAL BILLBOARD PERMIT TO THE OWNER IF THE OWNER IS IN**
24 **COMPLIANCE WITH THE OTHER REQUIREMENTS OF THIS SUBSECTION.**

25 Sec. 7b. (1) Notwithstanding anything in this act to the
26 contrary, the department may issue a permit for a directional sign
27 for a publicly or privately owned activity or attraction that is

1 nationally known or regionally known, that is of outstanding
2 interest to the traveling public, and that is generally considered
3 to be 1 of the following:

4 (a) A natural phenomenon.

5 (b) A scenic attraction.

6 (c) A historic, educational, cultural, scientific, or
7 religious site.

8 (d) An outdoor recreational area.

9 (2) A permit issued under this section is exempt from section
10 7a, is not transferable, and is not eligible to be surrendered for
11 an interim permit.

12 (3) A permit issued under this section shall be for a sign
13 that is no larger than 150 square feet in size, no more than 20
14 feet high, and no more than 20 feet long, including border and trim
15 and excluding supports.

16 (4) A sign for which a permit is issued under this section
17 shall not be any of the following:

18 (a) Closer than 2,000 feet to an interchange, rest area, park
19 land, scenic area, or intersection at-grade along the interstate
20 system, a freeway, or a primary highway, as measured from the
21 nearest point of the beginning or ending of pavement widening at
22 the exit from, or entrance to, the main-traveled way.

23 (b) Closer than 1 mile to another directional sign on either
24 side of the road facing the same direction.

25 (c) Located adjacent to a regulated route at a distance
26 greater than 50 air miles from the activity or attraction.

27 (5) The department shall not issue a permit under this section

1 if there are more than 3 signs identifying the same activity or
2 attraction facing the same direction on either side of the road
3 along a single regulated route approaching the activity or
4 attraction.

5 (6) The message displayed on a sign for which a permit is
6 issued under this section shall only identify the activity or
7 attraction and directional information useful to the traveler in
8 locating the activity or attraction, including mileage, route
9 numbers, **WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE ACTIVITY OR**
10 **ATTRACTION**, and exit numbers. The message displayed on a sign for
11 which a permit is issued under this section shall not include
12 descriptive words or phrases or pictorial or photographic
13 representations of the activity or attraction or the surrounding
14 area.

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

24 (2) If a sign owner, sign owner's agent, or a property owner
25 or agent of a property owner with whom the sign owner has a
26 contractual relationship to maintain the sign on his or her
27 property trims or removes trees or shrubs without first having

1 obtained a permit under section 11a, the sign owner is not eligible
2 to obtain a permit under section 11a for 3 years from the date of
3 trimming or removal of trees or shrubs.

4 (3) If trees or shrubs have been trimmed or removed without a
5 permit under section 11a by a sign owner, a sign owner's agent, a
6 property owner, or a property owner's agent, the department shall
7 conduct a hearing under the administrative procedures act of 1969,
8 1969 PA 306, MCL 24.201 to 24.328. After providing notice and
9 opportunity for hearing under the administrative procedures act of
10 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may impose
11 a fine not to exceed 5 times the value of the vegetation that was
12 trimmed or removed, restrict future vegetation management permits,
13 restrict use of the sign or sign structure for a period not to
14 exceed 1 year, or, for a second or subsequent violation, remove the
15 sign under section 19. A sign, the use of which has been restricted
16 under this subsection, shall not be considered an abandoned sign.

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

22 (5) A PERSON MAY TRIM OR REMOVE TREES OR SHRUBS WITHIN THE
23 RIGHT-OF-WAY OF A PRIMARY HIGHWAY FOR THE PURPOSE OF MAKING AN
24 EXISTING SIGN MORE VISIBLE IF ALL OF THE FOLLOWING ARE SATISFIED:

25 (A) THE TREES OR SHRUBS TO BE REMOVED ARE WITHIN 500 FEET OF
26 THE SIGN, AND THE SIGN IS LOCATED IN A COUNTY HAVING A POPULATION
27 OF NOT LESS THAN 750,000.

