

SENATE BILL No. 350

May 7, 2013, Introduced by Senators CASPERSON, BRANDENBURG, KOWALL, GREEN and PAVLOV and referred to the Committee on Transportation.

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:

Sec. 2. As used in this act:

(A) "ABANDONED SIGN OR SIGN STRUCTURE" OR "ABANDONED SIGN" MEANS A SIGN OR SIGN STRUCTURE SUBJECT TO THIS ACT, THE OWNER OF WHICH HAS FAILED TO SECURE A PERMIT, HAS FAILED TO IDENTIFY THE SIGN OR SIGN STRUCTURE, OR HAS FAILED TO RESPOND TO NOTICE.

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

5 (C) "ANNUAL PERMIT" MEANS A PERMIT FOR A BILLBOARD UNDER THIS
6 ACT.

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

11 (E) ~~(a)~~ "Business area" means an adjacent area ~~which~~ **THAT** is
12 zoned ~~under authority of~~ **BY A** state, county, township, or municipal
13 zoning authority for industrial or commercial purposes, customarily
14 referred to as "b" or business, "c" or commercial, "i" or
15 industrial, "m" or manufacturing, and "s" or service, and all other
16 similar classifications and ~~which~~ **THAT** is within a city, village,
17 or charter township or is within 1 mile of the corporate limits of
18 a city, village, or charter township or is beyond 1 mile of the
19 corporate limits of a city, village, or charter township and
20 contains 1 or more permanent structures devoted to the industrial
21 or commercial purposes described in this subdivision and ~~which~~ **THAT**
22 extends along the highway a distance of 800 feet beyond each edge
23 of the activity. Each side of the highway is considered separately
24 in applying this definition except **THAT** where it is not
25 topographically feasible for a sign or sign structure to be erected
26 or maintained on the same side of the highway as the permanent
27 structure devoted to industrial or commercial purposes, a business

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

14 (i) Agricultural, animal husbandry, forestry, grazing, farming,
15 and related activities, including, but not limited to, wayside
16 fresh produce stands.

17 (ii) Transient or temporary activities.

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

19 (iv) Activities conducted in a building principally used as a
20 residence, or in a building located on property that is used
21 principally for residential purposes or for **THE** activities recited
22 in subparagraph (i).

23 (v) Railroad tracks and minor sidings.

24 (vi) Outdoor advertising.

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

26 (viii) Activities that have not been in continuous operation of
27 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 ARE CHANGED BY ELECTRONIC MEANS. DIGITAL BILLBOARD DOES NOT INCLUDE A SIGN THAT CONTAINS AN EMBEDDED ELECTRONIC MESSAGE DEVICE OR A TRIVISION SIGN.

(I) "DIGITAL BILLBOARD PERMIT" MEANS A PERMIT FOR A DIGITAL

1 BILLBOARD THAT IS RENEWABLE ON AN ANNUAL BASIS.

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

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

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

18 (M) "INCORPORATED MUNICIPALITY" MEANS A CITY OR VILLAGE.

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

22 (O) "INTERSTATE HIGHWAY" MEANS A HIGHWAY OFFICIALLY DESIGNATED
23 AS A PART OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS
24 BY THE DEPARTMENT AND APPROVED BY THE FEDERAL GOVERNMENT.

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

27 (Q) "MAIN-TRAVELED WAY" MEANS THE TRAVELED WAY OF A HIGHWAY ON

1 WHICH THROUGH TRAFFIC IS CARRIED. MAIN-TRAVELED WAY INCLUDES THE
2 TRAVELED WAY OF EACH OF THE SEPARATE ROADWAYS FOR TRAFFIC IN
3 OPPOSITE DIRECTIONS ON A DIVIDED HIGHWAY. MAIN-TRAVELED WAY DOES
4 NOT INCLUDE FACILITIES SUCH AS FRONTAGE ROADS, TURNING ROADWAYS, OR
5 PARKING AREAS.

