

HOUSE BILL No. 5928

September 19, 2012, Introduced by Rep. Jacobsen and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 6, 7, 7a, 11, 11a, 17, 18, and 22 (MCL 252.302, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.317, 252.318, and 252.322), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, sections 6 and 11 as amended by 2006 PA 448, sections 7a and 17 as amended by 2011 PA 13, and section 22 as amended by 1998 PA 533, and by adding sections 17a and 17b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(A) "ABANDONED 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.

1 ABANDONED SIGN DOES NOT INCLUDE EITHER OF THE FOLLOWING:

2 (i) A NONCONFORMING SIGN THAT DISPLAYS A BONA FIDE PUBLIC
3 SERVICE MESSAGE OR A SELF-PROMOTIONAL MESSAGE FOR THE OWNER OF THE
4 SIGN. AS USED IN THIS SUBPARAGRAPH, "BONA FIDE PUBLIC SERVICE
5 MESSAGE" MEANS A MESSAGE DISPLAYED ON BEHALF OF A MUNICIPALITY,
6 GOVERNMENT, OR NONPROFIT AGENCY OR ENTITY.

7 (ii) A NONCONFORMING SIGN THAT IS PROHIBITED FROM DISPLAYING
8 ANY MESSAGE BY ACTION OF THE DEPARTMENT OR A COURT OF THIS STATE.

9 (B) "ADJACENT AREA" MEANS THE AREA MEASURED FROM THE NEAREST
10 EDGE OF THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, FREEWAY, OR
11 PRIMARY HIGHWAY AND EXTENDING 3,000 FEET PERPENDICULARLY AND THEN
12 ALONG A LINE PARALLEL TO THE RIGHT-OF-WAY LINE.

13 (C) "ANNUAL PERMIT" MEANS A PERMIT FOR A BILLBOARD UNDER THIS
14 ACT.

15 (D) "BILLBOARD" MEANS A SIGN SEPARATE FROM A PREMISES ERECTED
16 FOR THE PURPOSE OF ADVERTISING A PRODUCT, EVENT, PERSON, OR SUBJECT
17 NOT RELATED TO THE PREMISES ON WHICH THE SIGN IS LOCATED. BILLBOARD
18 DOES NOT INCLUDE AN OFF-PREMISES DIRECTIONAL SIGN.

19 (E) ~~(a)~~ "Business area" means an adjacent area ~~which~~ **THAT** is
20 zoned ~~under authority of~~ **BY A** state, county, township, or municipal
21 zoning authority for industrial or commercial purposes, customarily
22 referred to as "b" or business, "c" or commercial, "i" or
23 industrial, "m" or manufacturing, and "s" or service, and all other
24 similar classifications and ~~which~~ **THAT** is within a city, village,
25 or charter township or is within 1 mile of the corporate limits of
26 a city, village, or charter township or is beyond 1 mile of the
27 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 ~~which~~ **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 ~~shall~~ **ARE** not ~~be considered~~ 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

1 residence, or in a building located on property that is used
2 principally for residential purposes or for **THE** activities ~~recited~~
3 in subparagraph (i).

4 (v) Railroad tracks and minor sidings.

5 (vi) Outdoor advertising.

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

7 (viii) Activities that have not been in continuous operation of
8 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 occupancy
15 permit has not been issued or ~~which~~**THAT** is not a fully enclosed
16 building, having all necessary utility service and sanitary
17 facilities required for its intended commercial or industrial use.

18 (xii) A storage facility for a business or other activity not
19 located on the same property, except a storage building having at
20 least 10 separate units that are available ~~to be rented~~**FOR RENT** by
21 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 THE SIGN. DESTROYED SIGN DOES NOT INCLUDE A NONCONFORMING SIGN THAT
2 HAS BEEN DAMAGED BY VANDALISM OR A NEGLIGENT ACT OF A PERSON.

3 (H) "DIGITAL BILLBOARD" MEANS A SIGN OR SIGN STRUCTURE ALLOWED
4 UNDER SECTION 18(F). DIGITAL BILLBOARD INCLUDES A SIGN OR SIGN
5 STRUCTURE THAT DISPLAYS A SERIES OF MESSAGES THAT ARE CHANGED BY
6 ELECTRONIC MEANS.

7 (I) "DIGITAL BILLBOARD PERMIT" MEANS A PERMIT FOR A DIGITAL
8 BILLBOARD ALLOWED UNDER SECTION 18(F).

9 (J) "ERECT" MEANS TO CONSTRUCT, BUILD, RAISE, ASSEMBLE, PLACE,
10 AFFIX, ATTACH, CREATE, PAINT, DRAW, OR IN ANY OTHER WAY BRING INTO
11 BEING OR ESTABLISH.

12 (K) "FREEWAY" MEANS A DIVIDED HIGHWAY OF NOT LESS THAN 2 LANES
13 IN EACH DIRECTION TO WHICH OWNERS OR OCCUPANTS OF ABUTTING PROPERTY
14 OR THE PUBLIC DO NOT HAVE A RIGHT OF INGRESS OR EGRESS TO, FROM, OR
15 ACROSS THE HIGHWAY, EXCEPT AT POINTS DETERMINED BY OR AS OTHERWISE
16 PROVIDED BY THE AUTHORITIES RESPONSIBLE FOR THE FREEWAY.

17 (L) "INTERIM PERMIT" MEANS A PERMIT THAT CAN BE EXCHANGED FOR A
18 PERMIT THAT AUTHORIZES THE ERECTION OF A NEW SIGN STRUCTURE.

19 (M) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED
20 AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
21 BY THE DEPARTMENT AND APPROVED BY THE FEDERAL GOVERNMENT.

22 (N) "LOCATION" MEANS A PLACE WHERE A SIGN STRUCTURE SUBJECT TO
23 THIS ACT IS LOCATED.

24 (O) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON
25 WHICH THROUGH TRAFFIC IS CARRIED. MAIN-TRAVELED WAY INCLUDES THE
26 TRAVELED WAY OF EACH OF THE SEPARATE ROADWAYS FOR TRAFFIC IN
27 OPPOSITE DIRECTIONS ON A DIVIDED HIGHWAY. MAIN-TRAVELED WAY DOES

1 NOT INCLUDE FACILITIES SUCH AS FRONTAGE ROADS, TURNING ROADWAYS, OR
2 PARKING AREAS.

3 (P) "MAINTAIN" MEANS TO ALLOW TO EXIST AND INCLUDES THE
4 PERIODIC CHANGING OF ADVERTISING MESSAGES, AND CUSTOMARY
5 MAINTENANCE AND REPAIR OF SIGNS AND SIGN STRUCTURES.

6 (Q) "NONCONFORMING SIGN" MEANS A SIGN OR SIGN STRUCTURE THAT
7 IS REGULATED UNDER THIS ACT AND WAS LEGALLY ERECTED AND ALLOWED TO
8 BE PERMITTED UNDER THIS ACT, BUT COULD NOT BE LEGALLY ERECTED UNDER
9 THE CURRENT PROVISIONS OF THIS ACT. NONCONFORMING SIGN DOES NOT
10 INCLUDE A NONSTANDARD SIGN.

11 (R) "NONSTANDARD SIGN" MEANS A SIGN OR SIGN STRUCTURE THAT WAS
12 LEGALLY ERECTED BEFORE MARCH 23, 1999 AND DOES NOT COMPLY WITH THE
13 SPACING REQUIREMENTS IN SECTION 17(1), BUT OTHERWISE COMPLIES WITH
14 THIS ACT.