1 **(B) THE PRIMARY HIGHWAY BORDERS 2 COUNTIES, AND EACH COUNTY**
2 **HAS A POPULATION OF NOT LESS THAN 750,000.**

3 Sec. 11a. (1) Subject to the requirements of this section, the
4 department is authorized to and shall issue permits for the
5 management of vegetation to the owner of a sign, agent of the owner
6 of a sign, or a property owner or agent of a property owner with
7 whom the sign owner has a contractual relationship to maintain the
8 sign on his or her property, subject to this act.

9 (2) A sign owner may apply to the department for a permit to
10 manage vegetation using the department's approved form. The
11 application shall be accompanied by an application fee of \$150.00
12 to cover the costs of evaluating and processing the application.
13 Beginning October 1, 2014, the department shall annually adjust the
14 application fee to ensure that the fee covers the total cost of
15 evaluating and processing the application. The department shall not
16 increase the application fee by an annual percentage amount greater
17 than the index.

18 (3) An application submitted under subsection (2) shall be on
19 a form and in a manner specified by the department and shall
20 clearly identify the vegetation to be managed in order to create
21 visibility of the sign within the billboard viewing zone and all
22 proposed mitigation for the impacts of the vegetation management
23 undertaken. The application shall also include anticipated
24 management that will be needed in the future to maintain the
25 visibility of the sign within the billboard viewing zone for the
26 time specified in subsection (6) and procedures for clearing
27 vegetation as determined by the department.

1 (4) Unless otherwise agreed to by the department and an
2 applicant, the department shall issue its decision on an
3 application no later than 90 days after receipt of a completed
4 application. The department shall approve the application, approve
5 the application with modification, or deny the application. In
6 deciding whether to approve an application, approve an application
7 with modification, or deny an application, the department shall
8 consider the vegetation management that was previously allowed at
9 the billboard site. If the department approves the application or
10 approves the application with modification, it shall notify the
11 applicant. The notification required by this subsection shall
12 include the value of the vegetation to be managed as determined
13 under subsection (5). The notification shall also include any
14 required mitigation for the vegetation to be managed and all
15 conditions and requirements associated with the issuance of the
16 permit. The permit fee is \$500.00, except that in special and
17 unique situations and circumstances where the department incurs
18 additional costs directly attributable to the approval of the
19 permit, a fee greater than \$500.00 adequate for the recovery of
20 additional costs may be assessed. Beginning October 1, 2014, the
21 department shall annually adjust the permit fee to ensure that the
22 fee covers the total cost of issuing the permit and the cost of all
23 departmental responsibilities associated with the permit. The
24 department shall not increase the permit fee by an annual
25 percentage amount greater than the consumer price index. Upon
26 receipt of the permit fee, payment for the value of the vegetation,
27 and compliance with department conditions and requirements, the

1 department shall issue the permit. Within 5 years after the
2 issuance of a vegetation management permit under this section, if a
3 sign owner applies to manage vegetation at the same location, he or
4 she may trim or remove any vegetation that has regrown if that
5 vegetation was originally trimmed or removed under the vegetation
6 management permit, and is not required to pay the value of the
7 vegetation that has regrown or any fees other than the application
8 fees required under this act.

9 (5) The department shall annually develop and publish a
10 replacement cost schedule for trees and shrubs to be removed under
11 a vegetation management permit. The replacement cost schedule shall
12 specify the size, number, type, and cost of replacement trees to be
13 paid for by an applicant based on the diameter at breast height for
14 each tree that is removed and a conversion factor determined by the
15 department for the number of replacement trees required for any
16 shrubs that are removed. The total cost shall be based on the
17 department's total cost for planting trees according to the most
18 recent version of the standard specifications for construction used
19 by the department and the expected cost of plants, labor, and
20 materials required to install and establish plants for that year.
21 As an alternative, the department and the applicant may agree that
22 the department will develop the value of the vegetation to be
23 trimmed or removed using the most recent version of the
24 international society of arboriculture's guide for plant appraisal
25 and the corresponding Michigan tree evaluation supplement to the
26 guide for plant appraisal published by the Michigan forestry and
27 park association. The department may use another objective

1 authoritative guide in consultation with representatives of the
2 outdoor advertising industry and other interested parties if either
3 the guide or the supplement has not been updated in more than 5
4 years. The department, in consultation with representatives of the
5 outdoor advertising industry and other interested parties, may
6 develop a value schedule for vegetation.