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

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

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

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

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

21 (U) "ON-PREMISES SIGN" MEANS A SIGN ADVERTISING ACTIVITIES
22 CONDUCTED OR MAINTAINED ON THE PROPERTY ON WHICH IT IS LOCATED. THE
23 BOUNDARY OF THE PROPERTY SHALL BE AS DETERMINED BY TAX ROLLS, DEED
24 REGISTRATIONS, AND APPARENT LAND USE DELINEATIONS. IF A SIGN
25 CONSISTS PRINCIPALLY OF BRAND NAME OR TRADE NAME ADVERTISING AND
26 THE PRODUCT OR SERVICE ADVERTISED IS ONLY INCIDENTAL TO THE
27 PRINCIPAL ACTIVITY CONDUCTED OR MAINTAINED ON THE PROPERTY, OR IF

1 THE SIGN BRINGS RENTAL INCOME TO THE PROPERTY OWNER OR SIGN OWNER,
2 IT SHALL BE CONSIDERED THE BUSINESS OF OUTDOOR ADVERTISING AND NOT
3 AN ON-PREMISES SIGN. ON-PREMISES SIGN DOES NOT INCLUDE A SIGN ON A
4 NARROW STRIP OF LAND CONTIGUOUS TO THE ADVERTISED ACTIVITY, OR A
5 SIGN ON AN EASEMENT ON ADJACENT PROPERTY, WHEN THE PURPOSE IS
6 CLEARLY TO CIRCUMVENT THE INTENT OF THIS ACT.

7 (V) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, PRIVATE
8 ASSOCIATION, OR CORPORATION, STATE, COUNTY, CITY, VILLAGE,
9 TOWNSHIP, CHARTER TOWNSHIP, OR OTHER PUBLIC OR MUNICIPAL
10 ASSOCIATION OR CORPORATION.

11 (W) "PRIMARY HIGHWAY" MEANS A HIGHWAY, OTHER THAN AN
12 INTERSTATE HIGHWAY OR FREEWAY, OFFICIALLY DESIGNATED BY THE
13 DEPARTMENT AS A PART OF THE PRIMARY SYSTEM AS DEFINED IN 23 USC
14 131, AND APPROVED BY THE FEDERAL GOVERNMENT.

15 (X) "RELIGIOUS ORGANIZATION SIGN" MEANS A SIGN, NOT LARGER
16 THAN 8 SQUARE FEET, THAT GIVES NOTICE OF RELIGIOUS SERVICES.

17 (Y) "SECONDARY HIGHWAY" MEANS A STATE SECONDARY ROAD OR COUNTY
18 PRIMARY ROAD.

19 (Z) "SERVICE CLUB SIGN" MEANS A SIGN, NOT LARGER THAN 8 SQUARE
20 FEET, THAT GIVES NOTICE ABOUT NONPROFIT SERVICE CLUBS OR CHARITABLE
21 ASSOCIATIONS.

22 (AA) "SIGN" MEANS ANY OUTDOOR SIGN, DISPLAY, DEVICE, FIGURE,
23 PAINTING, DRAWING, MESSAGE, PLACARD, POSTER, BILLBOARD, OR OTHER
24 THING, WHETHER PLACED INDIVIDUALLY OR ON A T-TYPE, V-TYPE, BACK TO
25 BACK, OR DOUBLE-FACED DISPLAY, THAT IS DESIGNED, INTENDED, OR USED
26 TO ADVERTISE OR INFORM.

27 (BB) "SIGN STRUCTURE" MEANS THE ASSEMBLED COMPONENTS THAT MAKE

1 UP AN OUTDOOR ADVERTISING DISPLAY, INCLUDING, BUT NOT LIMITED TO,
 2 UPRIGHTS, SUPPORTS, FACINGS, AND TRIM. A SIGN STRUCTURE MAY CONTAIN
 3 1 OR 2 SIGNS PER FACING AND MAY BE DOUBLE-FACED, BACK TO BACK, T-
 4 TYPE, OR V-TYPE.

5 (CC) "TOBACCO PRODUCT" MEANS ANY TOBACCO PRODUCT SOLD TO THE
 6 GENERAL PUBLIC AND INCLUDES, BUT IS NOT LIMITED TO, CIGARETTES,
 7 TOBACCO SNUFF, AND CHEWING TOBACCO.