15 (S) "ON-PREMISES SIGN" MEANS A SIGN ADVERTISING ACTIVITIES
16 CONDUCTED OR MAINTAINED ON THE PROPERTY ON WHICH IT IS LOCATED. THE
17 BOUNDARY OF THE PROPERTY SHALL BE AS DETERMINED BY TAX ROLLS, DEED
18 REGISTRATIONS, AND APPARENT LAND USE DELINEATIONS. IF A SIGN
19 CONSISTS PRINCIPALLY OF BRAND NAME OR TRADE NAME ADVERTISING AND
20 THE PRODUCT OR SERVICE ADVERTISED IS ONLY INCIDENTAL TO THE
21 PRINCIPAL ACTIVITY CONDUCTED OR MAINTAINED ON THE PROPERTY, OR IF
22 THE SIGN BRINGS RENTAL INCOME TO THE PROPERTY OWNER OR SIGN OWNER,
23 IT SHALL BE CONSIDERED THE BUSINESS OF OUTDOOR ADVERTISING AND NOT
24 AN ON-PREMISES SIGN. ON-PREMISES SIGN DOES NOT INCLUDE A SIGN ON A
25 NARROW STRIP OF LAND CONTIGUOUS TO THE ADVERTISED ACTIVITY, OR A
26 SIGN ON AN EASEMENT ON ADJACENT PROPERTY, WHEN THE PURPOSE IS
27 CLEARLY TO CIRCUMVENT THE INTENT OF THIS ACT.

1 (T) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, PRIVATE
2 ASSOCIATION, OR CORPORATION, STATE, COUNTY, CITY, VILLAGE,
3 TOWNSHIP, CHARTER TOWNSHIP, OR OTHER PUBLIC OR MUNICIPAL
4 ASSOCIATION OR CORPORATION.

5 (U) "PRIMARY HIGHWAY" MEANS A HIGHWAY, OTHER THAN AN
6 INTERSTATE HIGHWAY OR FREEWAY, OFFICIALLY DESIGNATED BY THE
7 DEPARTMENT AS A PART OF THE PRIMARY SYSTEM AS DEFINED IN 23 USC
8 131, AND APPROVED BY THE FEDERAL GOVERNMENT.

9 (V) "RELIGIOUS ORGANIZATION SIGN" MEANS A SIGN, NOT LARGER
10 THAN 8 SQUARE FEET, THAT GIVES NOTICE OF RELIGIOUS SERVICES.

11 (W) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR COUNTY
12 PRIMARY ROAD.

13 (X) "SERVICE CLUB SIGN" MEANS A SIGN, NOT LARGER THAN 8 SQUARE
14 FEET, THAT GIVES NOTICE ABOUT NONPROFIT SERVICE CLUBS OR CHARITABLE
15 ASSOCIATIONS.

16 (Y) "SIGN" MEANS ANY OUTDOOR SIGN, DISPLAY, DEVICE, FIGURE,
17 PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER
18 THING, WHETHER PLACED INDIVIDUALLY OR ON A T-TYPE, V-TYPE, BACK TO
19 BACK, OR DOUBLE-FACED DISPLAY, THAT IS DESIGNED, INTENDED, OR USED
20 TO ADVERTISE OR INFORM.

21 (Z) "SIGN STRUCTURE" MEANS THE ASSEMBLED COMPONENTS THAT MAKE
22 UP AN OUTDOOR ADVERTISING DISPLAY, INCLUDING, BUT NOT LIMITED TO,
23 UPRIGHTS, SUPPORTS, FACINGS, AND TRIM. A SIGN STRUCTURE MAY CONTAIN
24 1 OR 2 SIGNS PER FACING AND MAY BE DOUBLE-FACED, BACK TO BACK, T-
25 TYPE, OR V-TYPE.

26 (AA) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
27 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,

1 **TOBACCO SNUFF, AND CHEWING TOBACCO.**

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

27 (i) Agricultural, animal husbandry, forestry, grazing, farming

1 and related activities, including, but not limited to, wayside
2 fresh produce stands.

3 (ii) Transient or temporary activities.

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

5 (iv) Activities conducted in a building principally used as a
6 residence, or in a building located on property that is used
7 principally for residential purposes or for **THE** activities recited
8 in subparagraph (i).

9 (v) Railroad tracks and minor sidings.

10 (vi) Outdoor advertising.

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

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

14 (ix) Public utility facilities, whether regularly staffed or
15 not.

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

19 (xi) Activities conducted in a structure for which an occupancy
20 permit has not been issued or ~~which~~**THAT** is not a fully enclosed
21 building, having all necessary utility service and sanitary
22 facilities required for its intended commercial or 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 ~~to be rented~~**FOR RENT** by
26 the public.

27 (xiii) A temporary business solely established to qualify as

1 commercial or industrial activity under this act.

2 ~~—— (c) "Erect" means to construct, build, raise, assemble, place,~~
3 ~~affix, attach, create, paint, draw, or in any other way bring into~~
4 ~~being or establish.~~

5 ~~—— (d) "Interstate highway" means a highway officially designated~~
6 ~~as a part of the national system of interstate and defense highways~~
7 ~~by the department and approved by the appropriate authority of the~~
8 ~~federal government.~~

9 ~~—— (e) "Freeway" means a divided highway of not less than 2 lanes~~
10 ~~in each direction to which owners or occupants of abutting property~~
11 ~~or the public do not have a right of ingress or egress to, from or~~
12 ~~across the highway, except at points determined by or as otherwise~~
13 ~~provided by the authorities responsible therefor.~~

14 ~~—— (f) "Primary highway" means a highway, other than an~~
15 ~~interstate highway or freeway, officially designated as a part of~~
16 ~~the primary system as defined in section 131 of title 23 of the~~
17 ~~United States Code, 23 USC 131, by the department and approved by~~
18 ~~the appropriate authority of the federal government.~~

19 ~~—— (g) "Main traveled way" means the traveled way of a highway on~~
20 ~~which through traffic is carried. The traveled way of each of the~~
21 ~~separate roadways for traffic in opposite directions is a main-~~
22 ~~traveled way of a divided highway. It does not include facilities~~
23 ~~as frontage roads, turning roadways or parking areas.~~

24 ~~—— (h) "Sign" means any outdoor sign, display, device, figure,~~
25 ~~painting, drawing, message, placard, poster, billboard, or other~~
26 ~~thing, whether placed individually or on a T type, V type, back to~~
27 ~~back or double-faced display, designed, intended or used to~~

1 ~~advertise or inform.~~

2 ~~—— (i) "Sign structure" means the assembled components which make~~
3 ~~up an outdoor advertising display, including, but not limited to,~~
4 ~~uprights, supports, facings and trim. Such sign structure may~~
5 ~~contain 1 or 2 signs per facing and may be double faced, back to~~
6 ~~back, T type or V type.~~

7 ~~—— (j) "Visible" means a sign that has a message that is capable~~
8 ~~of being seen and read by a person of normal visual acuity when~~
9 ~~traveling in a motor vehicle.~~

10 ~~—— (k) "Location" means a place where there is located a single,~~
11 ~~double faced, back to back, T type, or V type sign structure.~~

12 ~~—— (l) "Maintain" means to allow to exist and includes the~~
13 ~~periodic changing of advertising messages, customary maintenance~~
14 ~~and repair of signs and sign structures.~~

15 ~~—— (m) "Abandoned sign or sign structure" means a sign or sign~~
16 ~~structure subject to the provisions of this act, the owner of which~~
17 ~~has failed to secure a permit, has failed to identify the sign or~~
18 ~~sign structure or has failed to respond to notice.~~

19 ~~—— (n) "Department" means the state transportation department.~~

20 ~~—— (o) "Adjacent area" means the area measured from the nearest~~
21 ~~edge of the right of way of an interstate highway, freeway, or~~
22 ~~primary highway and extending 3,000 feet perpendicularly and then~~
23 ~~along a line parallel to the right of way line.~~

24 ~~—— (p) "Person" means any individual, partnership, private~~
25 ~~association, or corporation, state, county, city, village,~~
26 ~~township, charter township, or other public or municipal~~
27 ~~association or corporation.~~

