TOURIST-ORIENTED DIRECTIONAL SIGNS

Act 299 of 1996

AN ACT to regulate tourist-oriented directional signs on certain rural roads; and to impose certain duties upon the state transportation department.

History: 1996, Act 299, Imd. Eff. June 19, 1996

The People of the State of Michigan enact:

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247.401 Definitions.

Sec. 1.

As used in this act:

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

(b) "Eligible attraction" means a tourist-oriented activity that is all of the following:

(i) Within 10 miles of the rural road for which a tourist-oriented directional sign is sought, unless otherwise restricted or permitted by the department.

(ii) Not visible from the rural road for which a tourist-oriented directional sign is sought unless a sign for an eligible attraction is already in place in the vicinity for which the tourist-oriented directional sign is sought.

(iii) In compliance with section 131 of title 23 of the United States Code, 23 USC 131, and the national standards, criteria, and rules established under that act, if the activity is advertised by rural road signs.

(c) "Rural road" means a highway as that term is defined in section 20 of the Michigan vehicle code, 1949 PA 300, MCL 257.20, but does not include either of the following:

(i) A freeway as that term is defined in section 18a of the Michigan vehicle code, 1949 PA 300, MCL 257.18a.

(ii) A road that is part of the national system of interstate and defense highways.

(d) "Tourist-oriented activity" means a lawful cultural, historical, recreational, educational, or commercial activity that is annually attended by 2,000 or more people and for which a major portion of the activity's income or visitors are derived during the normal business season from motorists not residing in the immediate area of the activity.

(e) "Tourist-oriented directional sign" means a sign used to provide motorists with advanced notice of a tourist-oriented activity.

History: 1996, Act 299, Imd. Eff. June 19, 1996 ;-- Am. 2004, Act 528, Imd. Eff. Jan. 3, 2005 ;-- Am. 2017, Act 45, Eff. Sept. 5, 2017

247.402 Tourist-oriented directional signs and markers; placement program; contract with nongovernmental entity.

Sec. 2.

(1) Within 6 months after the effective date of this act, the department shall implement a program for the placement of tourist-oriented directional signs and markers within the right-of-way of those portions of rural roads within state jurisdiction. At a minimum, the program shall include all of the following:

(a) The form of the application for a permit to participate in the program.

(b) The criteria for limiting the number of permits for a single site or area.

(c) The criteria for issuing a permit for which multiple applications have been received.

(d) The removal or covering of signs, if necessary, during the off-season of an eligible attraction that operates seasonally.

(e) Criteria for including on a sign the season and hours of operation of an eligible attraction.

(f) Criteria for awarding sign manufacturing, installation, or maintenance contracts to nongovernmental agencies.

(g) A provision specifying that a person who obtains a permit under this act is responsible for payment of all

costs incurred in the replacement of a sign, including the costs of manufacturing and installing the replacement sign, and covering of the sign, if necessary.

(h) Provision for the establishment of a review board to consider and grant or deny applications for the waiver of distance requirements imposed under this act for tourist-oriented directional signs. The review board shall consist of at least 1 member representative of the state transportation department, at least 1 member representative of the department of agriculture, at least 1 member representative of the Michigan travel bureau, and at least 2 members representative of persons in the general public who are engaged in tourist-oriented activities.

(2) The department may authorize a nongovernmental entity to manufacture, install, and maintain signs under this act pursuant to a written contract. The written contract shall not prohibit the nongovernmental entity from making a reasonable profit, which shall be determined by the department.

History: 1996, Act 299, Imd. Eff. June 19, 1996

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247.403 Directional sign program; participation by operator of tourist-oriented activity; application; fee; determination; appeal; issuance of permit; order canceling permit; removal of signs; tourist-oriented directional signs.

Sec. 3.

(1) The operator of a tourist-oriented activity who wishes to participate in a directional sign program under this act shall submit to the department or its designee an application described in section 2. If the department or its designee determines that an application is complete and that the applicant has complied with this act, the department or its designee shall notify the applicant of that determination in writing. If the applicant pays the permit fee following receipt of the written notice described in this subsection, the department or its designee shall issue the permit.

(2) If the department or its designee determines that an application is incomplete or that the applicant has not complied with this act, the department or its designee shall provide the applicant with written notice specifying the factual basis of that determination. A person aggrieved by a determination under this act may appeal the determination pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The department shall establish the time period for which a permit issued or renewed under this section is valid. Additionally, the department shall establish criteria for the cancellation of a permit issued or renewed under this section.

(4) The department or its designee shall not issue permits that would result in installation of more signs at a single site than are permitted under this act. If applications for sign installation at a single site exceed the number of signs permitted for that site, permits shall be issued in accordance with the program described in section 2.

(5) If the eligible attraction for which a permit is in effect ceases operation, the owner or operator of that eligible attraction shall immediately return the permit to the department or the department's designee for cancellation.

(6) If the department or its designee has reasonable cause to believe that an eligible attraction for which a permit is in effect has ceased operation, the director of the department shall issue an order canceling the permit and provide the holder of that permit with a copy of the order. If the order is not appealed in a timely manner, or if the order is appealed and the cancellation is affirmed, the director shall order the removal of the sign or signs governed by the canceled permit.

(7) In addition to the other requirements of this section, the operator of a tourist-oriented activity who wishes to participate in a directional sign program under this act and is applying for a sign that would reside within the boundaries of an incorporated city or village shall have the application approved by the incorporated city or village if the incorporated city or village has adopted an ordinance that allows tourist-oriented directional signs within the jurisdictional boundaries of the incorporated city or village. If the incorporated city or village has not adopted an ordinance that allows tourist-oriented directional signs, then a tourist-oriented directional sign shall not be posted within the jurisdictional limits of the incorporated city or village. If the incorporated city or village has adopted an ordinance allowing tourist-oriented directional signs, the incorporated city or village may reject any application for tourist-oriented directional signs within the jurisdictional limits of the incorporated city or village.

History: 1996, Act 299, Imd. Eff. June 19, 1996 ;-- Am. 2004, Act 528, Imd. Eff. Jan. 3, 2005

247.404 Sign specifications; symbols; multiple signs; location.

Sec. 4.

(1) The size, location, design, and arrangement of each tourist-oriented directional sign subject to this act shall conform to the specifications for signs contained in the state manual of uniform traffic control devices.

(2) The department shall develop optional, standardized symbols for different types of activities associated with eligible attractions. The symbols may be used on signs in conjunction with other directional information. If more than 1 eligible attraction requires a sign at the same location, multiple signs may be combined on the same panel in accordance with the state manual of uniform traffic control devices.

(3) Signs governed by this act may be erected at locations the department determines appropriate to ensure adequate sight distance, intersection vehicle maneuvers, and public safety.

History: 1996, Act 299, Imd. Eff. June 19, 1996

247.405 Permit fee; calculation; public notice.

Sec. 5.

The department or its designee may impose a reasonable fee for a permit issued under this act, which shall be calculated to include reimbursement for the department's anticipated costs in implementing and administering this act, including the costs of installing, repairing, covering during an off-season, and removing signs. However, at least 60 days before the imposition of a fee or fee increase under this section, the department shall provide public notice of the proposed fee or fee increase to the general public and shall notify in writing standing committees of the legislature that are primarily responsible for transportation and tourism issues.

History: 1996, Act 299, Imd. Eff. June 19, 1996

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