7 (6) Subject to this subsection, a permit to manage vegetation
8 shall provide for a minimum of 5 seconds of continuous, clear, and
9 unobstructed view of the billboard face based on travel at the
10 posted speed as measured from the point directly adjacent to the
11 point of the billboard closest to the highway. The department and
12 the applicant may enter into an agreement, at the request of the
13 applicant, identifying the specific location of the continuous,
14 clear, and unobstructed view within the billboard viewing zone. The
15 specific location may begin at a point anywhere within the
16 billboard viewing zone but shall result in a continuous, clear, and
17 unobstructed view of not less than 5 seconds. An applicant shall
18 apply for a permit that minimizes the amount of vegetation to be
19 managed for the amount of viewing time requested. Applications for
20 vegetation management that provide for greater than 5 seconds of
21 continuous, clear, and unobstructed viewing at the posted speed as
22 measured from a point directly adjacent to the point of the
23 billboard closest to the highway shall not be rejected based solely
24 upon the application exceeding the 5-second minimum. For billboards
25 spaced less than 500 feet apart, vegetation management, when
26 permitted, shall provide for a minimum of 5 seconds of continuous,
27 clear, and unobstructed view of the billboard face based on travel

1 at the posted speed or the distance between the billboard and the
2 adjacent billboard, whichever is less.

3 (7) The department shall issue permits for vegetation
4 management in a viewing cone or, at the department's discretion,
5 another shape that provides for the continuous, clear, and
6 unobstructed view of the billboard face. The department may, in its
7 discretion, issue a permit for vegetation management outside of the
8 billboard viewing zone.

9 (8) If no suitable alternative exists or the applicant is
10 unable to provide acceptable mitigation, the department may deny an
11 application or provide a limited permit to manage vegetation if 1
12 or more of the following situations exist:

13 (a) The vegetation management would have an adverse impact on
14 safety.

15 (b) The vegetation management would have an adverse impact on
16 operations of a state trunk line highway.

17 (c) The vegetation management conflicts with federal or state
18 law or promulgated rules.

19 (d) The applicant does not have the approval of the owner of
20 the property.

21 (e) The vegetation to be managed is existing vegetation and
22 was planted, permitted to be planted, or allowed to grow naturally
23 by the department for a specific purpose, as shown by the
24 department's records or the department's practices.

25 (f) Existing vegetation greater than 8 feet in height would be
26 managed for a newly constructed billboard or vegetation existed
27 that was greater than 8 feet in height that obscured a billboard or

1 would have obscured the billboard before it was constructed. When
2 denying an application or providing a limited permit, The
3 department shall consider previous vegetation management that was
4 allowed at the billboard site.

5 (g) The vegetation management would occur on a scenic or
6 heritage route that was designated on or before January 1, 2007,
7 unless the proposed vegetation management permit is for vegetation
8 management for a sign that would be a conforming sign or a
9 nonstandard sign if the sign was not located on a scenic byway or
10 heritage route.

11 (h) The application is for a sign that was found, after a
12 hearing in accordance with section 19, to not be in compliance with
13 this act.

14 (i) Other special or unique circumstances or conditions exist,
15 including, but not limited to, adverse impact on the environment,
16 natural features, or adjacent property owners.

17 (9) If the department denies an application or issues a
18 limited permit under this section, the department shall provide a
19 specific rationale for denying an application or approving a
20 limited permit.

21 (10) No later than 45 days after receiving a denial of a
22 request to begin the 5 seconds of continuous, clear, and
23 unobstructed view at a point other than a point directly adjacent
24 to the point of the billboard closest to the highway as provided in
25 subsection (6), or a denial or a limited permit under subsection
26 (8), an applicant may request review and reconsideration of the
27 denial or limited permit. The applicant shall submit its request in

1 writing on a form as determined by the department. The applicant
2 shall state the specific item or items for which review and
3 reconsideration are being requested. An applicant who received a
4 limited permit may manage vegetation in accordance with that permit
5 during the review and reconsideration period.