8 (DD) "TRIVISION SIGN" MEANS A SIGN OR SIGN STRUCTURE THAT USES
 9 MECHANICAL MEANS TO DISPLAY MORE THAN 1 MESSAGE IN SEQUENCE.

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

1 building, parking lot, or storage or processing area of the
2 commercial or industrial activity and not from the property lines
3 of the activities and shall be along or parallel to the edge or
4 pavement of the highway. Commercial or industrial purposes are
5 those activities generally restricted to commercial or industrial
6 zones in jurisdictions that have zoning. In addition, the following
7 activities ~~shall~~ **ARE** not ~~be considered~~ commercial or industrial:

8 (i) Agricultural, animal husbandry, forestry, grazing, farming
9 and related activities, including, but not limited to, wayside
10 fresh produce stands.

11 (ii) Transient or temporary activities.

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

13 (iv) Activities conducted in a building principally used as a
14 residence, or in a building located on property that is used
15 principally for residential purposes or for **THE** activities recited
16 in subparagraph (i).

17 (v) Railroad tracks and minor sidings.

18 (vi) Outdoor advertising.

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

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

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

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

27 (xi) Activities conducted in a structure for which an occupancy

1 permit has not been issued or ~~which~~ **THAT** is not a fully enclosed
2 building, having all necessary utility service and sanitary
3 facilities required for its intended commercial or industrial use.

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

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

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

13 ~~—— (d) "Interstate highway" means a highway officially designated~~
14 ~~as a part of the national system of interstate and defense highways~~
15 ~~by the department and approved by the appropriate authority of the~~
16 ~~federal government.~~

17 ~~—— (e) "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 therefor.~~

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

27 ~~—— (g) "Main traveled way" means the traveled way of a highway on~~

~~which through traffic is carried. The traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way of a divided highway. It does not include facilities as frontage roads, turning roadways or parking areas.~~

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

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

~~—— (j) "Visible" means a sign that has a message that is capable 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.~~

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

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

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

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

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

~~1 (t) "Tobacco product" means any tobacco product sold to the~~
~~2 general public and includes, but is not limited to, cigarettes,~~
~~3 tobacco snuff, and chewing tobacco.~~

~~4 (u) "Religious organization sign" means a sign, not larger~~
~~5 than 8 square feet, that gives notice of religious services.~~

~~6 (v) "Service club sign" means a sign, not larger than 8 square~~
~~7 feet, that gives notice about nonprofit service clubs or charitable~~
~~8 associations.~~

9 (FF) "VISIBLE" MEANS A SIGN THAT HAS A MESSAGE THAT IS CAPABLE
10 OF BEING SEEN AND READ BY AN INDIVIDUAL OF NORMAL VISUAL ACUITY
11 WHEN TRAVELING IN A MOTOR VEHICLE.

12 Sec. 4. This act regulates and controls the size, lighting,
13 and spacing of signs and sign structures in adjacent areas and
14 occupies the whole field of that regulation and control except for
15 the following:

16 (a) A county, city, village, township, or charter township may
17 enact ordinances to regulate and control the **OPERATION**, size,
18 lighting, and spacing of signs and sign structures but shall not
19 permit a sign or sign structure that is otherwise prohibited by
20 this act or require or cause the removal of lawfully erected signs
21 or sign structures subject to this act without the payment of just
22 compensation. A sign owner shall apply for an annual permit
23 pursuant to section 6 for each sign to be maintained or to be
24 erected within that county, city, village, charter township, or
25 township. A sign erected or maintained within that county, city,
26 village, township, or charter township shall also comply with all
27 applicable provisions of this act.

1 (b) A county, city, village, charter township, or township
2 vested by law with authority to enact zoning codes has full
3 authority under its own zoning codes or ordinances to establish
4 commercial or industrial areas and the actions of a county, city,
5 village, charter township, or township in so doing shall be
6 accepted for the purposes of this act. However, except as provided
7 in subdivision (a), zoning ~~which~~ **THAT** is not part of a
8 comprehensive zoning plan and is taken primarily to permit outdoor
9 advertising structures shall not be accepted for purposes of this
10 act. A zone in which limited commercial or industrial activities
11 are permitted as incidental to other primary land uses is not a
12 commercial or industrial zone for outdoor advertising control
13 purposes.

