



# HOUSE BILL No. 5658

March 7, 1996, Introduced by Reps. Gnodtke, Green, Llewellyn, McManus, Jellema, Lowe, Bodem, Randall, Bobier, Gernaat, Dalman, Hill, DeLange, Anthony, Prusi, Kukuk, DeMars, Hammerstrom and McBryde and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 2 and 13 of Act No. 106 of the Public Acts of 1972, entitled "Highway advertising act of 1972," being sections 252.302 and 252.313 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 2 and 13 of Act No. 106 of the Public  
2 Acts of 1972, being sections 252.302 to 252.313 of the Michigan  
3 Compiled Laws, are amended to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Business area" means an adjacent area ~~which~~ THAT is  
6 zoned under authority of state, county, township or municipal  
7 zoning authority for industrial or commercial purposes,  
8 customarily referred to as "b" or business, "c" or commercial,  
9 "i" or industrial, "m" or manufacturing, and "s" or service, and

1 all other similar classifications and ~~which~~ THAT: (i) is  
2 within a city, village, or charter township or (ii) is within 1  
3 mile of the corporate limits of a city, village, or charter town-  
4 ship or (iii) is beyond 1 mile of the corporate limits of a city,  
5 village, or charter township and contains 1 or more permanent  
6 structures devoted to the industrial or commercial purposes  
7 described in this subdivision and ~~which~~ THAT extends along the  
8 highway a distance of 800 feet beyond each edge of the activity.  
9 Each side of the highway is considered separately in applying  
10 this definition except where it is not topographically feasible  
11 for a sign or sign structure to be erected or maintained on the  
12 same side of the highway as the permanent structure devoted to  
13 industrial or commercial purposes, a business area may be estab-  
14 lished on the opposite side of a primary highway in an area zoned  
15 commercial or industrial or in an unzoned area with the approval  
16 of the state highway commission. A permanent structure devoted  
17 to industrial or commercial purposes shall not result in the  
18 establishment of a business area on both sides of the highway.  
19 All measurements shall be from the outer edge of the regularly  
20 used 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 recognized as commercial or industrial  
25 by zoning authorities except that the following activities shall  
26 not be considered commercial or industrial:

1 (i) Agricultural, forestry, grazing, farming, and related  
2 activities, including, but not limited to, wayside fresh produce  
3 stands.

4 (ii) Transient or temporary activities.

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

6 (iv) Activities conducted in a building principally used as  
7 a residence.

8 (v) Railroad tracks and minor sidings.

9 (vi) Outdoor advertising.

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

12 (b) "Unzoned commercial or industrial area" means an area  
13 which is within an adjacent area, which is not zoned by state or  
14 local law, regulation or ordinance, which contains 1 or more per-  
15 manent structures devoted to the industrial or commercial pur-  
16 poses described in subdivision (a), and which extends along the  
17 highway a distance of 800 feet beyond each edge of the activity.  
18 Each side of the highway is considered separately in applying  
19 this definition except where it is not topographically feasible  
20 for a sign or sign structure to be erected or maintained on the  
21 same side of the highway as the permanent structure devoted to  
22 industrial or commercial purposes, an unzoned commercial or  
23 industrial area may be established on the opposite side of a pri-  
24 mary highway in an area zoned commercial or industrial or in an  
25 unzoned area with the approval of the state highway commission.  
26 A permanent structure devoted to industrial or commercial  
27 purposes shall not result in the establishment of an unzoned

1 commercial or industrial area on both sides of the highway. All  
2 measurements shall be from the outer edge of the regularly used  
3 building, parking lot or storage or processing area of the com-  
4 mercial or industrial activity and not from the property lines of  
5 the activities and shall be along or parallel to the edge or  
6 pavement of the highway. Commercial or industrial purposes are  
7 those activities generally recognized as commercial or industrial  
8 by zoning authorities except that the following activities shall  
9 not be considered commercial or industrial:

10 (i) Agricultural, forestry, grazing, farming and related  
11 activities, including, but not limited to, wayside fresh produce  
12 stands.

13 (ii) Transient or temporary activities.

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

15 (iv) Activities conducted in a building principally used as  
16 a residence.

