

**SUBSTITUTE FOR
HOUSE BILL NO. 4629**

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL
252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a,
252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as
amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections
6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as
amended by 2011 PA 13, and by adding sections 17a and 17b.

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

1 NOTICE.

2 (B) "ADJACENT AREA" MEANS THE AREA MEASURED FROM THE NEAREST
3 EDGE OF THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, FREEWAY, OR
4 PRIMARY HIGHWAY AND, IN URBANIZED AREAS, EXTENDING 3,000 FEET
5 PERPENDICULARLY AND THEN ALONG A LINE PARALLEL TO THE RIGHT-OF-WAY
6 LINE OR, OUTSIDE OF URBANIZED AREAS, EXTENDING PERPENDICULARLY TO
7 THE LIMIT WHERE A SIGN IS VISIBLE AND THEN ALONG A LINE PARALLEL TO
8 THE RIGHT-OF-WAY LINE.

9 (C) "ANNUAL PERMIT" MEANS A PERMIT FOR A BILLBOARD UNDER THIS
10 ACT.

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

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

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

18 (i) Agricultural, animal husbandry, forestry, grazing, farming,
19 and related activities, including, but not limited to, wayside
20 fresh produce stands.

21 (ii) Transient or temporary activities.

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

23 (iv) Activities conducted in a building principally used as a
24 residence, or in a building located on property that is used
25 principally for residential purposes or for **THE** activities ~~recited~~
26 in subparagraph (i).

27 (v) Railroad tracks and minor sidings.

(vi) Outdoor advertising.

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

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

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

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

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

(xii) A storage facility for a business or other activity not located on the same property, except a storage building having at least 10 separate units that are available ~~to be rented~~ **FOR RENT** by the public.

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

(F) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

(G) "DESTROYED SIGN" MEANS A NONCONFORMING SIGN THAT HAS BEEN DAMAGED BY STORM, FIRE, OR OTHER CASUALTY THAT REQUIRES CUSTOMARY MAINTENANCE AND REPAIR IN EXCESS OF 60% OF THE REPLACEMENT COST OF THE SIGN. DESTROYED SIGN DOES NOT INCLUDE A NONCONFORMING SIGN THAT HAS BEEN DAMAGED BY VANDALISM OR A NEGLIGENT ACT OF A PERSON.

(H) "DIGITAL BILLBOARD" MEANS A SIGN OR SIGN STRUCTURE THAT UTILIZES AN ELECTRONIC MEANS TO DISPLAY A SERIES OF MESSAGES THAT

1 ARE CHANGED BY ELECTRONIC MEANS. DIGITAL BILLBOARD DOES NOT INCLUDE
2 A SIGN THAT CONTAINS AN EMBEDDED ELECTRONIC MESSAGE DEVICE OR A
3 TRIVISION SIGN.

4 (I) "DIGITAL BILLBOARD PERMIT" MEANS A PERMIT FOR A DIGITAL
5 BILLBOARD THAT IS RENEWABLE ON AN ANNUAL BASIS.

6 (J) "EMBEDDED ELECTRONIC MESSAGE DEVICE" MEANS AN ACCESSORY
7 THAT IS MADE PART OF A SIGN, SIGN FACE, OR SIGN STRUCTURE WITH A
8 TOTAL AREA THAT IS LESS THAN THAT OF THE SIGN FACE TO WHICH IT IS
9 ATTACHED, AND DISPLAYS ONLY STATIC MESSAGES CONTAINING TEXT OR
10 NUMBERS THAT ARE DIRECTLY ASSOCIATED WITH THE CURRENT ADVERTISER.
11 EMBEDDED ELECTRONIC MESSAGE DEVICE DOES NOT INCLUDE A DIGITAL
12 BILLBOARD OR A DEVICE THAT DISPLAYS GRAPHICS OTHER THAN MESSAGES
13 CONTAINING TEXT OR NUMBERS.

14 (K) "ERECT" MEANS TO CONSTRUCT, BUILD, RAISE, ASSEMBLE, PLACE,
15 AFFIX, ATTACH, CREATE, PAINT, DRAW, OR IN ANY OTHER WAY BRING INTO
16 BEING OR ESTABLISH.

17 (L) "FREEWAY" MEANS A DIVIDED HIGHWAY OF NOT LESS THAN 2 LANES
18 IN EACH DIRECTION TO WHICH OWNERS OR OCCUPANTS OF ABUTTING PROPERTY
19 OR THE PUBLIC DO NOT HAVE A RIGHT OF INGRESS OR EGRESS TO, FROM, OR
20 ACROSS THE HIGHWAY, EXCEPT AT POINTS DETERMINED BY OR AS OTHERWISE
21 PROVIDED BY THE AUTHORITIES RESPONSIBLE FOR THE FREEWAY.

22 (M) "INCORPORATED MUNICIPALITY" MEANS A CITY, VILLAGE, OR
23 CHARTER TOWNSHIP.

24 (N) "INTERIM PERMIT" MEANS A PERMIT THAT CAN BE UTILIZED BY
25 THE APPLICANT TO CONSTRUCT A SIGN STRUCTURE THAT IS VISIBLE FROM A
26 FREEWAY, INTERSTATE, OR PRIMARY HIGHWAY.

27 (O) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED

1 AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
2 BY THE DEPARTMENT AND APPROVED BY THE FEDERAL GOVERNMENT UNDER 23
3 USC 103.

4 (P) "LOCATION" MEANS A PLACE WHERE A SIGN STRUCTURE SUBJECT TO
5 THIS ACT IS LOCATED.

6 (Q) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON
7 WHICH THROUGH TRAFFIC IS CARRIED. MAIN-TRAVELED WAY INCLUDES THE
8 TRAVELED WAY OF EACH OF THE SEPARATE ROADWAYS FOR TRAFFIC IN
9 OPPOSITE DIRECTIONS ON A DIVIDED HIGHWAY. MAIN-TRAVELED WAY DOES
10 NOT INCLUDE FACILITIES SUCH AS FRONTAGE ROADS, TURNING ROADWAYS, OR
11 PARKING AREAS.

12 (R) "MAINTAIN" MEANS TO ALLOW TO EXIST AND INCLUDES THE
13 PERIODIC CHANGING OF ADVERTISING MESSAGES, AND CUSTOMARY
14 MAINTENANCE AND REPAIR OF SIGNS AND SIGN STRUCTURES.

15 (S) "NONCONFORMING SIGN" MEANS A SIGN OR SIGN STRUCTURE, OTHER
16 THAN A NONSTANDARD SIGN, THAT SATISFIES 1 OF THE FOLLOWING:

17 (i) WAS LEGALLY ERECTED BEFORE MARCH 31, 1972 BUT COULD NOT BE
18 LEGALLY ERECTED UNDER THE CURRENT PROVISIONS OF THIS ACT.

19 (ii) IS A SIGN OR SIGN STRUCTURE REGULATED UNDER THIS ACT THAT
20 WAS LEGALLY ERECTED AFTER MARCH 31, 1972 BUT COULD NOT BE LEGALLY
21 ERECTED UNDER THE CURRENT PROVISIONS OF THIS ACT.