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

17 (d) A county ordinance that regulates and controls the size,
18 lighting, and spacing of signs and sign structures shall only apply
19 in a township within the county if the township has not enacted an
20 ordinance to regulate and control the size, lighting, and spacing
21 of signs and sign structures.

22 (e) A county, on its own initiative or at the request of a
23 city, village, township, or charter township within that county,
24 may prepare a model ordinance as described in subdivision (a). A
25 city, village, township, or charter township within that county may
26 adopt the model ordinance.

27 Sec. 6. (1) A sign owner shall apply for an annual permit **OR A**

1 **DIGITAL BILLBOARD PERMIT** on a form prescribed by the department for
2 each sign, **SIGN STRUCTURE, OR DIGITAL BILLBOARD** to be maintained or
3 ~~to be erected~~ in an adjacent area where the facing of the sign is
4 visible from an interstate highway, freeway, or primary highway,
5 **ANY OTHER HIGHWAY THAT IS REQUIRED TO BE REGULATED BY THE**
6 **DEPARTMENT, OR ANY OTHER HIGHWAY THAT BECOMES REQUIRED TO BE**
7 **REGULATED BY THE DEPARTMENT UNDER THIS ACT OR ANOTHER STATE OR**
8 **FEDERAL STATUTE OR LEGAL REQUIREMENT.** A sign owner shall apply for
9 a separate sign permit **OR DIGITAL BILLBOARD PERMIT** for each sign **OR**
10 **DIGITAL BILLBOARD** for each highway subject to this act from which
11 the facing of the sign **OR DIGITAL BILLBOARD** is visible. The owner
12 shall apply for the permit for ~~such signs which~~ **OR DIGITAL**
13 **BILLBOARDS THAT** become subject to the permit requirements of this
14 act because of a change in highway designation or other reason not
15 within the control of the sign owner within 2 months after
16 **RECEIVING NOTICE FROM THE DEPARTMENT THAT** ~~the sign becomes~~ **SIGNS OR**
17 **DIGITAL BILLBOARDS ARE** subject to the permit requirements of this
18 act. The form **PRESCRIBED BY THE DEPARTMENT** shall require the name
19 and business address of the applicant, the name and address of the
20 owner of the property on which the sign **OR DIGITAL BILLBOARD** is to
21 be located, the date the sign **OR DIGITAL BILLBOARD**, if currently
22 maintained, was erected, the zoning classification of the property,
23 a precise description of where the sign **OR DIGITAL BILLBOARD** is or
24 will be situated, and a certification that the sign is not
25 prohibited by section 18(a), (b), (c), or (d) and ~~that the sign~~
26 does not violate any provisions of this act. The sign **OR DIGITAL**
27 **BILLBOARD** permit application shall include a statement signed by

1 the owner of the land on which the sign **OR DIGITAL BILLBOARD** is to
2 be placed, acknowledging that no trees or shrubs in the adjacent
3 highway right-of-way may be removed, trimmed, or in any way damaged
4 or destroyed without the written authorization of the department.
5 The department may require documentation to verify the zoning
6 **CLASSIFICATION OF THE PROPERTY**, the consent of the land owner, and
7 any other matter considered essential to the evaluation of the
8 compliance with this act.

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

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

27 (B) A DIGITAL BILLBOARD PERMIT MAY NOT BE SURRENDERED FOR AN

1 INTERIM PERMIT UNDER SECTION 7A(3) .

2 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, WITHIN 90
3 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
4 SUBDIVISION, THE OWNER OF A DIGITAL BILLBOARD THAT WAS ERECTED
5 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
6 SUBDIVISION SHALL APPLY FOR, AND THE DEPARTMENT SHALL ISSUE, A
7 DIGITAL BILLBOARD PERMIT. A SIGN PERMITTED UNDER THIS SUBDIVISION
8 IS EXEMPT FROM SECTION 17(3) .