~~1 (q) "On premises sign" means a sign advertising activities
2 conducted or maintained on the property on which it is located. The
3 boundary of the property shall be as determined by tax rolls, deed
4 registrations, and apparent land use delineations. When a sign
5 consists principally of brand name or trade name advertising and
6 the product or service advertised is only incidental to the
7 principal activity, or if it brings rental income to the property
8 owner or sign owner, it shall be considered the business of outdoor
9 advertising and not an on premises sign. Signs on narrow strips of
10 land contiguous to the advertised activity, or signs on easements
11 on adjacent property, when the purpose is clearly to circumvent the
12 intent of this act, shall not be considered on premises signs.~~

~~13 (r) "Billboard" means a sign separate from a premises erected
14 for the purpose of advertising a product, event, person, or subject
15 not related to the premises on which the sign is located. Off-
16 premises directional signs as permitted in this act shall not be
17 considered billboards for the purposes of this section.~~

~~18 (s) "Secondary highway" means a state secondary road or county
19 primary road.~~

~~20 (t) "Tobacco product" means any tobacco product sold to the
21 general public and includes, but is not limited to, cigarettes,
22 tobacco snuff, and chewing tobacco.~~

~~23 (u) "Religious organization sign" means a sign, not larger
24 than 8 square feet, that gives notice of religious services.~~

~~25 (v) "Service club sign" means a sign, not larger than 8 square
26 feet, that gives notice about nonprofit service clubs or charitable
27 associations.~~

1 (CC) "VISIBLE" MEANS A SIGN THAT HAS A MESSAGE THAT IS CAPABLE
2 OF BEING SEEN AND READ BY A PERSON OF NORMAL VISUAL ACUITY WHEN
3 TRAVELING IN A MOTOR VEHICLE.

4 Sec. 6. (1) A sign owner shall apply for an annual permit on a
5 form prescribed by the department for each sign to be maintained or
6 ~~to be erected~~ in an adjacent area where the facing of the sign is
7 visible from an interstate highway, freeway, or primary highway. A
8 sign owner shall apply for a separate sign permit for each sign for
9 each highway subject to this act from which the facing of the sign
10 is visible. The owner shall apply for the permit for ~~such~~ signs
11 ~~which~~ **THAT** become subject to the permit requirements of this act
12 because of a change in highway designation or other reason not
13 within the control of the sign owner within 2 months after
14 **RECEIVING NOTICE FROM THE DEPARTMENT THAT** the sign ~~becomes~~ **IS**
15 subject to the permit requirements of this act. The form **PRESCRIBED**
16 **BY THE DEPARTMENT** shall require the name and business address of
17 the applicant, the name and address of the owner of the property on
18 which the sign is to be located, the date the sign, if currently
19 maintained, was erected, the zoning classification of the property,
20 a precise description of where the sign is or will be situated, and
21 a certification that the sign is not prohibited by section 18(a),
22 (b), (c), or (d) and ~~that the sign~~ does not violate any provisions
23 of this act. The sign permit application shall include a statement
24 signed by the owner of the land on which the sign is to be placed,
25 acknowledging that no trees or shrubs in the adjacent highway
26 right-of-way may be removed, trimmed, or in any way damaged or
27 destroyed without the written authorization of the department. The

1 department may require documentation to verify the zoning
2 **CLASSIFICATION OF THE PROPERTY**, the consent of the land owner, and
3 any other matter considered essential to the evaluation of the
4 compliance with this act.

5 (2) IN ADDITION TO AN ANNUAL PERMIT UNDER SUBSECTION (1), A
6 SIGN OWNER SHALL APPLY FOR AND THE DEPARTMENT SHALL ISSUE A DIGITAL
7 BILLBOARD PERMIT FOR EACH SIGN ALLOWED UNDER SECTION 18(F) THAT
8 MEETS THE REQUIREMENTS OF SECTION 17(3) TO BE MAINTAINED OR ERECTED
9 IN AN ADJACENT AREA WHERE THE FACING OF THE SIGN IS VISIBLE FROM AN
10 INTERSTATE HIGHWAY, FREEWAY, OR PRIMARY HIGHWAY. THE INFORMATION
11 PROVIDED BY AN APPLICANT UNDER THIS SUBSECTION SHALL BE ON A FORM
12 PRESCRIBED BY THE DEPARTMENT. A SIGN OWNER SHALL APPLY FOR A
13 SEPARATE DIGITAL BILLBOARD PERMIT FOR EACH SIGN ALLOWED UNDER
14 SECTIONS 17(3) AND 18(F) FOR EACH HIGHWAY SUBJECT TO THIS ACT FROM
15 WHICH THE FACING OF THE SIGN IS VISIBLE. THE OWNER SHALL APPLY FOR
16 THE PERMIT FOR SIGNS ALLOWED UNDER SECTION 18(F) THAT BECOME
17 SUBJECT TO THE PERMIT REQUIREMENTS OF THIS ACT BECAUSE OF A CHANGE
18 IN HIGHWAY DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF
19 THE SIGN OWNER WITHIN 2 MONTHS AFTER RECEIVING NOTICE FROM THE
20 DEPARTMENT THAT THE SIGN IS SUBJECT TO THE PERMIT REQUIREMENTS OF
21 THIS ACT. ALL OF THE FOLLOWING APPLY TO A DIGITAL BILLBOARD PERMIT
22 ISSUED UNDER THIS SUBSECTION:

23 (A) A DIGITAL BILLBOARD PERMIT IS NOT SUBJECT TO SECTION 7A.

24 (B) A DIGITAL BILLBOARD PERMIT MAY NOT BE SURRENDERED FOR AN
25 INTERIM PERMIT UNDER SECTION 7A(3).

26 (C) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
27 ACT THAT ADDED THIS SUBDIVISION, THE OWNER OF A SIGN THAT IS

1 ALLOWED UNDER SECTION 18(F) AND THAT WAS ERECTED BEFORE THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION
3 SHALL APPLY FOR, AND THE DEPARTMENT SHALL ISSUE, A DIGITAL
4 BILLBOARD PERMIT. A SIGN PERMITTED UNDER THIS SUBDIVISION IS EXEMPT
5 FROM SECTION 17(3).

6 (3) A PERMIT ISSUED UNDER THIS SECTION REMAINS IN EFFECT
7 WITHOUT EXPIRATION WITH FEES RENEWED ON AN ANNUAL BASIS AS PROVIDED
8 UNDER SECTION 7.

9 Sec. 7. (1) A permit fee is payable annually in advance, to be
10 credited to the state trunk line fund. ~~The~~ **FOR A DIGITAL BILLBOARD**
11 **PERMIT, THE FEE IS \$200.00 FOR THE FIRST YEAR. FOR AN ANNUAL PERMIT**
12 **FOR A BILLBOARD THAT DOES NOT REQUIRE A DIGITAL BILLBOARD PERMIT,**
13 **THE** fee is \$100.00 for the first year except that signs in
14 existence prior to a highway's change in designation or
15 jurisdiction ~~which would require~~ **THAT REQUIRES** signs to be
16 permitted shall only be required to pay the permit renewal amount
17 ~~as provided in~~ **UNDER** subsection (2). The department shall establish
18 an annual ~~expiration~~ **RENEWAL** date for each permit and may change
19 the ~~expiration~~ **RENEWAL** date of existing permits to spread the
20 permit renewal activity over the year. Permit fees may be prorated
21 the first year. An application for the renewal of a permit shall be
22 filed with the department at least 30 days before the ~~expiration~~
23 **RENEWAL** date.

24 (2) For signs up to and including 300 square feet, the annual
25 permit renewal fee is \$50.00. For signs greater than 300 square
26 feet, the annual permit renewal fee is \$80.00. **THE ANNUAL PERMIT**
27 **RENEWAL FEE FOR AN INTERIM PERMIT IS \$80.00. THE ANNUAL PERMIT**

1 **RENEWAL FEE FOR A DIGITAL BILLBOARD PERMIT IS \$200.00.** Signs of the
2 service club and religious category are not subject to an annual
3 renewal fee.