22 (T) "NONSTANDARD SIGN" MEANS A SIGN OR SIGN STRUCTURE OTHER
23 THAN A NONCONFORMING SIGN, THAT IS SUBJECT TO THIS ACT, WAS LEGALLY
24 ERECTED BEFORE MARCH 23, 1999, IS NOT A NONCONFORMING SIGN, AND
25 DOES NOT COMPLY WITH THE SPACING REQUIREMENTS IN SECTION 17(1), BUT
26 OTHERWISE COMPLIES WITH THIS ACT.

27 (U) "ON-PREMISES SIGN" MEANS A SIGN ADVERTISING ACTIVITIES

1 CONDUCTED OR MAINTAINED ON THE PROPERTY ON WHICH IT IS LOCATED. THE
2 BOUNDARY OF THE PROPERTY SHALL BE AS DETERMINED BY TAX ROLLS, DEED
3 REGISTRATIONS, AND APPARENT LAND USE DELINEATIONS. IF A SIGN
4 CONSISTS PRINCIPALLY OF BRAND NAME OR TRADE NAME ADVERTISING AND
5 THE PRODUCT OR SERVICE ADVERTISED IS ONLY INCIDENTAL TO THE
6 PRINCIPAL ACTIVITY CONDUCTED OR MAINTAINED ON THE PROPERTY, OR IF
7 THE SIGN BRINGS RENTAL INCOME TO THE PROPERTY OWNER OR SIGN OWNER,
8 IT SHALL BE CONSIDERED THE BUSINESS OF OUTDOOR ADVERTISING AND NOT
9 AN ON-PREMISES SIGN. ON-PREMISES SIGN DOES NOT INCLUDE A SIGN ON A
10 NARROW STRIP OF LAND CONTIGUOUS TO THE ADVERTISED ACTIVITY, OR A
11 SIGN ON AN EASEMENT ON ADJACENT PROPERTY, WHEN THE PURPOSE IS
12 CLEARLY TO CIRCUMVENT THE INTENT OF THIS ACT.

13 (V) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, PRIVATE
14 ASSOCIATION, OR CORPORATION, STATE, COUNTY, CITY, VILLAGE,
15 TOWNSHIP, CHARTER TOWNSHIP, OR OTHER PUBLIC OR MUNICIPAL
16 ASSOCIATION OR CORPORATION.

17 (W) "PRIMARY HIGHWAY" MEANS A HIGHWAY OTHER THAN AN INTERSTATE
18 HIGHWAY OR FREEWAY THAT IS A REGULATED ROUTE.

19 (X) "REGULATED ROUTE" MEANS AN INTERSTATE HIGHWAY, FREEWAY, OR
20 PRIMARY HIGHWAY REQUIRED TO BE REGULATED UNDER 23 USC 131 AND ANY
21 OTHER ROUTE THAT IS REQUIRED TO BE REGULATED OR MAY BECOME REQUIRED
22 TO BE REGULATED BY THE DEPARTMENT UNDER THIS ACT OR ANOTHER STATE
23 OR FEDERAL STATUTE OR LEGAL REQUIREMENT.

24 (Y) "RELIGIOUS ORGANIZATION SIGN" MEANS A SIGN, NOT LARGER
25 THAN 8 SQUARE FEET, THAT GIVES NOTICE OF RELIGIOUS SERVICES.

26 (Z) "SCENIC BYWAY" MEANS A REGULATED ROUTE THAT IS REQUIRED TO
27 BE REGULATED AS A SCENIC BYWAY UNDER 23 USC 131.

1 (AA) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR
2 COUNTY PRIMARY ROAD.

3 (BB) "SERVICE CLUB SIGN" MEANS A SIGN, NOT LARGER THAN 8
4 SQUARE FEET, THAT GIVES NOTICE ABOUT NONPROFIT SERVICE CLUBS OR
5 CHARITABLE ASSOCIATIONS.

6 (CC) "SIGN" MEANS ANY OUTDOOR SIGN, DISPLAY, DEVICE, FIGURE,
7 PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER
8 THING, WHETHER PLACED INDIVIDUALLY OR ON A T-TYPE, V-TYPE, BACK TO
9 BACK, OR DOUBLE-FACED DISPLAY, THAT IS DESIGNED, INTENDED, OR USED
10 TO ADVERTISE OR INFORM.

11 (DD) "SIGN STRUCTURE" MEANS THE ASSEMBLED COMPONENTS THAT MAKE
12 UP AN OUTDOOR ADVERTISING DISPLAY, INCLUDING, BUT NOT LIMITED TO,
13 UPRIGHTS, SUPPORTS, FACINGS, AND TRIM. A SIGN STRUCTURE MAY CONTAIN
14 1 OR 2 SIGNS PER FACING AND MAY BE DOUBLE-FACED, BACK TO BACK, T-
15 TYPE, OR V-TYPE.

16 (EE) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
17 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,
18 TOBACCO SNUFF, AND CHEWING TOBACCO.

19 (FF) "TRIVISION SIGN" MEANS A SIGN OR SIGN STRUCTURE THAT USES
20 MECHANICAL MEANS TO DISPLAY MORE THAN 1 MESSAGE IN SEQUENCE.

21 (GG) ~~(b)~~—"Unzoned commercial or industrial area" means an area
22 ~~which~~ **THAT** is within an adjacent area, ~~which~~ **THAT** is not zoned by
23 state or local law, regulation, or ordinance, ~~which~~ **THAT** contains 1
24 or more permanent structures devoted to the industrial or
25 commercial purposes described in subdivision ~~(a)~~, **(E)**, and ~~which~~
26 **THAT** extends along the highway a distance of 800 feet beyond each
27 edge of the activity. Each side of the highway is considered

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

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

22 (ii) Transient or temporary activities.

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

24 (iv) Activities conducted in a building principally used as a
25 residence, or in a building located on property that is used
26 principally for residential purposes or for **THE** activities ~~recited~~
27 in subparagraph (i).

1 (v) Railroad tracks and minor sidings.

2 (vi) Outdoor advertising.

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

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

6 (ix) Public utility facilities, whether regularly staffed or
7 not.

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

11 (xi) Activities conducted in a structure for which an occupancy
12 permit has not been issued or ~~which~~ **THAT** is not a fully enclosed
13 building, having all necessary utility service and sanitary
14 facilities required for its intended commercial or industrial use.

15 (xii) A storage facility for a business or other activity not
16 located on the same property, except a storage building having at
17 least 10 separate units that are available ~~to be rented~~ **FOR RENT** by
18 the public.