9 (3) WITHIN 2 YEARS AFTER A HIGHWAY BECOMES SUBJECT TO THIS ACT
10 AS A RESULT OF FEDERAL OR STATE ACTION, THE DEPARTMENT SHALL
11 EXERCISE CONTROL OVER ALL SIGNS AND SIGN STRUCTURES WITHIN THE
12 ADJACENT AREA OF THAT HIGHWAY AS PROVIDED UNDER THIS ACT.

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

1 (2) For signs up to and including 300 square feet, the annual
2 permit renewal fee is \$50.00. For signs greater than 300 square
3 feet, the annual permit renewal fee is \$80.00. **THE ANNUAL PERMIT**
4 **RENEWAL FEE FOR AN INTERIM PERMIT IS \$80.00. THE ANNUAL PERMIT**
5 **RENEWAL FEE FOR A DIGITAL BILLBOARD PERMIT IS \$200.00.** Signs of the
6 service club and religious category are not subject to an annual
7 renewal fee.

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

(4) Notwithstanding subsection (3), for permits having the same expiration date, the maximum amount of increased annual renewal fees for late payments that may be assessed by the department under this section against 1 permit holder is \$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 ~~signs~~ **SIGN** on or after January 1, 2007.

(2) ~~Permits~~ **A PERMIT** issued by the department before January

1 1, 2007 ~~remain~~ **REMAINS** in force and valid.

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

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

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

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

13 (d) The department verifies that the sign structure ~~or~~
14 ~~structures~~ have **HAS** been removed or the removal has been deemed
15 effective under this section.

16 (4) An interim permit ~~that is~~ issued under this section shall
17 only be utilized for the construction of a ~~new~~ sign structure and
18 shall remain in effect without expiration with fees renewed on an
19 annual basis. **A SIGN CONSTRUCTED PURSUANT TO AN INTERIM PERMIT**
20 **SHALL NOT BE CLOSER THAN 1,000 FEET TO ANOTHER SIGN STRUCTURE ON**
21 **THE SAME SIDE OF THE HIGHWAY ALONG INTERSTATE HIGHWAYS AND FREEWAYS**
22 **OR CLOSER THAN 500 FEET TO ANOTHER SIGN STRUCTURE ON THE SAME SIDE**
23 **OF THE HIGHWAY ALONG PRIMARY HIGHWAYS. A SIGN CONSTRUCTED PURSUANT**
24 **TO AN INTERIM PERMIT SHALL NOT BE BUILT IN A LOCATION WHERE THE**
25 **SIGN WOULD BE OBSCURED, IN WHOLE OR IN PART, BY EXISTING VEGETATION**
26 **OR BY THE FUTURE GROWTH OF EXISTING VEGETATION. AN INTERIM PERMIT**
27 **SHALL NOT BE USED TO CONSTRUCT A SIGN IN A LOCATION WHERE**

1 VEGETATION THAT OBSCURED THE SIGN OR WOULD HAVE OBSCURED THE SIGN
2 THROUGH NORMAL FUTURE GROWTH WAS REMOVED WITHOUT THE DEPARTMENT'S
3 PERMISSION.

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

11 (6) A holder of 2 valid permits for a sign structure with 2
12 faces who complies with this section shall receive 2 interim
13 permits for the construction of a sign structure with 2 faces. A
14 permit holder under this subsection shall not receive 2 interim
15 permits to construct 2 single-face sign structures.

16 (7) A holder of a valid permit for a sign structure with a
17 single face is entitled to exchange that permit under this section
18 for an interim permit with a single face. A holder of valid permits
19 for 2 different single-face structures may exchange the 2 permits
20 under this section for 2 interim permits to construct 2 single-face
21 sign structures or 2 interim permits to construct 1 sign structure
22 with 2 faces.

23 (8) A holder of more than 2 valid permits for a sign structure
24 with more than 2 faces may exchange the permits under this section
25 for a maximum of 2 interim permits. The 2 interim permits received
26 under this section shall only be used to construct 1 sign structure
27 with no more than 2 faces.