4 (3) The annual renewal fee for each permit shall increase by
5 an additional \$20.00 if the fee is not paid at least 30 days before
6 the ~~expiration~~**RENEWAL** date of the permit. If the annual renewal
7 fee is not paid as required under this section, the department
8 shall send notice of nonpayment by certified mail to the permit
9 holder's address on file ~~not more~~**NO LATER** than 30 days after the
10 permit ~~expiration~~**RENEWAL** date. If the annual renewal fee for ~~any~~**A**
11 permit is not paid within 60 days after the permit ~~expiration~~
12 **RENEWAL** date, the department may cancel the permit without taking
13 further administrative action unless an administrative hearing is
14 requested by the permit holder within 60 days ~~of~~**AFTER** the permit
15 ~~expiration~~**RENEWAL** date.

16 (4) Notwithstanding subsection (3), for permits having the
17 same ~~expiration~~**RENEWAL** date, the maximum amount of increased
18 annual renewal fees for late payments that may be assessed by the
19 department under this section against 1 permit holder is
20 \$10,000.00.

21 (5) If the department has collected penalties from a permit
22 holder under this section during the period beginning January 1,
23 2007 and ending on ~~the date of the amendatory act that added this~~
24 ~~subsection~~**SEPTEMBER 3, 2009**, and the total amount collected from
25 that permit holder during that period exceeds \$10,000.00, the
26 excess amount for that period shall be credited against future
27 renewal fees of the permit holder.

(6) The department shall require a transfer fee when a request is made to transfer existing permits to a new sign owner. Except as otherwise provided in this subsection, the transfer fee ~~shall be~~ **IS** \$100.00 for each permit that is requested to be transferred, up to a maximum of \$500.00 for a request that identifies 5 or more permits to be transferred. If the department incurs additional costs directly attributable to special and unique circumstances associated with the requested transfer, the department may assess a transfer fee greater than the maximums identified in this subsection to recover those costs. ~~incurred by the department.~~

Sec. 7a. (1) Except as otherwise provided in this section **AND SECTION 6(2)(A)**, the department shall not issue **AN** annual ~~permits~~ **PERMIT** for **A** new ~~signs~~ **SIGN** on or after January 1, 2007.

(2) ~~Permits~~ **A PERMIT** issued by the department before January 1, 2007 ~~remain~~ **REMAINS** in force and valid.

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

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

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

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

(d) The department verifies that the sign structure ~~or~~

1 ~~structures have~~ **HAS** been removed or the removal has been deemed
2 effective under this section.

3 (4) An interim permit ~~that is~~ issued under this section shall
4 only be utilized for the construction of a ~~new~~ sign structure and
5 shall remain in effect without expiration with fees renewed on an
6 annual basis. **A SIGN CONSTRUCTED PURSUANT TO AN INTERIM PERMIT**
7 **SHALL NOT BE CLOSER THAN 1,000 FEET TO ANOTHER SIGN STRUCTURE ON**
8 **THE SAME SIDE OF THE HIGHWAY ALONG INTERSTATE HIGHWAYS AND FREEWAYS**
9 **OR CLOSER THAN 500 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE**
10 **OF THE HIGHWAY ALONG PRIMARY HIGHWAYS.**

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

18 (6) A holder of 2 valid permits for a sign structure with 2
19 faces who complies with this section shall receive 2 interim
20 permits for the construction of a sign structure with 2 faces. A
21 permit holder under this subsection shall not receive 2 interim
22 permits to construct 2 single-face sign structures.

23 (7) A holder of a valid permit for a sign structure with a
24 single face is entitled to exchange that permit under this section
25 for an interim permit with a single face. A holder of valid permits
26 for 2 different single-face structures may exchange the 2 permits
27 under this section for 2 interim permits to construct 2 single-face

1 sign structures or 2 interim permits to construct 1 sign structure
2 with 2 faces.

3 (8) A holder of more than 2 valid permits for a sign structure
4 with more than 2 faces may exchange the permits under this section
5 for a maximum of 2 interim permits. The 2 interim permits received
6 under this section shall only be used to construct 1 sign structure
7 with no more than 2 faces.

8 (9) After construction of a sign structure under an interim
9 permit is complete, the department shall issue renewable permits
10 annually for the completed sign structure.

11 (10) If a permit holder for a sign structure that exists on
12 January 1, 2007 requires additional permits for any reason, or if
13 the owner of a sign that meets the requirements of section ~~17(9)~~
14 **17(10)** applies for a permit before July 1, 2011, the department may
15 issue a valid renewable permit renewable on an annual basis without
16 complying with subsection (2) even if the permit holder has more
17 than 2 valid permits as a result.

18 (11) The department may issue a permit for a new sign
19 structure that measures no more than 8 square feet for ~~signs in the~~
20 ~~categories of service club signs and OR religious organization~~
21 signs.

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

25 **(13) NOTWITHSTANDING ANYTHING ELSE IN THIS ACT TO THE**
26 **CONTRARY, THE DEPARTMENT MAY ISSUE A PERMIT FOR A SIGN THAT**
27 **MEASURES NO MORE THAN 40 SQUARE FEET THAT EXISTS AS OF JANUARY 1,**

1 2010 AND THAT ADVERTISES A PRODUCT, SERVICE, OR RETAIL BUSINESS
 2 THAT IS OWNED AND OPERATED BY THE SIGN OWNER AND THAT OTHERWISE
 3 COMPLIES WITH THIS ACT.

4 (14) A PERMIT ISSUED UNDER SUBSECTION (13) IS NOT ELIGIBLE TO
 5 BE SURRENDERED FOR AN INTERIM PERMIT.

6 Sec. 11. (1) ~~Except as otherwise provided in subsection (2), a~~
 7 A person who trims or removes trees or shrubs within a highway
 8 right-of-way for the purpose of making a proposed or existing sign
 9 more visible **WITHOUT A PERMIT ISSUED UNDER SECTION 11A** may pay a
 10 penalty of up to 5 times the value of the trees or shrubs trimmed
 11 or removed. ~~unless the person trimmed or removed the trees or~~
 12 ~~shrubs under the authority of a permit issued under section 11a.~~
 13 The value of the removed trees or shrubs shall be determined by the
 14 department ~~in accordance with~~ **UNDER** section 11a(3). **11A.**

15 ~~—— (2) A person who removes trees or shrubs within a highway~~
 16 ~~right of way for the purpose of making a proposed or existing sign~~
 17 ~~more visible without first obtaining a permit under section 11a is~~
 18 ~~guilty of a felony punishable by imprisonment for not more than 2~~
 19 ~~years or a fine of not more than \$25,000.00, or both. If no~~
 20 ~~criminal action pursuant to this section has been brought against~~
 21 ~~the person within 1 year of the removal of trees or shrubs without~~
 22 ~~a permit, the department may proceed to recover the penalty~~
 23 ~~prescribed in subsection (1). If a criminal action is brought~~
 24 ~~against a person pursuant to this subsection, the department shall~~
 25 ~~not proceed to recover the penalty prescribed in subsection (1).~~

26 (2) ~~(3)~~ If a sign owner, ~~or the sign owner's agent,~~ **OR A**
 27 **PROPERTY OWNER OR AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN**

1 OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR
 2 HER PROPERTY trims or removes trees or shrubs without first having
 3 obtained a permit under section 11a, the sign owner ~~shall not be~~ **IS**
 4 **NOT** eligible to obtain a permit under section 11a for 3 years from
 5 the date of trimming or removal of trees or shrubs.