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

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

24 ~~—— (d) "Interstate highway" means a highway officially designated~~
25 ~~as a part of the national system of interstate and defense highways~~
26 ~~by the department and approved by the appropriate authority of the~~
27 ~~federal government.~~

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

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

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

16 ~~—— (h) "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, designed, intended or used to~~
20 ~~advertise or inform.~~

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

26 ~~—— (j) "Visible" means a sign that has a message that is capable~~
27 ~~of being seen and read by a person of normal visual acuity when~~

~~traveling in a motor vehicle.~~

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

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

~~—— (m) "Abandoned sign or sign structure" means a sign or sign structure subject to the provisions of 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.~~

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

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

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

~~—— (q) "On premises sign" means a sign advertising activities conducted or maintained on the property on which it is located. The boundary of the property shall be as determined by tax rolls, deed registrations, and apparent land use delineations. When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner or sign owner, it shall be considered the business of outdoor~~

1 ~~advertising and not an on premises sign. Signs on narrow strips of~~
2 ~~land contiguous to the advertised activity, or signs on easements~~
3 ~~on adjacent property, when the purpose is clearly to circumvent the~~
4 ~~intent of this act, shall not be considered on premises signs.~~

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

10 ~~—— (s) "Secondary highway" means a state secondary road or county~~
11 ~~primary road.~~

12 ~~—— (t) "Tobacco product" means any tobacco product sold to the~~
13 ~~general public and includes, but is not limited to, cigarettes,~~
14 ~~tobacco snuff, and chewing tobacco.~~

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

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

20 **(HH) "VISIBLE" MEANS A SIGN THAT HAS A MESSAGE THAT IS CAPABLE**
21 **OF BEING SEEN BY AN INDIVIDUAL OF NORMAL VISUAL ACUITY WHEN**
22 **TRAVELING IN A MOTOR VEHICLE.**

23 Sec. 4. This act regulates and controls the size, lighting,
24 and spacing of signs and sign structures in adjacent areas and
25 occupies the whole field of that regulation and control except for
26 the following:

27 (a) A county, city, village, township, or charter township may

1 enact ordinances to regulate and control the **OPERATION**, size,
2 lighting, and spacing of signs and sign structures but shall not
3 permit a sign or sign structure that is otherwise prohibited by
4 this act or require or cause the removal of lawfully erected signs
5 or sign structures subject to this act without the payment of just
6 compensation. A sign owner shall apply for an annual permit
7 pursuant to section 6 for each sign to be maintained or to be
8 erected within that county, city, village, charter township, or
9 township. A sign erected or maintained within that county, city,
10 village, township, or charter township shall also comply with all
11 applicable provisions of this act. **AN ORDINANCE OR CODE ADOPTED BY**
12 **A COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP THAT**
13 **REGULATES THE OPERATION, SIZE, LIGHTING, OR SPACING OF SIGNS AND**
14 **SIGN STRUCTURES AND THAT IS MORE STRINGENT THAN THE LAWS OF THIS**
15 **STATE IS NOT MADE VOID BY THIS ACT.**

16 (b) A county, city, village, charter township, or township
17 vested by law with authority to enact zoning codes has full
18 authority under its own zoning codes or ordinances to establish
19 commercial or industrial areas and the actions of a county, city,
20 village, charter township, or township in so doing shall be
21 accepted for the purposes of this act. However, except as provided
22 in subdivision (a), zoning ~~which~~**THAT** is not part of a
23 comprehensive zoning plan and is taken primarily to permit outdoor
24 advertising structures shall not be accepted for purposes of this
25 act. A zone in which limited commercial or industrial activities
26 are permitted as incidental to other primary land uses is not a
27 commercial or industrial zone for outdoor advertising control

1 purposes.

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

5 (d) A county ordinance that regulates and controls the size,
6 lighting, and spacing of signs and sign structures shall only apply
7 in a township within the county if the township has not enacted an
8 ordinance to regulate and control the size, lighting, and spacing
9 of signs and sign structures.

10 (e) A county, on its own initiative or at the request of a
11 city, village, township, or charter township within that county,
12 may prepare a model ordinance as described in subdivision (a). A
13 city, village, township, or charter township within that county may
14 adopt the model ordinance.

15 Sec. 6. (1) A sign owner shall apply for an annual permit on a
16 form prescribed by the department for each sign **OR SIGN STRUCTURE**
17 to be maintained or ~~to be erected~~ in an adjacent area where the
18 facing of the sign **OR SIGN STRUCTURE** is visible from ~~an interstate~~
19 ~~highway, freeway, or primary highway. A sign owner shall apply for~~
20 ~~a separate sign permit for each sign for each highway subject to~~
21 ~~this act from which the facing of the sign is visible. The owner~~
22 ~~shall apply for the permit for such signs which become subject to~~
23 ~~the permit requirements of this act because of a change in highway~~
24 ~~designation or other reason not within the control of the sign~~
25 ~~owner within 2 months after the sign becomes subject to the permit~~
26 ~~requirements of this act. A REGULATED ROUTE.~~ The form shall require
27 the name and business address of the applicant, the name and

1 address of the owner of the property on which the sign **OR SIGN**
2 **STRUCTURE** is to be located, the date the sign **OR SIGN STRUCTURE**, if
3 currently maintained, was erected, the zoning classification of the
4 property, a precise description of where the sign **OR SIGN STRUCTURE**
5 is or will be situated and a certification that the sign **OR SIGN**
6 **STRUCTURE** is not prohibited by section 18(a), (b), (c), or (d) and
7 that the sign **OR SIGN STRUCTURE** does not violate any provisions of
8 this act. The sign permit application shall include a statement
9 signed by the owner of the land on which the sign **OR SIGN STRUCTURE**
10 is to be placed, acknowledging that no trees or shrubs in the
11 adjacent highway right-of-way may be removed, trimmed, or in any
12 way damaged or destroyed without the written authorization of the
13 department. The department may require documentation to verify the
14 zoning, the consent of the land owner, and any other matter
15 considered essential to the evaluation of ~~the~~ compliance with this
16 act. **A SIGN OWNER SHALL APPLY FOR A SEPARATE ANNUAL PERMIT FOR EACH**
17 **SIGN OR SIGN STRUCTURE FOR EACH REGULATED ROUTE SUBJECT TO THIS ACT**
18 **FROM WHICH THE FACING OF THE SIGN OR SIGN STRUCTURE IS VISIBLE.**

19 (2) **THE OWNER OF A SIGN OR SIGN STRUCTURE SHALL APPLY FOR AN**
20 **ANNUAL PERMIT FOR EACH SIGN OR SIGN STRUCTURE THAT BECOMES SUBJECT**
21 **TO THE PERMIT REQUIREMENTS OF THIS ACT BECAUSE OF A CHANGE IN**
22 **HIGHWAY DESIGNATION OR OTHER REASON NOT WITHIN THE CONTROL OF THE**
23 **SIGN OWNER WITHIN 2 MONTHS AFTER RECEIVING NOTICE FROM THE**
24 **DEPARTMENT THAT THE SIGN OR SIGN STRUCTURE IS SUBJECT TO THE PERMIT**
25 **REQUIREMENTS OF THIS ACT. BOTH OF THE FOLLOWING APPLY TO AN ANNUAL**
26 **PERMIT ISSUED UNDER THIS SUBSECTION:**

27 (A) **THE ANNUAL PERMIT IS NOT SUBJECT TO SECTION 7A.**

1 (B) THE ANNUAL PERMIT MAY NOT BE SURRENDERED FOR AN INTERIM
2 PERMIT UNDER SECTION 7A(3).

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

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

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

25 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, WITHIN 90
26 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
27 SUBDIVISION, THE OWNER OF A DIGITAL BILLBOARD THAT WAS ERECTED

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

5 (4) WITHIN 2 YEARS AFTER A REGULATED ROUTE BECOMES SUBJECT TO
6 THIS ACT, THE DEPARTMENT SHALL EXERCISE CONTROL OVER ALL SIGNS AND
7 SIGN STRUCTURES WITHIN THE ADJACENT AREA OF THE REGULATED ROUTE.