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

4 (10) If a permit holder for a sign structure that exists on
5 January 1, 2007 requires additional permits for any reason, or if
6 the owner of a sign that meets the requirements of section ~~17(9)~~
7 **17(10)** applies for a permit before July 1, 2011, the department may
8 issue a valid renewable permit renewable on an annual basis without
9 complying with subsection (2) even if the permit holder has more
10 than 2 valid permits as a result.

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

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

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

26 **(14) A PERMIT ISSUED UNDER SUBSECTION (13) IS NOT ELIGIBLE TO**
27 **BE SURRENDERED FOR AN INTERIM PERMIT.**

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

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

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

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

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

25 ~~—— (2) A person who removes trees or shrubs within a highway~~
26 ~~right of way for the purpose of making a proposed or existing sign~~
27 ~~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.~~

~~1 (c) The sign owner trimmed or removed trees or shrubs and did~~
~~2 not obtain a permit under section 11a.~~ **SHALL CONDUCT A HEARING UNDER**
3 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
4 TO 24.328. AFTER PROVIDING NOTICE AND OPPORTUNITY FOR HEARING UNDER
5 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
6 TO 24.328, THE DEPARTMENT MAY IMPOSE A FINE NOT TO EXCEED 5 TIMES
7 THE VALUE OF THE VEGETATION THAT WAS TRIMMED OR REMOVED, RESTRICT
8 FUTURE VEGETATION MANAGEMENT PERMITS, RESTRICT THE USE OF THE SIGN
9 OR SIGN STRUCTURE FOR A PERIOD OF TIME NOT TO EXCEED 1 YEAR, OR
10 REMOVE THE SIGN UNDER SECTION 19.

11 (4) ~~(5)~~ If a sign is removed under this section and the
12 department subsequently receives an application for a permit under
13 section 6 for the same area, the department shall consider that the
14 conditions for the permit issued under section 6 remain in force
15 for spacing and all other requirements of this act.

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

22 (2) A sign owner may apply to the department for a permit to
23 manage vegetation using the department's approved form. The
24 application shall be accompanied by an application fee of \$150.00
25 to cover the costs of evaluating and processing the application.
26 ~~The~~ **BEGINNING OCTOBER 1, 2013, THE DEPARTMENT SHALL ANNUALLY ADJUST**
27 THE APPLICATION FEE TO ENSURE THAT THE FEE COVERS THE TOTAL COST OF

1 EVALUATING AND PROCESSING THE APPLICATION. THE DEPARTMENT SHALL NOT
2 INCREASE THE APPLICATION FEE BY AN ANNUAL PERCENTAGE AMOUNT GREATER
3 THAN THE CONSUMER PRICE INDEX.

4 (3) AN application SUBMITTED UNDER SUBSECTION (2) shall be
5 submitted ~~during the 2 or more annual application periods not less~~
6 ~~than 60 days each,~~ as specified by the department. The application
7 shall clearly identify the vegetation to be managed in order to
8 create visibility of the sign within the billboard viewing zone and
9 all proposed mitigation for the impacts of the vegetation
10 management undertaken. The application shall also include
11 anticipated management that will be needed in the future to
12 maintain the visibility of the sign within the billboard viewing
13 zone for the time specified in subsection ~~(4)~~ (6) and procedures
14 for clearing vegetation as determined by the department.

15 (4) ~~(3)~~ Unless otherwise agreed to by the department and an
16 applicant, the department shall issue its decision on an
17 application no later than ~~30~~ 75 days after ~~the last day~~ RECEIPT of
18 ~~the~~ A COMPLETED application. ~~period.~~ The department shall approve
19 the application, approve the application with modification, or deny
20 the application. If the department approves the application or
21 approves the application with modification, it shall notify the
22 applicant. ~~and the~~ THE notification REQUIRED BY THIS SUBSECTION
23 shall include the value of the vegetation to be managed as
24 determined ~~by the department using the most recent version of the~~
25 ~~international society of arboriculture's guide for plant appraisal~~
26 ~~and the corresponding Michigan tree evaluation supplement to the~~
27 ~~guide for plant appraisal published by the Michigan forestry and~~