6 (11) The department shall develop and maintain a procedure for
7 review and reconsideration of applications that are denied or that
8 result in the issuance of a limited permit. This procedure shall
9 include at least 2 levels of review and provide for input from the
10 applicant. The review period shall not exceed 120 days. The
11 department shall consult with all affected and interested parties,
12 including, but not limited to, representatives of the outdoor
13 advertising industry, in the development of this procedure.

14 (12) If, after review and reconsideration under subsection
15 (10), the applicant is denied a permit or issued a limited permit,
16 the applicant may appeal the decision of the department to a court
17 of competent jurisdiction.

18 (13) All work performed in connection with trimming, removing,
19 or relocating vegetation shall be performed at the sign owner's
20 expense.

21 (14) Except for ground cover, the department shall not plant
22 or authorize to be planted any vegetation that obstructs, or
23 through expected normal growth will obstruct in the future, the
24 visibility within the billboard viewing zone of any portion of a
25 sign face subject to this act. Both of the following apply to
26 vegetation planted or allowed to be planted by the department:

27 (a) If the vegetation planted or allowed to be planted by the

1 department within the billboard viewing zone after January 1, 2007
2 obstructs the visibility of any portion of a sign face subject to
3 this act, the department shall trim or remove at the department's
4 cost, or allow the sign permit holder to trim or remove, the
5 vegetation obstructing the visibility of any portion of the sign
6 face.

7 (b) This subsection does not apply to the replacement of
8 existing vegetation that was removed for transportation purposes.

9 (15) The department shall consider the impact on the
10 visibility of a billboard before erecting or authorizing the
11 erection of a digital information sign or any other sign within the
12 highway right-of-way. A billboard owner may propose, and the
13 department shall consider, the relocation of an existing sign
14 within the highway right-of-way. A billboard owner is responsible
15 for all costs associated with relocation of a sign under this
16 subsection. Not later than 90 days after receipt of a billboard
17 owner's request for the relocation of an existing sign, the
18 department shall respond in writing to the billboard owner with 1
19 of the following:

20 (a) Notice of department approval of relocating the sign, an
21 estimate of the cost associated with relocating the sign, and
22 notice that all costs associated with the proposed sign relocation
23 are the responsibility of the billboard owner.

24 (b) Notice of department denial of relocation of the sign and
25 the justification for that denial that may include, but is not
26 limited to, federal requirements, safety considerations, or
27 emergency or operational purposes.

1 (16) A person who under the authority of a permit obtained
2 under this section trims or removes more trees and shrubs than the
3 permit authorizes is subject to 1 or more of the following
4 penalties:

5 (a) For the first 3 violations during a 3-year period, a
6 penalty of an amount up to \$5,000.00 or the amount authorized as a
7 penalty in section 11(1), whichever is greater.

8 (b) For the fourth violation during a 3-year period and any
9 additional violation during that period, a penalty of an amount up
10 to \$25,000.00 or double the amount authorized as a penalty in
11 section 11(1), whichever is greater, for each violation.

12 (c) For the fourth violation during a 3-year period, and any
13 additional violation, a person is not eligible to obtain or renew a
14 permit under this section for a period of 3 years from the date of
15 the fourth violation.

16 (17) If the department alleges that a person has trimmed or
17 removed more trees or shrubs than the permit authorizes, then the
18 department shall notify the person of its intent to seek 1 or more
19 of the penalties provided in subsection (16). The notification
20 shall be in writing and delivered via United States certified mail,
21 and shall detail the conduct the department alleges constitutes a
22 violation of subsection (16), and shall indicate the penalties the
23 department is seeking under subsection (16). Notification shall
24 occur within 30 days after the filing of the completion order for
25 the trimming or removal of trees or shrubs the department alleges
26 violated the permit. Any allegation by the department that a person
27 has trimmed or removed more trees or shrubs than the permit

1 authorizes is subject to the appeals process contained in
2 subsections (10), (11), and (12).