8 Sec. 7. (1) A permit fee is payable annually in advance, to be
9 credited to the state trunk line fund. ~~The~~ **FOR A DIGITAL BILLBOARD**
10 **PERMIT, THE FEE IS \$200.00 FOR THE FIRST YEAR. FOR AN ANNUAL PERMIT**
11 **FOR A BILLBOARD THAT DOES NOT REQUIRE A DIGITAL BILLBOARD PERMIT,**
12 **THE** fee is \$100.00 for the first year except that signs in
13 existence prior to a highway's change in designation or
14 jurisdiction ~~which would require~~ **THAT REQUIRES** signs to be
15 permitted shall only be required to pay the permit renewal amount
16 ~~as provided in~~ **UNDER** subsection (2). The department shall establish
17 an annual expiration date for each permit and may change the
18 expiration date of existing permits to spread the permit renewal
19 activity over the year. Permit fees may be prorated the first year.
20 An application for the renewal of a permit shall be filed with the
21 department ~~at least 30 days before~~ **NO LATER THAN** the **PERMIT'S**
22 expiration date.

23 (2) For signs up to and including 300 square feet, the annual
24 permit renewal fee is \$50.00. For signs greater than 300 square
25 feet, the annual permit renewal fee is \$80.00. **THE ANNUAL PERMIT**
26 **RENEWAL FEE FOR AN INTERIM PERMIT IS \$80.00. THE ANNUAL PERMIT**
27 **RENEWAL FEE FOR A DIGITAL BILLBOARD PERMIT IS \$200.00.** Signs of the

1 service club and religious category are not subject to an annual
2 renewal fee.

3 ~~(3) The annual renewal fee for each permit shall increase by~~
4 ~~an additional \$20.00 if the fee is not paid at least 30 days before~~
5 ~~the expiration date of the permit. If the annual renewal fee is not~~
6 paid **BY THE EXPIRATION DATE OF THE PERMIT** as required under this
7 section, the **ANNUAL RENEWAL FEE SHALL INCREASE BY AN ADDITIONAL**
8 **\$50.00. THE** department shall send notice of nonpayment by certified
9 mail to the permit holder's address on file ~~not more than 30 days~~
10 ~~after the permit expiration date. If the annual renewal fee for any~~
11 ~~permit is not paid within 60 days after the permit expiration date,~~
12 ~~the department may cancel the permit~~ **WITHIN 21 DAYS AFTER THE**
13 **EXPIRATION DATE AND SHALL INFORM THE PERMIT HOLDER THAT IF THE**
14 **ANNUAL RENEWAL FEE AS INCREASED UNDER THIS SUBSECTION IS NOT PAID**
15 **WITHIN 60 DAYS AFTER THE PERMIT EXPIRATION DATE, THE PERMIT MAY BE**
16 **CANCELED** without taking further administrative action unless an
17 administrative hearing is requested by the permit holder within 60
18 days ~~of~~ **AFTER** the permit expiration date. **THE DEPARTMENT MAY**
19 **REINSTATE A PERMIT THAT WAS PREVIOUSLY CANCELED BY AN APPLICANT OR**
20 **THE DEPARTMENT IF THE DEPARTMENT, THROUGH MANAGEMENT OF ITS PERMIT**
21 **INVENTORY, DETERMINES THAT THE PREVIOUS CANCELLATION WAS CAUSED BY**
22 **AN ERROR IN THE PERMITTING PROCESS.**

23 (4) Notwithstanding subsection (3), for permits having the
24 same expiration date, the maximum amount of increased annual
25 renewal fees for late payments that may be assessed by the
26 department under this section against 1 permit holder is
27 \$10,000.00.

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

(5) ~~(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

1 compliance with this act.

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

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

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

11 (4) An interim permit ~~that is~~ issued under this section shall
12 only be utilized for the construction of a ~~new~~ sign structure and
13 shall remain in effect without expiration with fees renewed on an
14 annual basis. **A SIGN ERECTED USING AN INTERIM PERMIT SHALL NOT BE**
15 **CLOSER THAN 1,000 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE**
16 **OF THE HIGHWAY ALONG INTERSTATE HIGHWAYS AND FREEWAYS OR CLOSER**
17 **THAN 500 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE OF THE**
18 **HIGHWAY ALONG PRIMARY HIGHWAYS. A SIGN ERECTED USING AN INTERIM**
19 **PERMIT SHALL NOT BE BUILT IN A LOCATION WHERE THE SIGN WOULD BE**
20 **OBSURED, IN WHOLE OR IN PART, BY EXISTING VEGETATION OR BY THE**
21 **FUTURE GROWTH OF EXISTING VEGETATION. AN INTERIM PERMIT SHALL NOT**
22 **BE USED TO ERECT A SIGN IN A LOCATION WHERE VEGETATION THAT**
23 **OBSURED THE SIGN OR WOULD HAVE OBSURED THE SIGN THROUGH NORMAL**
24 **FUTURE GROWTH WAS REMOVED WITHOUT THE DEPARTMENT'S PERMISSION.**

25 (5) The department shall verify that an existing sign
26 structure has been removed no later than 30 days after the
27 department receives written notice from the permit holder that the

1 sign structure has been removed. If the department does not respond
2 to the written notice within 30 days after receipt of the written
3 notice, then the permit holder shall be deemed to have removed the
4 sign structure in compliance with this section.

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

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

17 (8) A holder of more than 2 valid permits for a sign structure
18 with more than 2 faces may exchange the permits under this section
19 for a maximum of 2 interim permits. The 2 interim permits received
20 under this section shall only be used to construct 1 sign structure
21 with no more than 2 faces.

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

25 (10) If a permit holder for a sign structure that exists on
26 January 1, 2007 requires additional permits for any reason, or if
27 the owner of a sign that meets the requirements of section ~~17(9)~~

1 17(10) applies for a permit before July 1, 2011, the department may
2 issue a valid renewable permit renewable on an annual basis without
3 complying with subsection (2) even if the permit holder has more
4 than 2 valid permits as a result.

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

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

12 (13) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, THE
13 DEPARTMENT MAY ISSUE A PERMIT FOR AN EXISTING SIGN THAT ADVERTISES
14 A PRODUCT, SERVICE, OR RETAIL BUSINESS THAT IS OWNED AND OPERATED
15 BY THE SIGN OWNER IF THE LOCATION FOR THE SIGN MEETS ALL EXISTING
16 REQUIREMENTS OF THIS ACT, OR IF THE SIGN IS AN EXISTING
17 NONCONFORMING SIGN THAT ADVERTISES A PRODUCT, SERVICE, OR RETAIL
18 BUSINESS THAT IS OWNED AND OPERATED BY THE SIGN OWNER AND THE SIGN
19 OWNER HELD AN ORIGINAL PERMIT FOR THAT SIGN ON JANUARY 1, 2007.

20 (14) A PERMIT ISSUED UNDER SUBSECTION (13) IS NOT TRANSFERABLE
21 AND IS NOT ELIGIBLE TO BE SURRENDERED FOR AN INTERIM PERMIT.