6 (3) ~~(4)—If trees or shrubs within a highway right-of-way have~~
 7 ~~been trimmed or removed by a sign owner, or its~~ **A SIGN OWNER'S**
 8 **AGENT, A PROPERTY OWNER, OR A PROPERTY OWNER'S agent,** ~~for the~~
 9 ~~purpose of making the sign more visible, the sign shall be~~
 10 ~~considered illegal and the department may remove the sign pursuant~~
 11 ~~to the procedures established in section 19 if a court determines~~
 12 ~~any~~ **SHALL CONDUCT A HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT**
 13 **OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE DEPARTMENT MAY**
 14 **REMOVE THE SIGN UNDER SECTION 19, AND THE SIGN SHALL BE CONSIDERED**
 15 **ABANDONED AND ILLEGAL, IF THE DEPARTMENT FINDS ALL of the**
 16 **following:**

17 ~~—— (a) The trimming or removal was in violation of a local~~
 18 ~~ordinance.~~

19 ~~—— (b) The trimming or removal resulted in the intentional~~
 20 ~~trimming or removal of trees or shrubs that were not authorized to~~
 21 ~~be trimmed or removed in a permit issued under section 11a.~~

22 ~~—— (c) The sign owner trimmed or removed trees or shrubs and did~~
 23 ~~not obtain a permit under section 11a.~~

24 (A) THE VEGETATION WAS WITHIN A HIGHWAY RIGHT-OF-WAY.

25 (B) THE VEGETATION WAS TRIMMED OR REMOVED TO MAKE THE SIGN
 26 MORE VISIBLE.

27 (C) THE VEGETATION WAS REMOVED WITHOUT A PERMIT UNDER SECTION

1 11A.

2 (4) ~~(5)~~—If a sign is removed under this section and the
3 department subsequently receives an application for a permit under
4 section 6 for the same area, the department shall consider that the
5 conditions for the permit issued under section 6 remain in force
6 for spacing and all other requirements of this act.

7 Sec. 11a. (1) Subject to the requirements of this section, the
8 department is authorized to and shall issue permits for the
9 management of vegetation to the owner of a sign, **AGENT OF THE OWNER**
10 **OF A SIGN, OR A PROPERTY OWNER OR AGENT OF A PROPERTY OWNER WITH**
11 **WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE**
12 **SIGN ON HIS OR HER PROPERTY,** subject to this act.

13 (2) A sign owner may apply to the department for a permit to
14 manage vegetation using the department's approved form. The
15 application shall be accompanied by an application fee of \$150.00
16 to cover the costs of evaluating and processing the application.
17 ~~The~~ **BEGINNING OCTOBER 1, 2013, THE DEPARTMENT SHALL ANNUALLY ADJUST**
18 **THE APPLICATION FEE TO ENSURE THAT THE FEE COVERS THE TOTAL COST OF**
19 **EVALUATING AND PROCESSING THE APPLICATION. THE DEPARTMENT SHALL NOT**
20 **INCREASE THE APPLICATION FEE BY AN ANNUAL PERCENTAGE AMOUNT GREATER**
21 **THAN THE CONSUMER PRICE INDEX.**

22 (3) **AN** application **SUBMITTED UNDER SUBSECTION (2)** shall be
23 submitted ~~during the 2 or more annual application periods not less~~
24 ~~than 60 days each,~~ as specified by the department. The application
25 shall clearly identify the vegetation to be managed in order to
26 create visibility of the sign within the billboard viewing zone and
27 all proposed mitigation for the impacts of the vegetation

1 management undertaken. The application shall also include
2 anticipated management that will be needed in the future to
3 maintain the visibility of the sign within the billboard viewing
4 zone for the time specified in subsection ~~(4)~~ **(6)** and procedures
5 for clearing vegetation as determined by the department.

6 **(4)** ~~(3)~~—Unless otherwise agreed to by the department and an
7 applicant, the department shall issue its decision on an
8 application no later than ~~30~~ **60** days after ~~the last day~~ **RECEIPT** of
9 ~~the~~ **A COMPLETED** application. ~~period.~~ The department shall approve
10 the application, approve the application with modification, or deny
11 the application. If the department approves the application or
12 approves the application with modification, it shall notify the
13 applicant. ~~and the~~ **THE** notification **REQUIRED BY THIS SUBSECTION**
14 shall include the value of the vegetation to be managed as
15 determined by ~~the department using the most recent version of the~~
16 ~~international society of arboriculture's guide for plant appraisal~~
17 ~~and the corresponding Michigan tree evaluation supplement to the~~
18 ~~guide for plant appraisal published by the Michigan forestry and~~
19 ~~park association. The department may use another objective~~
20 ~~authoritative guide in consultation with representatives of the~~
21 ~~outdoor advertising industry and other interested parties, if~~
22 ~~either the guide or the supplement has not been updated for more~~
23 ~~than 5 years. The department, in consultation with representatives~~
24 ~~of the outdoor advertising industry and other interested parties,~~
25 ~~may develop a value schedule for vegetation. If agreed to by both~~
26 ~~the department and the applicant, this value schedule shall be used~~
27 ~~to determine the value of the vegetation to be managed. The~~

1 ~~notification to the applicant shall also include~~ **UNDER SUBSECTION**
2 **(5). THE NOTIFICATION SHALL ALSO INCLUDE** any required mitigation
3 for the vegetation to be managed and all conditions and
4 requirements associated with the issuance of the permit. The permit
5 fee ~~shall be~~ **IS** \$300.00, except that in special and unique
6 situations and circumstances where the department incurs additional
7 costs directly attributable to the approval of the permit, a fee
8 greater than \$300.00 adequate for the recovery of additional costs
9 may be assessed. **BEGINNING OCTOBER 1, 2013, THE DEPARTMENT SHALL**
10 **ANNUALLY ADJUST THE PERMIT FEE TO ENSURE THAT THE FEE COVERS THE**
11 **TOTAL COST OF ISSUING THE PERMIT AND THE COST OF ALL DEPARTMENTAL**
12 **RESPONSIBILITIES ASSOCIATED WITH THE PERMIT. THE DEPARTMENT SHALL**
13 **NOT INCREASE THE PERMIT FEE BY AN ANNUAL PERCENTAGE AMOUNT GREATER**
14 **THAN THE CONSUMER PRICE INDEX.** Upon receipt of the permit fee,
15 payment for the value of the vegetation, and compliance with MDOT
16 conditions and requirements, the department shall issue the permit.

17 **(5) THE DEPARTMENT SHALL ANNUALLY DEVELOP AND PUBLISH A**
18 **REPLACEMENT COST SCHEDULE FOR TREES AND SHRUBS TO BE REMOVED UNDER**
19 **A VEGETATION MANAGEMENT PERMIT. THE REPLACEMENT COST SCHEDULE SHALL**
20 **SPECIFY THE SIZE, NUMBER, TYPE, AND COST OF REPLACEMENT TREES TO BE**
21 **PAID FOR BY AN APPLICANT BASED ON THE DIAMETER AT BREAST HEIGHT FOR**
22 **EACH TREE THAT IS REMOVED AND A CONVERSION FACTOR DETERMINED BY THE**
23 **DEPARTMENT FOR THE NUMBER OF REPLACEMENT TREES REQUIRED FOR ANY**
24 **SHRUBS THAT ARE REMOVED. THE TOTAL COST SHALL BE BASED ON THE**
25 **DEPARTMENT'S TOTAL COST FOR PLANTING TREES ACCORDING TO THE MOST**
26 **RECENT VERSION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION USED**
27 **BY THE DEPARTMENT AND THE EXPECTED COST OF PLANTS, LABOR, AND**

1 MATERIALS REQUIRED TO INSTALL AND ESTABLISH PLANTS FOR THAT YEAR.
2 AS AN ALTERNATIVE, THE DEPARTMENT AND THE APPLICANT MAY AGREE THAT
3 THE DEPARTMENT WILL DEVELOP THE VALUE OF THE VEGETATION TO BE
4 TRIMMED OR REMOVED USING THE MOST RECENT VERSION OF THE
5 INTERNATIONAL SOCIETY OF ARBORICULTURE'S GUIDE FOR PLANT APPRAISAL
6 AND THE CORRESPONDING MICHIGAN TREE EVALUATION SUPPLEMENT TO THE
7 GUIDE FOR PLANT APPRAISAL PUBLISHED BY THE MICHIGAN FORESTRY AND
8 PARK ASSOCIATION. THE DEPARTMENT MAY USE ANOTHER OBJECTIVE
9 AUTHORITATIVE GUIDE IN CONSULTATION WITH REPRESENTATIVES OF THE
10 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES IF EITHER
11 THE GUIDE OR THE SUPPLEMENT HAS NOT BEEN UPDATED IN MORE THAN 5
12 YEARS. THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF THE
13 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES, MAY
14 DEVELOP A VALUE SCHEDULE FOR VEGETATION.