3 (18) As used in this section:

4 (a) "Billboard viewing zone" means the 1,000-foot area
5 measured at the pavement edge of the main-traveled way ~~closest to~~
6 **FROM WHICH** the billboard **FACE IS INTENDED TO BE VIEWED** having as
7 its terminus the point of the right-of-way line immediately
8 adjacent to the **MAIN-TRAVELED WAY FROM WHICH THE** billboard **IS**
9 **INTENDED TO BE VIEWED** except that, for a location where a
10 vegetation permit has been granted within the 5 years prior to the
11 effective date of the 2013 amendatory act that amended this
12 subdivision, the billboard viewing zone includes the area subject
13 to the vegetation permit. **BILLBOARD VIEWING ZONE INCLUDES A HIGHWAY**
14 **MEDIAN.**

15 (b) "Vegetation management" means the trimming, removal, or
16 relocation of trees, shrubs, or other plant material.

17 (c) "Viewing cone" means the triangular area described as the
18 point directly below the face of the billboard closest to the
19 highway, the point directly below the billboard face farthest away
20 from the highway, a point as measured from a point directly
21 adjacent to the part of the billboard closest to the closest edge
22 of the highway and extending back parallel to the highway the
23 distance that provides the view of the billboard prescribed in this
24 section, and the triangle described by the points extending upward
25 to the top of the billboard.

26 Sec. 17. (1) Except as otherwise provided in subsections (10)
27 and (11), along interstate highways and freeways, a sign structure

1 located in a business area or unzoned commercial or industrial area
2 shall not be erected or maintained closer than 1,000 feet to
3 another sign structure on the same side of the highway.

4 (2) Along primary highways, a sign structure shall not be
5 erected or maintained closer than 500 feet to another sign
6 structure.

7 (3) Except as otherwise provided in subsection (4), a sign
8 utilizing a digital billboard permit shall not be closer than 1,750
9 feet to another sign utilizing a digital billboard permit on either
10 side of the highway facing the same direction of oncoming traffic.

11 (4) Beginning on ~~the effective date of the amendatory act that~~
12 ~~added this subsection~~ **JANUARY 30, 2014** and ending ~~1 year after the~~
13 ~~effective date of the amendatory act that added this subsection,~~
14 **JANUARY 30, 2015**, for the first 8 nonstandard signs for which the
15 owner applies for a digital billboard permit under section 6(6)(a)
16 without having to surrender 3 interim permits as provided under
17 section 6(6)(b), each sign shall not be closer than 1,000 feet to
18 another sign using a digital billboard permit on either side of the
19 highway facing the same direction of traffic. This subsection only
20 applies to signs located in a county having a population of not
21 less than 750,000.

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

1 (6) Along interstate highways and freeways located outside of
2 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 feet
5 shall be measured from the point of beginning or ending of pavement
6 widening at the exit from, or entrance to, the main-traveled way.

7 (7) Official signs as described in section 13(1)(a) and on-
8 premises signs shall not be counted and measurements shall not be
9 made from them for purposes of determining compliance with the
10 spacing requirements in this section.

11 (8) Except as provided in subsection (3), the spacing
12 requirements in this section apply separately to each side of the
13 highway.

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

17 (10) A sign that was erected in compliance with the spacing
18 requirements of this section that were in effect at the time when
19 the sign was erected, but that does not comply with the spacing
20 requirements of this section after March 23, 1999, is not unlawful
21 under section 22.

22 (11) Along an interstate highway that is designated by 1
23 letter and 3 numbers and located in a county with a population of
24 less than 211,000 but more than 175,000, an existing sign structure
25 that was erected prior to March 24, 2011 shall not be closer than
26 900 feet to another sign structure on the same side of the highway.

27 (12) Nothing in this section shall be construed to cause a

1 sign ~~that~~ **FOR WHICH A PERMIT** was legally erected ~~ISSUED UNDER THIS~~
2 **ACT** prior to March 23, 1999 to be defined as a nonconforming sign.

3 Sec. 17a. (1) A nonconforming sign may continue to exist as
4 long as it is not a destroyed, abandoned, discontinued, or
5 prohibited sign. A nonconforming sign that has not displayed an
6 advertising message for more than 1 year shall be considered an
7 abandoned sign.