1 ~~park association. The department may use another objective~~
2 ~~authoritative guide in consultation with representatives of the~~
3 ~~outdoor advertising industry and other interested parties, if~~
4 ~~either the guide or the supplement has not been updated for more~~
5 ~~than 5 years. The department, in consultation with representatives~~
6 ~~of the outdoor advertising industry and other interested parties,~~
7 ~~may develop a value schedule for vegetation. If agreed to by both~~
8 ~~the department and the applicant, this value schedule shall be used~~
9 ~~to determine the value of the vegetation to be managed. The~~
10 ~~notification to the applicant shall also include~~ **UNDER SUBSECTION**
11 **(5). THE NOTIFICATION SHALL ALSO INCLUDE** any required mitigation
12 for the vegetation to be managed and all conditions and
13 requirements associated with the issuance of the permit. The permit
14 fee ~~shall be \$300.00,~~ **IS \$500.00,** except that in special and unique
15 situations and circumstances where the department incurs additional
16 costs directly attributable to the approval of the permit, a fee
17 greater than ~~\$300.00~~ **\$500.00** adequate for the recovery of
18 additional costs may be assessed. **BEGINNING OCTOBER 1, 2013, THE**
19 **DEPARTMENT SHALL ANNUALLY ADJUST THE PERMIT FEE TO ENSURE THAT THE**
20 **FEE COVERS THE TOTAL COST OF ISSUING THE PERMIT AND THE COST OF ALL**
21 **DEPARTMENTAL RESPONSIBILITIES ASSOCIATED WITH THE PERMIT. THE**
22 **DEPARTMENT SHALL NOT INCREASE THE PERMIT FEE BY AN ANNUAL**
23 **PERCENTAGE AMOUNT GREATER THAN THE CONSUMER PRICE INDEX.** Upon
24 receipt of the permit fee, payment for the value of the vegetation,
25 and compliance with MDOT conditions and requirements, the
26 department shall issue the permit. **A VEGETATION MANAGEMENT PERMIT**
27 **ISSUED UNDER THIS SECTION IS VALID FOR 5 YEARS AFTER THE DATE THE**

1 PERMIT IS ISSUED. AN APPLICANT MAY MANAGE VEGETATION AS PRESCRIBED
2 IN THE VEGETATION MANAGEMENT PERMIT THROUGHOUT THE 5-YEAR PERIOD
3 THAT THE PERMIT IS VALID BY PROVIDING PROPER NOTICE TO THE
4 DEPARTMENT AND COMPLYING WITH ALL CONDITIONS AND REQUIREMENTS OF
5 THE DEPARTMENT. AN APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS TO
6 ACCESS THE RIGHT-OF-WAY OF A HIGHWAY IF REQUIRED BY OTHER LAWS OF
7 THIS STATE.

8 (5) THE DEPARTMENT SHALL ANNUALLY DEVELOP AND PUBLISH A
9 REPLACEMENT COST SCHEDULE FOR TREES AND SHRUBS TO BE REMOVED UNDER
10 A VEGETATION MANAGEMENT PERMIT. THE REPLACEMENT COST SCHEDULE SHALL
11 SPECIFY THE SIZE, NUMBER, TYPE, AND COST OF REPLACEMENT TREES TO BE
12 PAID FOR BY AN APPLICANT BASED ON THE DIAMETER AT BREAST HEIGHT FOR
13 EACH TREE THAT IS REMOVED AND A CONVERSION FACTOR DETERMINED BY THE
14 DEPARTMENT FOR THE NUMBER OF REPLACEMENT TREES REQUIRED FOR ANY
15 SHRUBS THAT ARE REMOVED. THE TOTAL COST SHALL BE BASED ON THE
16 DEPARTMENT'S TOTAL COST FOR PLANTING TREES ACCORDING TO THE MOST
17 RECENT VERSION OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION USED
18 BY THE DEPARTMENT AND THE EXPECTED COST OF PLANTS, LABOR, AND
19 MATERIALS REQUIRED TO INSTALL AND ESTABLISH PLANTS FOR THAT YEAR.
20 AS AN ALTERNATIVE, THE DEPARTMENT AND THE APPLICANT MAY AGREE THAT
21 THE DEPARTMENT WILL DEVELOP THE VALUE OF THE VEGETATION TO BE
22 TRIMMED OR REMOVED USING THE MOST RECENT VERSION OF THE
23 INTERNATIONAL SOCIETY OF ARBORICULTURE'S GUIDE FOR PLANT APPRAISAL
24 AND THE CORRESPONDING MICHIGAN TREE EVALUATION SUPPLEMENT TO THE
25 GUIDE FOR PLANT APPRAISAL PUBLISHED BY THE MICHIGAN FORESTRY AND
26 PARK ASSOCIATION. THE DEPARTMENT MAY USE ANOTHER OBJECTIVE
27 AUTHORITATIVE GUIDE IN CONSULTATION WITH REPRESENTATIVES OF THE