22 (15) THE DEPARTMENT SHALL ISSUE AN ANNUAL PERMIT FOR A SIGN IF
23 THAT SIGN SATISFIES BOTH OF THE FOLLOWING:

24 (A) THE SIGN IS IN EXISTENCE ON THE EFFECTIVE DATE OF THE
25 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

26 (B) THE SIGN BECOMES SUBJECT TO THIS ACT AS A RESULT OF
27 FEDERAL OR STATE ACTION.

(16) IF THE OWNER OF AN EXISTING SIGN OR SIGN STRUCTURE THAT WAS IN EXISTENCE BEFORE JANUARY 1, 2007 AND FOR WHICH THE OWNER HELD A VALID PERMIT BEFORE JANUARY 1, 2007 DEMONSTRATES THAT THE SIGN OR SIGN STRUCTURE WAS IN CONTINUOUS USE AS A COMMERCIAL BILLBOARD AND THAT THE PERMIT WAS CANCELED BY THE PERMIT HOLDER IN ERROR AND AN INTERIM PERMIT WAS ISSUED, THE DEPARTMENT MAY REINSTATE THE ANNUAL PERMIT UPON SURRENDER OF THE INTERIM PERMIT AND PAYMENT OF THE REQUIRED RENEWAL FEES FROM THE DATE OF CANCELLATION.

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

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

~~against a person pursuant to this subsection, the department shall not proceed to recover the penalty prescribed in subsection (1).~~

(2) ~~(3)~~ If a sign owner, ~~or the sign owner's agent, OR A~~ PROPERTY OWNER OR AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR HER PROPERTY trims or removes trees or shrubs without first having obtained a permit under section 11a, the sign owner ~~shall not be~~ IS NOT eligible to obtain a permit under section 11a for 3 years from the date of trimming or removal of trees or shrubs.

(3) ~~(4)~~ If trees or shrubs ~~within a highway right of way have~~ been trimmed or removed WITHOUT A PERMIT UNDER SECTION 11A by a sign owner, ~~or its~~ A SIGN OWNER'S AGENT, A PROPERTY OWNER, OR A PROPERTY OWNER'S agent, ~~for the purpose of making the sign more visible, the sign shall be considered illegal and the department may remove the sign pursuant to the procedures established in section 19 if a court determines any of the following:~~

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

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

~~—— (c) The sign owner trimmed or removed trees or shrubs and did not obtain a permit under section 11a.~~ SHALL CONDUCT A HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AFTER PROVIDING NOTICE AND OPPORTUNITY FOR HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, THE DEPARTMENT MAY IMPOSE A FINE NOT TO EXCEED 5 TIMES

1 THE VALUE OF THE VEGETATION THAT WAS TRIMMED OR REMOVED, RESTRICT
 2 FUTURE VEGETATION MANAGEMENT PERMITS, RESTRICT THE USE OF THE SIGN
 3 OR SIGN STRUCTURE FOR A PERIOD OF TIME NOT TO EXCEED 1 YEAR, OR
 4 REMOVE THE SIGN UNDER SECTION 19.

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

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

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

25 (3) **AN** application **SUBMITTED UNDER SUBSECTION (2)** shall be
 26 submitted ~~during the 2 or more annual application periods not less~~
 27 ~~than 60 days each,~~ as specified by the department. The application

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

9 **(4)** ~~(3)~~—Unless otherwise agreed to by the department and an
10 applicant, the department shall issue its decision on an
11 application no later than ~~30~~ **90** days after ~~the last day~~ **RECEIPT** of
12 ~~the~~ **A COMPLETED** application. ~~period.~~ The department shall approve
13 the application, approve the application with modification, or deny
14 the application. If the department approves the application or
15 approves the application with modification, it shall notify the
16 applicant. ~~and the~~ **THE** notification **REQUIRED BY THIS SUBSECTION**
17 shall include the value of the vegetation to be managed as
18 ~~determined by the department using the most recent version of the~~
19 ~~international society of arboriculture's guide for plant appraisal~~
20 ~~and the corresponding Michigan tree evaluation supplement to the~~
21 ~~guide for plant appraisal published by the Michigan forestry and~~
22 ~~park association. The department may use another objective~~
23 ~~authoritative guide in consultation with representatives of the~~
24 ~~outdoor advertising industry and other interested parties, if~~
25 ~~either the guide or the supplement has not been updated for more~~
26 ~~than 5 years. The department, in consultation with representatives~~
27 ~~of the outdoor advertising industry and other interested parties,~~

1 ~~may develop a value schedule for vegetation. If agreed to by both~~
2 ~~the department and the applicant, this value schedule shall be used~~
3 ~~to determine the value of the vegetation to be managed. The~~
4 ~~notification to the applicant shall also include~~ **UNDER SUBSECTION**
5 **(5). THE NOTIFICATION SHALL ALSO INCLUDE** any required mitigation
6 for the vegetation to be managed and all conditions and
7 requirements associated with the issuance of the permit. The permit
8 fee ~~shall be \$300.00,~~ **IS \$500.00,** except that in special and unique
9 situations and circumstances where the department incurs additional
10 costs directly attributable to the approval of the permit, a fee
11 greater than ~~\$300.00~~ **\$500.00** adequate for the recovery of
12 additional costs may be assessed. **BEGINNING OCTOBER 1, 2013, THE**
13 **DEPARTMENT SHALL ANNUALLY ADJUST THE PERMIT FEE TO ENSURE THAT THE**
14 **FEE COVERS THE TOTAL COST OF ISSUING THE PERMIT AND THE COST OF ALL**
15 **DEPARTMENTAL RESPONSIBILITIES ASSOCIATED WITH THE PERMIT. THE**
16 **DEPARTMENT SHALL NOT INCREASE THE PERMIT FEE BY AN ANNUAL**
17 **PERCENTAGE AMOUNT GREATER THAN THE CONSUMER PRICE INDEX.** Upon
18 receipt of the permit fee, payment for the value of the vegetation,
19 and compliance with MDOT conditions and requirements, the
20 department shall issue the permit. **A VEGETATION MANAGEMENT PERMIT**
21 **ISSUED UNDER THIS SECTION IS VALID FOR 5 YEARS AFTER THE DATE THE**
22 **PERMIT IS ISSUED. AN APPLICANT MAY MANAGE VEGETATION AS PRESCRIBED**
23 **IN THE VEGETATION MANAGEMENT PERMIT THROUGHOUT THE 5-YEAR PERIOD**
24 **THAT THE PERMIT IS VALID BY PROVIDING PROPER NOTICE TO THE**
25 **DEPARTMENT AND COMPLYING WITH ALL CONDITIONS AND REQUIREMENTS OF**
26 **THE DEPARTMENT. AN APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS TO**
27 **ACCESS THE RIGHT-OF-WAY OF A HIGHWAY IF REQUIRED BY OTHER LAWS OF**