17 (v) Railroad tracks and minor sidings.

18 (vi) Outdoor advertising.

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

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

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

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

7 (f) "Primary highway" means a highway, other than an inter-  
8 state highway or freeway, officially designated as a part of the  
9 ~~federal aid~~ primary system as defined in section ~~103~~ 131 of  
10 title 23 of the United States code, ~~as amended~~ 23 U.S.C. 131,  
11 by the department and approved by the appropriate authority of  
12 the federal government.

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

19 (h) "Sign" means ~~any~~ AN outdoor sign, display, device,  
20 figure, painting, drawing, message, placard, poster, billboard,  
21 or other thing, whether placed individually or on a T-type,  
22 V-type, back to back or double-faced display, designed, intended,  
23 or used to advertise or inform.

24 (i) "Sign structure" means the assembled components ~~which~~  
25 THAT make up an outdoor advertising display, including but not  
26 limited to uprights, supports, facings and trim. ~~Such~~ A sign

1 structure may contain 1 or 2 signs per facing and may be  
2 double-faced, back to back, T-type or V-type.

3 (j) "Visible" means capable of being seen by a person of  
4 normal visual acuity.

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

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

11 (m) "Abandoned sign or sign structure" means a sign or sign  
12 structure subject to the provisions of this act, the owner of  
13 which has failed to secure a permit, has failed to identify the  
14 sign or sign structure or has failed to respond to notice.

15 (n) "Department" means the department of ~~state highways~~  
16 ~~and~~ transportation.

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

21 (p) "Person" means any individual, partnership, private  
22 association, or LIMITED LIABILITY COMPANY, corporation, state,  
23 county, city, village, township, charter township, or other  
24 public or municipal association or corporation.

25 (Q) "CONSUMER-PICK FARM OPERATION" MEANS AN ESTABLISHMENT  
26 THAT SELLS DIRECTLY TO CONSUMERS FOR HUMAN CONSUMPTION FRUITS,

1 VEGETABLES, GRAIN, OR NUTS GROWN BY THE OWNER OF THE  
2 ESTABLISHMENT AND HARVESTED BY THE CONSUMER.

3 (R) "WAYSIDE FRESH PRODUCE STAND" MEANS AN ESTABLISHMENT  
4 THAT SELLS DIRECTLY TO CONSUMERS FOR HUMAN CONSUMPTION FRUITS,  
5 VEGETABLES, GRAIN, OR NUTS GROWN AND HARVESTED BY THE OWNER OF  
6 THE ESTABLISHMENT ON THE PROPERTY ON WHICH THE ESTABLISHMENT IS  
7 LOCATED.

8 Sec. 13. (1) A sign shall not be erected or maintained in  
9 an adjacent area where the facing of the sign is visible from an  
10 interstate highway, freeway, or primary highway except the  
11 following:

12 (a) Directional and other official signs, including, but not  
13 limited to, signs pertaining to natural wonders, OR scenic ~~and~~  
14 OR historical attractions, ~~which~~ THAT are required or autho-  
15 rized by law, and ~~which~~ THAT comply with rules promulgated by  
16 the department relative to the lighting, size, number, and spac-  
17 ing ~~thereof~~ OF THE SIGN.

18 (b) Signs advertising the sale or lease of real property  
19 upon which they are located.

20 (c) Signs advertising activities conducted or maintained on  
21 the property on which they are located.

22 (d) Signs located in a business area or an unzoned commer-  
23 cial and industrial area and which comply with sections 12, 15,  
24 16, and 17 except that a sign not described in subdivision (a),  
25 (b), or (c) shall not be erected or maintained beyond 660 feet of  
26 the nearest edge of the right-of-way.

1 (E) SIGNS ADVERTISING CONSUMER-PICK FARM OPERATIONS OR  
2 WAYSIDE FRESH PRODUCE STANDS.

3 (2) If the department is authorized by law to designate  
4 scenic areas along an interstate highway, freeway, or primary  
5 highway, outdoor advertising signs shall not be erected or main-  
6 tained within areas so designated unless located within a busi-  
7 ness area or an unzoned commercial or industrial area where signs  
8 may be erected or maintained in compliance with this act.