15 (6) ~~(4)~~—Subject to the ~~provisions of~~ this subsection, a permit
16 to manage vegetation shall provide for a minimum of 5 seconds of
17 continuous, clear, and unobstructed view of the billboard face
18 based on travel at the posted speed as measured from the point
19 directly adjacent to the point of the billboard closest to the
20 highway. The department and the applicant may enter into an
21 agreement, at the request of the applicant, identifying the
22 specific location of the continuous, clear, and unobstructed view
23 within the billboard viewing zone. The specific location may begin
24 at a point anywhere within the billboard viewing zone but shall
25 result in a continuous, clear, and unobstructed view of not less
26 than 5 seconds. An applicant shall apply for a permit that
27 minimizes the amount of vegetation to be managed for the amount of

1 viewing time requested. Applications for vegetation management that
2 provide for greater than 5 seconds of continuous, clear, and
3 unobstructed viewing at the posted speed as measured from a point
4 directly adjacent to the point of the billboard closest to the
5 highway shall not be rejected based solely upon the application
6 exceeding the 5-second minimum. For billboards spaced less than 500
7 feet apart, vegetation management, when permitted, shall provide
8 for a minimum of 5 seconds of continuous, clear, and unobstructed
9 view of the billboard face based on travel at the posted speed or
10 the distance between the billboard and the adjacent billboard,
11 whichever is less, **FOR THE PURPOSE OF MAKING THE BILLBOARD MORE**
12 **VISIBLE. THE DEPARTMENT SHALL NOT AUTHORIZE THE TRIMMING OR REMOVAL**
13 **OF VEGETATION IN THE MEDIAN OF A HIGHWAY.**

14 (7) ~~(5)~~—The department shall issue permits for vegetation
15 management in a viewing cone or, at the department's discretion,
16 another shape that provides for the continuous, clear, and
17 unobstructed view of the billboard face. The department may, in its
18 discretion, issue a permit for vegetation management outside of the
19 billboard viewing zone.

20 (8) **THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR VEGETATION**
21 **MANAGEMENT IF THE VEGETATION WOULD BE MANAGED FOR A NEWLY**
22 **CONSTRUCTED BILLBOARD OR IF VEGETATION THAT OBSCURED OR WOULD HAVE**
23 **OBSCURED THE BILLBOARD EXISTED BEFORE THE BILLBOARD WAS**
24 **CONSTRUCTED. IF VEGETATION THAT OBSCURED OR WOULD HAVE OBSCURED THE**
25 **BILLBOARD WAS REMOVED WITHOUT A PERMIT, THE DEPARTMENT SHALL NOT**
26 **ISSUE A VEGETATION MANAGEMENT PERMIT FOR THAT LOCATION.**

27 (9) ~~(6)~~—If no suitable alternative exists or the applicant is

1 unable to provide acceptable mitigation, the department may deny an
 2 application or provide a limited permit to manage vegetation ~~when~~
 3 ~~it can be demonstrated that~~ **IF** 1 or more of the following
 4 situations exist:

5 (a) The vegetation management would have an adverse impact on
 6 safety.

7 (b) The vegetation management would have an adverse impact on
 8 operations of ~~the~~ **A** state trunk line highway.

9 (c) The vegetation management conflicts with federal or state
 10 law ~~, OR rules. , or statutory requirements.~~

11 (d) The applicant does not have the approval of the owner of
 12 the property.

13 (e) The vegetation to be managed was planted or permitted to
 14 be planted by the department for a specific purpose.

15 ~~—— (f) Vegetation would be managed for a newly constructed~~
 16 ~~billboard or vegetation existed that obscured the billboard or~~
 17 ~~would have obscured the billboard before it was constructed. In~~
 18 ~~denying an application or providing a limited permit, the~~
 19 ~~department shall consider previous vegetation management that was~~
 20 ~~allowed at the billboard site.~~

21 **(F)** ~~(g)~~ The **VEGETATION** management would occur on a scenic or
 22 heritage route that was designated on or before ~~the effective date~~
 23 ~~of the amendatory act that added this section~~ **JANUARY 1, 2007.**

24 **(G)** ~~(h)~~ The application is for a sign that ~~has been~~ **WAS** found,
 25 after a hearing in accordance with section 19, **TO** not ~~to be~~ in
 26 compliance with this act.

27 **(H)** ~~(i)~~ Other special or unique circumstances or conditions

1 exist, including, but not limited to, adverse impact on the
2 environment, natural features, or adjacent property owners.

3 (10) ~~(7)~~—If the department denies an application or issues a
4 limited permit under this ~~subsection~~, **SECTION**, the department shall
5 provide a specific rationale for denying an application or
6 approving a limited permit.

7 (11) ~~(8)~~—No later than 30 days after receiving a denial or a
8 limited permit under subsection ~~(6)~~, ~~(9)~~, an applicant may request
9 ~~the~~ review and reconsideration of the denial or limited permit. The
10 applicant shall submit its request in writing on a form as
11 determined by the department. The applicant shall state the
12 specific item or items for which review and reconsideration are
13 being requested. An applicant who received a limited permit may
14 manage vegetation in accordance with that permit during the review
15 and reconsideration period.

16 ~~—(9) No later than 90 days after January 1, 2007, the~~
17 ~~department shall develop a procedure for review and reconsideration~~
18 ~~of applications that are denied or that result in the issuance of a~~
19 ~~limited permit. This procedure shall include at least 2 levels of~~
20 ~~review and provide for input from the applicant. The review period~~
21 ~~shall not exceed 120 days. The department shall consult with all~~
22 ~~affected and interested parties, including, but not limited to,~~
23 ~~representatives of the outdoor advertising industry, in the~~
24 ~~development of this procedure.~~

25 (12) ~~(10)~~—If, after review and reconsideration ~~as provided for~~
26 ~~in~~ **UNDER** subsection ~~(8)~~, ~~(11)~~, the applicant is denied a permit or
27 issued a limited permit, the applicant may appeal the decision of

1 the department to a court of competent jurisdiction.

2 (13) ~~(11)~~ All work performed in connection with trimming,
3 removing, or relocating vegetation shall be performed at the sign
4 owner's expense.

5 (14) ~~(12)~~ ~~The~~ **EXCEPT FOR GROUND COVER, THE** department shall
6 not plant or authorize to be planted any vegetation that obstructs,
7 or through expected normal growth will obstruct in the future, the
8 visibility within the billboard viewing zone of any portion of a
9 sign face subject to this act. **IF ANY VEGETATION PLANTED OR ALLOWED**
10 **TO BE PLANTED BY THE DEPARTMENT WITHIN THE BILLBOARD VIEWING ZONE**
11 **AFTER JANUARY 1, 2007 OBSTRUCTS THE VISIBILITY OF ANY PORTION OF A**
12 **SIGN FACE SUBJECT TO THIS ACT, THE DEPARTMENT SHALL TRIM OR REMOVE**
13 **AT THE DEPARTMENT'S COST, OR ALLOW THE SIGN PERMIT HOLDER TO TRIM**
14 **OR REMOVE, THE VEGETATION TO REMOVE ANY OBSTRUCTION OF THE SIGN**
15 **FACE.**

16 ~~— (13) The department shall prepare an annual report for~~
17 ~~submission to the legislature regarding the vegetation management~~
18 ~~undertaken pursuant to this section. At a minimum, this report~~
19 ~~shall include all of the following items:~~

20 ~~— (a) The number of application periods.~~

21 ~~— (b) The number of applications submitted under this section.~~

22 ~~— (c) The number of permits approved without modifications.~~

23 ~~— (d) The number of permits approved with modifications.~~

24 ~~— (e) The number of permits denied.~~

25 ~~— (f) The number of modified or denied permits which were~~
26 ~~appealed.~~