1 THIS STATE.

2 (5) THE DEPARTMENT SHALL ANNUALLY DEVELOP AND PUBLISH A
3 REPLACEMENT COST SCHEDULE FOR TREES AND SHRUBS TO BE REMOVED UNDER
4 A VEGETATION MANAGEMENT PERMIT. THE REPLACEMENT COST SCHEDULE SHALL
5 SPECIFY THE SIZE, NUMBER, TYPE, AND COST OF REPLACEMENT TREES TO BE
6 PAID FOR BY AN APPLICANT BASED ON THE DIAMETER AT BREAST HEIGHT FOR
7 EACH TREE THAT IS REMOVED AND A CONVERSION FACTOR DETERMINED BY THE
8 DEPARTMENT FOR THE NUMBER OF REPLACEMENT TREES REQUIRED FOR ANY
9 SHRUBS THAT ARE REMOVED. THE TOTAL COST SHALL BE BASED ON THE
10 DEPARTMENT'S TOTAL COST FOR PLANTING TREES ACCORDING TO THE MOST
11 RECENT VERSION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION USED
12 BY THE DEPARTMENT AND THE EXPECTED COST OF PLANTS, LABOR, AND
13 MATERIALS REQUIRED TO INSTALL AND ESTABLISH PLANTS FOR THAT YEAR.
14 AS AN ALTERNATIVE, THE DEPARTMENT AND THE APPLICANT MAY AGREE THAT
15 THE DEPARTMENT WILL DEVELOP THE VALUE OF THE VEGETATION TO BE
16 TRIMMED OR REMOVED USING THE MOST RECENT VERSION OF THE
17 INTERNATIONAL SOCIETY OF ARBORICULTURE'S GUIDE FOR PLANT APPRAISAL
18 AND THE CORRESPONDING MICHIGAN TREE EVALUATION SUPPLEMENT TO THE
19 GUIDE FOR PLANT APPRAISAL PUBLISHED BY THE MICHIGAN FORESTRY AND
20 PARK ASSOCIATION. THE DEPARTMENT MAY USE ANOTHER OBJECTIVE
21 AUTHORITATIVE GUIDE IN CONSULTATION WITH REPRESENTATIVES OF THE
22 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES IF EITHER
23 THE GUIDE OR THE SUPPLEMENT HAS NOT BEEN UPDATED IN MORE THAN 5
24 YEARS. THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF THE
25 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES, MAY
26 DEVELOP A VALUE SCHEDULE FOR VEGETATION.

27 (6) ~~(4)~~—Subject to the provisions of this subsection, a permit

1 to manage vegetation shall provide for a minimum of 5 seconds of
2 continuous, clear, and unobstructed view of the billboard face
3 based on travel at the posted speed as measured from the point
4 directly adjacent to the point of the billboard closest to the
5 highway. The department and the applicant may enter into an
6 agreement, at the request of the applicant, identifying the
7 specific location of the continuous, clear, and unobstructed view
8 within the billboard viewing zone. The specific location may begin
9 at a point anywhere within the billboard viewing zone but shall
10 result in a continuous, clear, and unobstructed view of not less
11 than 5 seconds. An applicant shall apply for a permit that
12 minimizes the amount of vegetation to be managed for the amount of
13 viewing time requested. Applications for vegetation management that
14 provide for greater than 5 seconds of continuous, clear, and
15 unobstructed viewing at the posted speed as measured from a point
16 directly adjacent to the point of the billboard closest to the
17 highway shall not be rejected based solely upon the application
18 exceeding the 5-second minimum. For billboards spaced less than 500
19 feet apart, vegetation management, when permitted, shall provide
20 for a minimum of 5 seconds of continuous, clear, and unobstructed
21 view of the billboard face based on travel at the posted speed or
22 the distance between the billboard and the adjacent billboard,
23 whichever is less. **FOR THE PURPOSE OF MAKING THE BILLBOARD MORE**
24 **VISIBLE, THE DEPARTMENT SHALL NOT AUTHORIZE THE TRIMMING OR REMOVAL**
25 **OF VEGETATION IN THE MEDIAN OF A HIGHWAY.**

26 (7) ~~(5)~~—The department shall issue permits for vegetation
27 management in a viewing cone or, at the department's discretion,

1 another shape that provides for the continuous, clear, and
2 unobstructed view of the billboard face. The department may, in its
3 discretion, issue a permit for vegetation management outside of the
4 billboard viewing zone.

5 (8) ~~(6)~~ If no suitable alternative exists or the applicant is
6 unable to provide acceptable mitigation, the department may deny an
7 application or provide a limited permit to manage vegetation ~~when~~
8 ~~it can be demonstrated that~~ **IF** 1 or more of the following
9 situations exist:

10 (a) The vegetation management would have an adverse impact on
11 safety.

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

14 (c) The vegetation management conflicts with federal or state
15 law ~~, OR PROMULGATED rules. , or statutory requirements.~~

16 (d) The applicant does not have the approval of the owner of
17 the property.

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

20 (f) Vegetation would be managed for a newly constructed
21 billboard or vegetation existed that obscured the billboard or
22 would have obscured the billboard before it was constructed. In
23 denying an application or providing a limited permit, the
24 department shall consider previous vegetation management that was
25 allowed at the billboard site.

26 (g) The **VEGETATION** management would occur on a scenic or
27 heritage route that was designated on or before ~~the effective date~~

1 ~~of the amendatory act that added this section.~~ **JANUARY 1, 2007.**

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

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

8 (9) ~~(7)~~ If the department denies an application or issues a
9 limited permit under this ~~subsection,~~ **SECTION**, the department shall
10 provide a specific rationale for denying an application or
11 approving a limited permit.

12 (10) ~~(8)~~ No later than ~~30~~ **45** days after receiving a **DENIAL OF**
13 **A REQUEST TO BEGIN THE 5 SECONDS OF CONTINUOUS, CLEAR, AND**
14 **UNOBSTRUCTED VIEW AT A POINT OTHER THAN A POINT DIRECTLY ADJACENT**
15 **TO THE POINT OF THE BILLBOARD CLOSEST TO THE HIGHWAY AS PROVIDED IN**
16 **SUBSECTION (6), OR A** denial or a limited permit under subsection
17 ~~(6), (8)~~, an applicant may request ~~the~~ review and reconsideration
18 of the denial or limited permit. The applicant shall submit its
19 request in writing on a form as determined by the department. The
20 applicant shall state the specific item or items for which review
21 and reconsideration are being requested. An applicant who received
22 a limited permit may manage vegetation in accordance with that
23 permit during the review and reconsideration period.

24 (11) ~~(9)~~ No later than 90 days after January 1, 2007, ~~the~~ **THE**
25 department shall develop **AND MAINTAIN** a procedure for review and
26 reconsideration of applications that are denied or that result in
27 the issuance of a limited permit. This procedure shall include at

1 least 2 levels of review and provide for input from the applicant.
 2 The review period shall not exceed 120 days. The department shall
 3 consult with all affected and interested parties, including, but
 4 not limited to, representatives of the outdoor advertising
 5 industry, in the development of this procedure.

6 (12) ~~(10)~~ If, after review and reconsideration ~~as provided for~~
 7 ~~in~~ **UNDER** subsection ~~(8)~~, **(10)**, the applicant is denied a permit or
 8 issued a limited permit, the applicant may appeal the decision of
 9 the department to a court of competent jurisdiction.