8 (2) A sign owner may perform customary maintenance and repair
9 of a nonconforming sign. The annual cost of the customary
10 maintenance and repair shall not exceed 40% of the replacement cost
11 of a ~~new~~ **THE NONCONFORMING** sign. ~~structure constructed using~~
12 ~~equivalent materials and equipment.~~

13 (3) A sign owner may perform customary maintenance and repair
14 of a nonconforming sign that is damaged as a result of storm, fire,
15 or casualty. Customary maintenance and repair of a nonconforming
16 sign that is damaged as a result of storm, fire, or casualty shall
17 not exceed 60% of the replacement cost of a ~~new~~ **THE NONCONFORMING**
18 sign. ~~structure constructed using equivalent materials and~~
19 ~~equipment.~~ The 60% limitation in this subsection does not apply if
20 the damage to the nonconforming sign is caused by vandalism or a
21 negligent act of a person other than the sign owner.

22 (4) A nonconforming sign owner may not take any action that
23 places this state out of compliance with federal statutes,
24 published rules, regulations, or the federal-state agreement on
25 outdoor advertising.

26 (5) A nonstandard sign may continue to exist and a sign owner
27 may perform any action to a nonstandard sign that is allowed under

1 this act, except for the following:

2 ~~—— (a) Increasing the overall height of an existing sign~~
 3 ~~structure.~~

4 (A) ~~(b)~~ Increasing the total square footage of a sign face to
 5 a size greater than its original square footage.

6 (B) ~~(c)~~ Increasing the number of sign faces to more than 2.

7 (6) As used in this section: ~~, "customary maintenance and~~
 8 ~~repair"~~

9 (A) **"CUSTOMARY MAINTENANCE AND REPAIR"** means the repair or
 10 replacement of materials or equipment with equivalent materials or
 11 equipment on a sign or sign structure that restores the structural
 12 integrity of the sign or sign structure or the functionality of the
 13 equipment. Customary maintenance and repair includes, but is not
 14 limited to, modifications to the sign or sign structure that are
 15 designed to comply with state and federal worker safety regulations
 16 and requirements, modifications to the sign structure that are
 17 primarily for the conservation of energy or environmental
 18 preservation, paint, the installation of trim or borders, and
 19 removal of 1 or more sign faces or relocation of all or part of the
 20 sign or sign structure upon request by the department. All of the
 21 following apply to customary maintenance and repair:

22 (i) ~~(a)~~ Customary maintenance and repair does not include any
 23 of the following:

24 (A) ~~(i)~~ Enlargement of the sign or sign structure. As used in
 25 this ~~subparagraph~~, **SUB-SUBPARAGRAPH**, "enlargement of the sign or
 26 sign structure" does not include either of the following:

27 (I) ~~(A)~~ The installation of a temporary copy enhancement.

1 (II) ~~(B)~~—The installation of an embedded message device, if
2 the installation is not prohibited by federal statute or a rule
3 promulgated by the federal highway administration.

4 (B) ~~(ii)~~—Except as otherwise provided in this ~~subsection,~~
5 **SUBDIVISION**, a change in the location of the sign structure.

6 (C) ~~(iii)~~—An increase in the height of the sign structure.

7 (D) ~~(iv)~~—Installation of additional signs on a sign structure.

8 (E) ~~(v)~~—Electrification of the sign or sign structure.

9 (ii) ~~(b)~~—Notwithstanding any other provision of this act,
10 customary maintenance and repair includes a modification to a sign
11 or sign structure that was completed prior to January 1, 2007,
12 other than electrification, conversion to a digital billboard, or
13 conversion to a trivision sign. Customary maintenance and repair
14 includes the reversal of electrification, conversion to a digital
15 billboard, or conversion to a trivision sign if the
16 electrification, conversion to a digital billboard, or conversion
17 to a trivision sign was completed before January 1, 2007.

18 (B) **"REPLACEMENT COST" MEANS THE TOTAL SUM OF THE COSTS**
19 **INCURRED TO ERECT A NEW REPLACEMENT SIGN OR SIGN STRUCTURE WITH**
20 **EQUIVALENT MATERIALS AND EQUIPMENT AT CURRENT MARKET PRICES.**