

SENATE BILL No. 149

February 16, 2011, Introduced by Senator KAHN and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 7a and 17 (MCL 252.307a and 252.317), section
7a as amended by 2010 PA 350 and section 17 as amended by 2009 PA
86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) Except as otherwise provided in this section, the
2 department shall not issue annual permits for new signs on or after
3 January 1, 2007.

4 (2) Permits issued by the department before January 1, 2007
5 remain in force and valid.

6 (3) On and after January 1, 2007, the department shall issue
7 an interim permit or permits to a holder of a valid permit or
8 permits if all of the following conditions are met:

1 (a) The holder of the valid permit or permits is otherwise in
2 compliance with this act.

3 (b) The holder of the permit or permits surrenders the permit
4 or permits to the department upon the removal of a sign structure
5 or sign structures that have a valid permit under this act.

6 (c) The holder of the permit or permits verifies the removal
7 of the sign structure or sign structures in writing to the
8 department.

9 (d) The department verifies that the sign structure or
10 structures have been removed or the removal has been deemed
11 effective under this section.

12 (4) ~~Except as otherwise provided in this subsection, an AN~~
13 interim permit that is issued under this section shall only be
14 utilized for the construction of a new sign structure and shall
15 remain in effect without expiration with fees renewed on an annual
16 basis. ~~A sign constructed pursuant to an interim permit shall not~~
17 ~~be closer than 900 feet to another sign structure on the same side~~
18 ~~of the highway along interstate highways, freeways, and primary~~
19 ~~highways. An application for an interim permit for an existing sign~~
20 ~~structure shall be granted if all of the following conditions are~~
21 ~~met:~~

22 ~~—— (a) The application is submitted between December 1, 2010 and~~
23 ~~March 1, 2011.~~

24 ~~—— (b) The existing structure is not closer than 900 feet to~~
25 ~~another sign structure along the same side of the highway.~~

26 ~~—— (c) The county in which the existing sign structure is located~~
27 ~~has a population of less than 211,000 and more than 175,000 as~~

~~determined by the most recent federal decennial census.~~

~~—— (d) The application is submitted for a digital billboard.~~

~~—— (5) In addition to the annual permit provided for in section 6, a sign owner shall apply for a digital billboard permit on a form prescribed by the department for each sign allowed under section 18(f) to be maintained or to be erected in an adjacent area where the facing of the sign is visible from an interstate highway, freeway, or primary highway. A sign owner shall apply for a separate digital billboard permit for each sign allowed under the provisions of section 18(f) for each highway subject to this act from which the facing of the sign allowed under the provisions of section 18(f) is visible. The owner shall apply for the digital billboard permit for signs allowed under the provisions of section 18(f) that become subject to the permit requirements of this act because of a change in highway designation or other reason not within the control of the sign owner within 2 months after the sign becomes subject to the permit requirements of this act. The form shall require the name and business address of the applicant, the name and address of the owner of the property on which the sign is to be located, the date the sign, if currently maintained, was erected, the zoning classification of the property, a precise description of where the sign is or will be situated, and a certification that the sign is not prohibited by this act and that the sign does not violate this act. The department may require documentation to verify the zoning, the consent of the land owner, and any other matter considered essential to the evaluation of compliance with this act.~~

~~—— (6) In addition to the application as provided for in subsection (5), the applicant for a digital billboard permit shall do all of the following for each digital billboard permit applied for:~~

~~—— (a) Surrender an interim permit or an annual permit for a digital billboard permit unless the application is for a digital billboard permit that satisfies the conditions of subsection (4) (a) to (d).~~

~~—— (b) For signs stacked 1 on top of another, the removal and surrender of all permits for sign faces greater than that which is allowed under the provisions of section 15(2).~~

~~—— (c) Agree to enroll the digital billboard face in a department traffic and weather monitoring program or a department emergency alert program, including, but not limited to, the national amber alert program, or both.~~

~~—— (7) Within 90 days of the effective date of the amendatory act that added this subsection, the owner of a sign that is allowed under section 18(f) that was erected prior to the effective date of the amendatory act that added this subsection shall apply for, and the department shall issue, a digital billboard permit.~~

(5) ~~(8)~~—The department shall verify that an existing sign structure has been removed no later than 30 days after the department receives written notice from the permit holder that the sign structure has been removed. If the department does not respond to the written notice within 30 days after receipt of the written notice, then the permit holder shall be deemed to have removed the sign structure in compliance with this section.

1 (6) ~~(9)~~—A holder of 2 valid permits for a sign structure with
2 2 faces who complies with this section shall receive 2 interim
3 permits for the construction of a sign structure with 2 faces. A
4 permit holder under this subsection shall not receive 2 interim
5 permits to construct 2 single-face sign structures.

6 (7) ~~(10)~~—A holder of a valid permit for a sign structure with
7 a single face is entitled to exchange that permit under this
8 section for an interim permit with a single face. A holder of valid
9 permits for 2 different single-face structures may exchange the 2
10 permits under this section for 2 interim permits to construct 2
11 single-face sign structures or 2 interim permits to construct 1
12 sign structure with 2 faces.

13 (8) ~~(11)~~—A holder of more than 2 valid permits for a sign
14 structure with more than 2 faces may exchange the permits under
15 this section for a maximum of 2 interim permits. The 2 interim
16 permits received under this section shall only be used to construct
17 1 sign structure with no more than 2 faces.

18 (9) ~~(12)~~—After construction of a sign structure under an
19 interim permit is complete, the department shall issue renewable
20 permits annually for the completed sign structure.

21 (10) ~~(13)~~—If a permit holder for a sign structure that exists
22 on January 1, 2007 requires additional permits for any reason, the
23 department may issue a valid renewable permit renewable on an
24 annual basis without complying with subsection (2) even if the
25 permit holder has more than 2 valid permits as a result.

26 (11) ~~(14)~~—The department may issue a permit for a new sign
27 structure that measures no more than 8 square feet for signs in the

categories of service club signs and religious organization signs.

(12) ~~(15)~~ Notwithstanding anything else in this act that may be to the contrary, permits issued under subsection ~~(14)~~ (11) are not eligible to be surrendered for an interim permit.

Sec. 17. (1) ~~Along~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (9), ALONG** interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways a sign structure shall not be closer than 500 feet to another sign structure.

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

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

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

1 (6) The spacing requirements provided in this section apply
2 separately to each side of the highway.

3 (7) The spacing requirements provided in this section shall be
4 measured along the nearest edge of the pavement of the highway
5 between points directly opposite each sign.

6 (8) A sign that was erected in compliance with the spacing
7 requirements of this section that were in effect at the time when
8 the sign was erected, but which does not comply with the spacing
9 requirements of this section after March 23, 1999, shall not be
10 considered unlawful as that term is used in section 22.

11 **(9) ALONG AN INTERSTATE HIGHWAY, WHERE THE INTERSTATE HIGHWAY**
12 **IS DESIGNATED BY 1 LETTER AND 3 NUMBERS, AND THE INTERSTATE HIGHWAY**
13 **IS LOCATED IN A COUNTY WITH A POPULATION OF LESS THAN 211,000 BUT**
14 **MORE THAN 175,000 AS DETERMINED BY THE MOST RECENT FEDERAL**
15 **DECENNIAL CENSUS, AN EXISTING SIGN STRUCTURE THAT WAS ERECTED PRIOR**
16 **TO THE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL**
17 **NOT BE CLOSER THAN 900 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME**
18 **SIDE OF THE HIGHWAY.**