10 (13) ~~(11)~~ All work performed in connection with trimming,
 11 removing, or relocating vegetation shall be performed at the sign
 12 owner's expense.

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

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

- 1 ~~—— (a) The number of application periods.~~
- 2 ~~—— (b) The number of applications submitted under this section.~~
- 3 ~~—— (c) The number of permits approved without modifications.~~
- 4 ~~—— (d) The number of permits approved with modifications.~~
- 5 ~~—— (e) The number of permits denied.~~
- 6 ~~—— (f) The number of modified or denied permits which were~~
7 ~~appealed.~~
- 8 ~~—— (g) The number of appeals that reversed the department's~~
9 ~~decision.~~
- 10 ~~—— (h) The number of appeals that upheld the department's~~
11 ~~decision.~~
- 12 ~~—— (i) The number of permits approved which requested a~~
13 ~~visibility time period exceeding 5 seconds.~~
- 14 ~~—— (j) The amount of compensation paid to the state for removed~~
15 ~~vegetation.~~
- 16 ~~—— (k) The average number of days after the end of the~~
17 ~~application period before an applicant was sent notice that a~~
18 ~~permit was approved.~~
- 19 ~~—— (l) A summary of the reasons for which the department denied or~~
20 ~~modified permits.~~
- 21 ~~—— (m) A summary of the amount of all revenues and expenses~~
22 ~~associated with the management of the vegetation program.~~
- 23 ~~—— (14) The report in subsection (13) shall contain a summary for~~
24 ~~the entire state and report in detail for each department region.~~
25 ~~The department shall provide the report to the legislature for~~
26 ~~review no later than 90 days following the completion of each~~
27 ~~fiscal year. The reporting deadline for the initial report is 18~~

1 ~~months after January 1, 2007.~~

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

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

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

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

17 (16) If the department alleges that a person has trimmed or
18 removed more trees or shrubs than the permit authorizes, then the
19 department shall notify the person of its intent to seek ~~any~~ 1 or
20 more of the penalties provided in subsection (15). The notification
21 shall be in writing and delivered via United States certified mail,
22 and shall detail the conduct the department alleges constitutes a
23 violation of subsection (15), **AND** shall indicate ~~what~~ **THE** penalties
24 the department ~~will be~~ **IS** seeking under subsection (15). ~~, and~~
25 **NOTIFICATION** shall occur within 30 days ~~of~~ **AFTER** the filing of the
26 completion order for the trimming or removal of trees or shrubs the
27 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-way line immediately adjacent to the billboard **EXCEPT THAT, FOR A LOCATION WHERE A VEGETATION PERMIT HAS BEEN GRANTED WITHIN THE 5 YEARS PRIOR TO THE EFFECTIVE DATE OF THE 2013 AMENDATORY ACT THAT AMENDED THIS SUBDIVISION, THE BILLBOARD VIEWING ZONE INCLUDES THE AREA SUBJECT TO THE VEGETATION PERMIT.**

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

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

Sec. 15. (1) All signs erected or maintained in business areas or unzoned commercial and industrial areas shall comply with the following size requirements and limitations:

1 (a) In counties of less than 425,000 population, signs shall
2 not exceed 1,200 square feet in area, including border or trim but
3 excluding ornamental base or apron, supports and other structural
4 members.

5 (b) In counties having a population of 425,000 or more, signs
6 of a size exceeding 1,200 square feet in area but not in excess of
7 6,500 square feet in area, including border or trim but excluding
8 ornamental base or apron, supports and other structural members,
9 shall be permitted if the department determines that the signs are
10 in accord with customary usage in the area where the sign is
11 located.

12 (c) For signs erected after March 23, 1999, signs on a sign
13 structure shall not be stacked 1 on top of another. For signs
14 erected prior to March 23, 1999, the sign or sign structure shall
15 not be modified to provide a sign or sign structure that is stacked
16 1 on top of another.

17 (2) Maximum size limitations shall apply to each side of a
18 sign structure. Signs may be placed back to back, side by side or
19 in V-type or T-type construction, with not more than 2 sign
20 displays to each side. Any such sign structure shall be considered
21 as 1 sign for the purposes of this section.

22 (3) A SINGLE SIGN FACE MAY BE DIVIDED INTO NOT MORE THAN 2
23 SMALLER SIGN FACES IF ALL OF THE FOLLOWING ARE SATISFIED:

24 (A) THE SIGN BEING DIVIDED IS NOT A NONCONFORMING SIGN.

25 (B) THE RESULTING SMALLER SIGN FACES ARE EQUAL IN SIZE.

26 (C) EACH OF THE RESULTING SMALLER SIGN FACES DOES NOT EXCEED
27 350 SQUARE FEET IN AREA.

1 (D) EACH OF THE RESULTING SMALLER SIGN FACES IS LEGALLY
2 PERMITTED UNDER THIS ACT.

3 (E) BOTH BEFORE AND AFTER THE LARGER SIGN FACE IS DIVIDED INTO
4 SMALLER SIGN FACES, THERE ARE NO MORE THAN 2 PERMITS FOR SIGNS AT
5 THAT LOCATION FACING THE SAME DIRECTION OF TRAVEL.

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

11 (2) Along primary highways, a sign structure shall not be
12 **ERECTED OR MAINTAINED** closer than 500 feet to another sign
13 structure.

14 (3) A SIGN UTILIZING A DIGITAL BILLBOARD PERMIT SHALL NOT BE
15 CLOSER THAN 1,750 FEET TO ANOTHER SIGN UTILIZING A DIGITAL
16 BILLBOARD PERMIT ON EITHER SIDE OF THE HIGHWAY FACING THE SAME
17 DIRECTION OF ONCOMING TRAFFIC.

18 (4) ~~(3) The provisions of this~~ **THIS** section ~~do~~ **DOES** not apply
19 to signs separated by a building or other visual obstruction in
20 such a manner that only 1 sign located within the spacing distances
21 is visible from the highway at any time, provided that the building
22 or other visual obstruction has not been created for the purpose of
23 visually obstructing either of the signs at issue.

24 (5) ~~(4)~~ Along interstate highways and freeways located outside
25 of incorporated municipalities, a sign structure shall not be
26 permitted adjacent to or within 500 feet of an interchange, an
27 intersection at grade, or a safety roadside rest area. The 500 feet

1 shall be measured from the point of beginning or ending of pavement
2 widening at the exit from, or entrance to, the main-traveled way.

3 (6) ~~(5)~~ Official signs as described in section 13(1)(a) and
4 on-premises signs shall not be counted ~~nor shall~~ **AND** measurements
5 **SHALL NOT** be made from them for purposes of determining compliance
6 with the spacing requirements ~~provided~~ in this section.

7 (7) ~~(6)~~ **THE EXCEPT AS PROVIDED IN SUBSECTION (3), THE** spacing
8 requirements ~~provided~~ in this section apply separately to each side
9 of the highway.

10 (8) ~~(7)~~ The spacing requirements ~~provided~~ in this section
11 shall be measured along the nearest edge of the pavement of the
12 highway between points directly opposite each sign.