27 ~~— (g) The number of appeals that reversed the department's~~

1 ~~decision.~~

2 ~~—— (h) The number of appeals that upheld the department's~~
3 ~~decision.~~

4 ~~—— (i) The number of permits approved which requested a~~
5 ~~visibility time period exceeding 5 seconds.~~

6 ~~—— (j) The amount of compensation paid to the state for removed~~
7 ~~vegetation.~~

8 ~~—— (k) The average number of days after the end of the~~
9 ~~application period before an applicant was sent notice that a~~
10 ~~permit was approved.~~

11 ~~—— (l) A summary of the reasons for which the department denied or~~
12 ~~modified permits.~~

13 ~~—— (m) A summary of the amount of all revenues and expenses~~
14 ~~associated with the management of the vegetation program.~~

15 ~~—— (14) The report in subsection (13) shall contain a summary for~~
16 ~~the entire state and report in detail for each department region.~~
17 ~~The department shall provide the report to the legislature for~~
18 ~~review no later than 90 days following the completion of each~~
19 ~~fiscal year. The reporting deadline for the initial report is 18~~
20 ~~months after January 1, 2007.~~

21 (15) A person who under the authority of a permit obtained
22 under this section trims or removes more trees and shrubs than the
23 permit authorizes is subject to 1 or more of the following
24 penalties:

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

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

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

(16) If the department alleges that a person has trimmed or removed more trees or shrubs than the permit authorizes, then the department shall notify the person of its intent to seek ~~any~~ 1 or more of the penalties provided in subsection (15). The notification shall be in writing and delivered via United States certified mail, and shall detail the conduct the department alleges constitutes a violation of subsection (15), **AND** shall indicate ~~what~~ **THE** penalties the department ~~will be~~ **IS** seeking under subsection (15). ~~and~~ **NOTIFICATION** shall occur within 30 days ~~of~~ **AFTER** the filing of the completion order for the trimming or removal of trees or shrubs the department alleges violated the permit. Any allegation by the department that a person has trimmed or removed more trees or shrubs than the permit authorizes ~~shall be~~ **IS** subject to the appeals process contained in subsections ~~(8), (9), and (10).~~ **(11)** **AND (12).**

(17) As used in this ~~act~~ **SECTION**:

(a) "Billboard viewing zone" means the ~~1,000-foot~~ **500-FOOT** area measured at the pavement edge of the main-traveled way closest to the billboard having as its terminus the point of the right-of-

1 way line immediately adjacent to the billboard **EXCEPT THAT, FOR A**
2 **LOCATION WHERE A VEGETATION PERMIT HAS BEEN GRANTED WITHIN THE 5**
3 **YEARS PRIOR TO THE EFFECTIVE DATE OF THE 2012 AMENDATORY ACT THAT**
4 **AMENDED THIS SUBDIVISION, THE BILLBOARD VIEWING ZONE INCLUDES THE**
5 **AREA SUBJECT TO THE VEGETATION PERMIT.**

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

8 (c) "Viewing cone" means the triangular area described as the
9 point directly below the face of the billboard closest to the
10 roadway, the point directly below the billboard face farthest away
11 from the roadway, a point as measured from a point directly
12 adjacent to the part of the billboard closest to the **CLOSEST EDGE**
13 **OF THE** roadway and extending back parallel to the roadway the
14 distance that provides the view of the billboard prescribed in this
15 section, and the triangle described by the points extending upward
16 to the top of the billboard.

17 Sec. 17. (1) Except as otherwise provided in subsection ~~(9)~~,
18 **(10)**, along interstate highways and freeways, a sign structure
19 located in a business area or unzoned commercial or industrial area
20 shall not be erected closer than 1,000 feet to another sign
21 structure on the same side of the highway.

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

24 **(3) A SIGN UTILIZING A DIGITAL BILLBOARD PERMIT SHALL NOT BE**
25 **CLOSER THAN 1,000 FEET TO ANOTHER SIGN UTILIZING A DIGITAL**
26 **BILLBOARD PERMIT ON EITHER SIDE OF THE HIGHWAY FACING THE SAME**
27 **DIRECTION OF ONCOMING TRAFFIC.**

1 (4) ~~(3) The provisions of this~~ **THIS** section ~~do~~ **DOES** not apply
 2 to signs separated by a building or other visual obstruction in
 3 such a manner that only 1 sign located within the spacing distances
 4 is visible from the highway at any time, provided that the building
 5 or other visual obstruction has not been created for the purpose of
 6 visually obstructing either of the signs at issue.

7 (5) ~~(4) Along interstate highways and freeways located outside~~
 8 of incorporated municipalities, a sign structure shall not be
 9 permitted adjacent to or within 500 feet of an interchange, an
 10 intersection at grade, or a safety roadside rest area. The 500 feet
 11 shall be measured from the point of beginning or ending of pavement
 12 widening at the exit from, or entrance to, the main-traveled way.

13 (6) ~~(5) Official signs as described in section 13(1)(a) and~~
 14 on-premises signs shall not be counted ~~nor shall~~ **AND** measurements
 15 **SHALL NOT** be made from them for purposes of determining compliance
 16 with the spacing requirements ~~provided in this section.~~

17 (7) ~~(6) The spacing requirements provided in this section~~
 18 apply separately to each side of the highway.

19 (8) ~~(7) The spacing requirements provided in this section~~
 20 shall be measured along the nearest edge of the pavement of the
 21 highway between points directly opposite each sign.

22 (9) ~~(8) A sign that was erected in compliance with the spacing~~
 23 requirements of this section that were in effect at the time when
 24 the sign was erected, but ~~which~~ **THAT** does not comply with the
 25 spacing requirements of this section after March 23, 1999, ~~shall~~
 26 ~~not be considered~~ **IS NOT** unlawful ~~as that term is used in~~ **UNDER**
 27 section 22.

1 (10) ~~(9) Along an interstate highway , where the interstate~~
2 ~~highway~~ **THAT** is designated by 1 letter and 3 numbers , and the
3 ~~interstate highway is located in a county with a population of less~~
4 ~~than 211,000 but more than 175,000, as determined by the most~~
5 ~~recent federal decennial census,~~ an existing sign structure that
6 was erected prior to the date of the amendatory act that added this
7 subsection **MARCH 24, 2011** shall not be closer than 900 feet to
8 another sign structure on the same side of the highway.

9 (11) **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CAUSE A**
10 **SIGN THAT WAS LEGALLY ERECTED PRIOR TO MARCH 23, 1999 TO BE DEFINED**
11 **AS A NONCONFORMING SIGN.**

12 **SEC. 17A. (1) A NONCONFORMING SIGN MAY CONTINUE TO EXIST AS**
13 **LONG AS IT IS NOT A DESTROYED SIGN OR AN ABANDONED SIGN.**

14 (2) A SIGN OWNER MAY PERFORM CUSTOMARY MAINTENANCE AND REPAIR
15 OF A NONCONFORMING SIGN. THE ANNUAL COST OF THE CUSTOMARY
16 MAINTENANCE AND REPAIR SHALL NOT EXCEED 40% OF THE REPLACEMENT COST
17 OF A NEW SIGN STRUCTURE.

18 (3) A SIGN OWNER MAY PERFORM CUSTOMARY MAINTENANCE AND REPAIR
19 OF A NONCONFORMING SIGN THAT IS DAMAGED AS A RESULT OF STORM, FIRE,
20 OR CASUALTY. CUSTOMARY MAINTENANCE AND REPAIR OF A NONCONFORMING
21 SIGN THAT IS DAMAGED AS A RESULT OF STORM, FIRE, OR CASUALTY UNDER
22 THIS SUBSECTION SHALL NOT EXCEED 60% OF THE REPLACEMENT COST OF A
23 NEW SIGN STRUCTURE. THE 60% LIMITATION IN THIS SUBSECTION DOES NOT
24 APPLY IF THE DAMAGE TO THE NONCONFORMING SIGN IS CAUSED BY
25 VANDALISM OR A NEGLIGENT ACT OF A PERSON OTHER THAN THE SIGN OWNER.