13 (9) ~~(8)~~ A sign that was erected in compliance with the spacing
14 requirements of this section that were in effect at the time when
15 the sign was erected, but ~~which~~ **THAT** does not comply with the
16 spacing requirements of this section after March 23, 1999, ~~shall~~
17 ~~not be considered~~ **IS NOT** unlawful ~~as that term is used in~~ **UNDER**
18 section 22.

19 (10) ~~(9)~~ Along an interstate highway, ~~where the interstate~~
20 ~~highway~~ **THAT** is designated by 1 letter and 3 numbers, ~~and the~~
21 ~~interstate highway is located in a county with a population of less~~
22 ~~than 211,000 but more than 175,000, as determined by the most~~
23 ~~recent federal decennial census,~~ an existing sign structure that
24 was erected prior to ~~the date of the amendatory act that added this~~
25 ~~subsection~~ **MARCH 24, 2011** shall not be closer than 900 feet to
26 another sign structure on the same side of the highway.

27 (11) **NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CAUSE A**

1 SIGN THAT WAS LEGALLY ERECTED PRIOR TO MARCH 23, 1999 TO BE DEFINED
2 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 SIGN STRUCTURE.

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

20 (4) A NONCONFORMING SIGN OWNER MAY NOT TAKE ANY ACTION THAT
21 PLACES THIS STATE OUT OF COMPLIANCE WITH FEDERAL STATUTES,
22 PUBLISHED RULES, REGULATIONS, OR THE FEDERAL-STATE AGREEMENT ON
23 OUTDOOR ADVERTISING.

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

26 (A) INCREASING THE OVERALL HEIGHT OF THE EXISTING SIGN
27 STRUCTURE.

1 (B) INCREASING THE TOTAL SQUARE FOOTAGE OF THE SIGN FACE OR
2 FACES TO A SIZE GREATER THAN ITS ORIGINAL SQUARE FOOTAGE.

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

5 (6) AS USED IN THIS SECTION, "CUSTOMARY MAINTENANCE AND
6 REPAIR" MEANS THE REPAIR OR REPLACEMENT OF MATERIALS OR EQUIPMENT
7 WITH EQUIVALENT MATERIALS OR EQUIPMENT ON A SIGN OR SIGN STRUCTURE
8 THAT RESTORES THE STRUCTURAL INTEGRITY OF THE SIGN OR SIGN
9 STRUCTURE OR THE FUNCTIONALITY OF THE EQUIPMENT. CUSTOMARY
10 MAINTENANCE AND REPAIR INCLUDES, BUT IS NOT LIMITED TO,
11 MODIFICATIONS TO THE SIGN OR SIGN STRUCTURE THAT ARE DESIGNED TO
12 COMPLY WITH STATE AND FEDERAL WORKER SAFETY REGULATIONS AND
13 REQUIREMENTS, MODIFICATIONS TO THE SIGN STRUCTURE THAT ARE
14 PRIMARILY FOR THE CONSERVATION OF ENERGY OR ENVIRONMENTAL
15 PRESERVATION, PAINT, THE INSTALLATION OF TRIM OR BORDERS, AND
16 REMOVAL OF 1 OR MORE SIGN FACES OR RELOCATION OF ALL OR PART OF THE
17 SIGN OR SIGN STRUCTURE UPON REQUEST BY THE DEPARTMENT. CUSTOMARY
18 MAINTENANCE AND REPAIR DOES NOT INCLUDE ANY OF THE FOLLOWING:

19 (A) ENLARGEMENT OF THE SIGN OR SIGN STRUCTURE. THE
20 INSTALLATION OF A TEMPORARY COPY ENHANCEMENT IS NOT AN ENLARGEMENT
21 OF THE SIGN FOR PURPOSES OF THIS ACT.

22 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CHANGE
23 IN THE LOCATION OF THE SIGN STRUCTURE.

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

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

26 SEC. 17B. (1) THE OWNER OF A SIGN, AGENT OF THE OWNER OF A
27 SIGN, OR A PROPERTY OWNER OR THE AGENT OF A PROPERTY OWNER WITH

1 WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE
2 SIGN ON HIS OR HER PROPERTY SHALL NOT CROSS A LIMITED ACCESS RIGHT-
3 OF-WAY TO ERECT OR MAINTAIN A SIGN.

4 (2) THE DEPARTMENT SHALL NOT ISSUE A PERMIT TO CROSS A LIMITED
5 ACCESS RIGHT-OF-WAY FOR PURPOSES OF ERECTING OR MAINTAINING A SIGN
6 TO THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A PROPERTY
7 OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN OWNER HAS
8 A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR HER
9 PROPERTY.

10 (3) IF THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A
11 PROPERTY OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN
12 OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR
13 HER PROPERTY ACCESSES A SIGN BY CROSSING A LIMITED ACCESS RIGHT-OF-
14 WAY TO ERECT OR MAINTAIN THE SIGN, THE OWNER OF THE SIGN IS SUBJECT
15 TO THE FOLLOWING PENALTIES:

16 (A) FOR THE FIRST VIOLATION, A FINE OF \$1,000.00 FOR EACH SIGN
17 LOCATION.

18 (B) FOR A SECOND VIOLATION, REMOVAL OF THE SIGN AND SIGN
19 STRUCTURE AND CANCELLATION OF THE PERMIT ASSOCIATED WITH THE SIGN.

20 Sec. 18. The following signs or sign structures are
21 prohibited:

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

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

27 (c) Those ~~which~~ **THAT** are erected or maintained upon trees or

1 painted or drawn upon rocks or other natural resources.

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

5 (E) **THOSE THAT ARE ERECTED OR MAINTAINED UPON PROPERTY IN**
6 **WHICH THE DEPARTMENT HAS A PROPERTY INTEREST EXCEPT WHERE OTHERWISE**
7 **ALLOWED UNDER THIS ACT OR STATE OR FEDERAL STATUTE OR LEGAL**
8 **REQUIREMENT.**

9 (F) **THOSE THAT ARE ERECTED OR MAINTAINED IN AN ADJACENT AREA**
10 **ALONG A SCENIC BYWAY THAT DID NOT EXIST PRIOR TO THE DESIGNATION AS**
11 **A SCENIC BYWAY.**

12 (G) ~~(e)~~Those ~~which~~**THAT** are abandoned.

13 (H) ~~(f)~~Those that involve motion or rotation of any part of
14 the structure, running animation or displays, or flashing or moving
15 lights. This subdivision does not apply to a sign or sign structure
16 **USING A DIGITAL BILLBOARD** with static messages or images that
17 change if the rate of change between 2 static messages or images
18 does not exceed more than 1 change per ~~6~~**8** seconds, each change is
19 complete in 1 second or less, and the sign possesses and utilizes
20 automatic dimming capabilities so that the maximum luminescence
21 level is not more than 0.3 foot candles over ambient light levels
22 measured at a distance of 150 feet for those sign faces less than
23 or equal to 300 square feet, measured at a distance of 200 feet for
24 those sign faces greater than 300 square feet but less than or
25 equal to 378 square feet, measured at a distance of 250 feet for
26 those sign faces greater than 378 square feet and less than 672
27 square feet, and measured at a distance of 350 feet for those sign

1 faces equal to or greater than 672 square feet. In addition to the
2 above requirements, signs exempted under this subdivision shall be
3 configured to default to a static display in the event of
4 mechanical failure.

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