26 (4) A NONCONFORMING SIGN OWNER MAY NOT TAKE ANY ACTION THAT
27 PLACES THIS STATE OUT OF COMPLIANCE WITH FEDERAL STATUTES,

1 PUBLISHED RULES, REGULATIONS, OR THE FEDERAL-STATE AGREEMENT ON
2 OUTDOOR ADVERTISING.

3 (5) A SIGN OWNER MAY PERFORM ANY ACTION TO A NONSTANDARD SIGN
4 THAT IS ALLOWED UNDER THIS ACT, EXCEPT FOR THE FOLLOWING:

5 (A) INCREASING THE OVERALL HEIGHT OF THE EXISTING SIGN
6 STRUCTURE.

7 (B) INCREASING THE TOTAL SQUARE FOOTAGE OF THE SIGN FACE OR
8 FACES TO A SIZE GREATER THAN 700 SQUARE FEET.

9 (C) INCREASING THE NUMBER OF SIGN FACES TO AN AMOUNT GREATER
10 THAN 2.

11 (6) AS USED IN THIS SECTION, "CUSTOMARY MAINTENANCE AND
12 REPAIR" MEANS THE REPAIR OR REPLACEMENT OF MATERIALS OR EQUIPMENT
13 WITH EQUIVALENT MATERIALS OR EQUIPMENT ON A SIGN OR SIGN STRUCTURE
14 THAT RESTORES THE STRUCTURAL INTEGRITY OF THE SIGN OR SIGN
15 STRUCTURE OR THE FUNCTIONALITY OF THE EQUIPMENT. CUSTOMARY
16 MAINTENANCE AND REPAIR INCLUDES, BUT IS NOT LIMITED TO,
17 MODIFICATIONS TO THE SIGN OR SIGN STRUCTURE THAT ARE DESIGNED TO
18 COMPLY WITH STATE AND FEDERAL WORKER SAFETY REGULATIONS AND
19 REQUIREMENTS, MODIFICATIONS TO THE SIGN STRUCTURE THAT ARE
20 PRIMARILY FOR THE CONSERVATION OF ENERGY OR ENVIRONMENTAL
21 PRESERVATION, PAINT, AND THE INSTALLATION OF TRIM OR BORDERS.
22 CUSTOMARY MAINTENANCE AND REPAIR DOES NOT INCLUDE ANY OF THE
23 FOLLOWING:

24 (A) ENLARGEMENT OF THE SIGN OR SIGN STRUCTURE. THE
25 INSTALLATION OF A TEMPORARY COPY ENHANCEMENT IS NOT AN ENLARGEMENT
26 OF THE SIGN FOR PURPOSES OF THIS ACT.

27 (B) A CHANGE IN THE LOCATION OF THE SIGN STRUCTURE.

1 (C) AN INCREASE IN THE HEIGHT OF THE SIGN STRUCTURE.

2 (D) INSTALLATION OF ADDITIONAL SIGNS ON A SIGN STRUCTURE.

3 SEC. 17B. NOTHING IN THIS ACT SHALL BE CONSTRUED TO PERMIT A
4 SIGN OWNER OR SIGN OWNER'S AGENT TO ACCESS A BILLBOARD USING A
5 HIGHWAY RIGHT-OF-WAY WITHOUT FIRST OBTAINING ANY PERMITS REQUIRED
6 BY OTHER LAWS OF THIS STATE.

7 Sec. 18. The following signs or sign structures are
8 prohibited:

9 (a) Those ~~which~~**THAT** purport to regulate, warn, or direct the
10 movement of traffic or ~~which~~**THAT** interfere with, imitate, or
11 resemble any official traffic sign, signal, or device.

12 (b) Those ~~which~~**THAT** are not adequately maintained and in a
13 good state of repair.

14 (c) Those ~~which~~**THAT** are erected or maintained upon trees or
15 painted or drawn upon rocks or other natural resources.

16 (d) Those ~~which~~**THAT** prevent the driver of a motor vehicle
17 from having a clear and unobstructed view of approaching,
18 intersecting, or merging traffic.

19 (e) Those ~~which~~**THAT** are abandoned.

20 (f) Those that involve motion or rotation of any part of the
21 structure, running animation or displays, or flashing or moving
22 lights. This subdivision does not apply to a sign or sign structure
23 **USING A DIGITAL BILLBOARD** with static messages or images that
24 change if the rate of change between 2 static messages or images
25 does not exceed more than 1 change per 6 seconds, each change is
26 complete in 1 second or less, and the sign possesses and utilizes
27 automatic dimming capabilities so that the maximum luminescence

1 level is not more than 0.3 foot candles over ambient light levels
2 measured at a distance of 150 feet for those sign faces less than
3 or equal to 300 square feet, measured at a distance of 200 feet for
4 those sign faces greater than 300 square feet but less than or
5 equal to 378 square feet, measured at a distance of 250 feet for
6 those sign faces greater than 378 square feet and less than 672
7 square feet, and measured at a distance of 350 feet for those sign
8 faces equal to or greater than 672 square feet. In addition to the
9 above requirements, signs exempted under this subdivision shall be
10 configured to default to a static display in the event of
11 mechanical failure.

12 (g) Signs ~~found to be~~ in violation of subdivision (f) shall be
13 brought into compliance by the permit holder or its agent no later
14 than 24 hours after receipt by the permit holder or its agent of an
15 official written notice from the department. Failure to comply with
16 this subdivision within this specified time frame shall result in a
17 \$100.00 penalty being assessed to the sign owner for each day the
18 sign remains out of compliance. The first repeat violation of
19 subdivision (f), for a specific sign, shall also be brought into
20 compliance by the permit holder or its agent within 24 hours after
21 receipt of an official written notice from the department. Failure
22 to comply with the official written notice within the 24-hour
23 period for the first repeat violation subjects the sign owner to a
24 \$1,000.00 penalty for each day the sign remains out of compliance.
25 These penalties are required to be submitted to the department
26 before the sign's permit is renewed under section 6. Second repeat
27 violations of subdivision (f), for a specific sign, shall result in

1 permanent removal of the variable message display device from that
2 sign by the department or the sign owner.

3 Sec. 22. (1) Just compensation shall be paid from the state
4 trunk line fund upon the removal by or in behalf of the department
5 of any sign or sign structure lawfully in existence on March 31,
6 1972 but ~~which~~**THAT** does not comply with the requirements of
7 sections 13(1)(d), 15, 16, and 17 and any sign or sign structure
8 lawfully erected after March 31, 1972 ~~but which~~**THAT** thereafter
9 becomes unlawful because of a change in the designation of the
10 highway or in the zoning of the area in which it is located.

11 (2) Each removal constitutes a taking and appropriation by the
12 state of the following:

13 (a) From the owner of the sign or sign structure, all right,
14 title and interest in and to the sign or sign structure, and the
15 owner's leasehold related thereto.

16 (b) From the owner of the real property on which the sign or
17 sign structure is located immediately prior to its removal, the
18 right to erect and maintain signs on that property, other than
19 those described in section 13(1)(a), (b), and (c).

20 (3) The compensation to be paid pursuant to this section shall
21 be paid to the persons entitled to it upon presentation to the
22 department of such information as the department may reasonably
23 require.

24 (4) Unless a sign is exempt under section 10, its owner shall
25 secure and shall keep in force a permit under sections 6 and 7.
26 Compliance with this subsection is a condition for eligibility for
27 compensation. Compensation shall not be paid for any sign,

1 including a sign described in subsection (1), ~~which~~**THAT** is removed
2 by the department because it is abandoned.

3 (5) THE DEPARTMENT SHALL COMPLY WITH THE UNIFORM CONDEMNATION
4 PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO 213.75, IN DETERMINING
5 THE AMOUNT OF JUST COMPENSATION REQUIRED TO BE PAID UNDER THIS
6 SECTION.