1 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES IF EITHER
2 THE GUIDE OR THE SUPPLEMENT HAS NOT BEEN UPDATED IN MORE THAN 5
3 YEARS. THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF THE
4 OUTDOOR ADVERTISING INDUSTRY AND OTHER INTERESTED PARTIES, MAY
5 DEVELOP A VALUE SCHEDULE FOR VEGETATION.

6 (6) ~~(4)~~ Subject to the ~~provisions of this subsection~~, a permit
7 to manage vegetation shall provide for a minimum of 5 seconds of
8 continuous, clear, and unobstructed view of the billboard face
9 based on travel at the posted speed as measured from the point
10 directly adjacent to the point of the billboard closest to the
11 highway. The department and the applicant may enter into an
12 agreement, at the request of the applicant, identifying the
13 specific location of the continuous, clear, and unobstructed view
14 within the billboard viewing zone. The specific location may begin
15 at a point anywhere within the billboard viewing zone but shall
16 result in a continuous, clear, and unobstructed view of not less
17 than 5 seconds. An applicant shall apply for a permit that
18 minimizes the amount of vegetation to be managed for the amount of
19 viewing time requested. Applications for vegetation management that
20 provide for greater than 5 seconds of continuous, clear, and
21 unobstructed viewing at the posted speed as measured from a point
22 directly adjacent to the point of the billboard closest to the
23 highway shall not be rejected based solely upon the application
24 exceeding the 5-second minimum. For billboards spaced less than 500
25 feet apart, vegetation management, when permitted, shall provide
26 for a minimum of 5 seconds of continuous, clear, and unobstructed
27 view of the billboard face based on travel at the posted speed or

1 the distance between the billboard and the adjacent billboard,
 2 whichever is less, **FOR THE PURPOSE OF MAKING THE BILLBOARD MORE**
 3 **VISIBLE. THE DEPARTMENT SHALL NOT AUTHORIZE THE TRIMMING OR REMOVAL**
 4 **OF VEGETATION IN THE MEDIAN OF A HIGHWAY.**

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

11 (8) ~~(6)~~—If no suitable alternative exists or the applicant is
 12 unable to provide acceptable mitigation, the department may deny an
 13 application or provide a limited permit to manage vegetation ~~when~~
 14 ~~it can be demonstrated that~~ **IF** 1 or more of the following
 15 situations exist:

16 (a) The vegetation management would have an adverse impact on
 17 safety.

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

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

22 (d) The applicant does not have the approval of the owner of
 23 the property.

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

26 (f) Vegetation would be managed for a newly constructed
 27 billboard or vegetation existed that obscured the billboard or

1 would have obscured the billboard before it was constructed. In
 2 denying an application or providing a limited permit, the
 3 department shall consider previous vegetation management that was
 4 allowed at the billboard site.

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

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

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

14 (9) ~~(7)~~ If the department denies an application or issues a
 15 limited permit under this ~~subsection,~~ **SECTION**, the department shall
 16 provide a specific rationale for denying an application or
 17 approving a limited permit.

18 (10) ~~(8)~~ No later than ~~30~~ **45** days after receiving a denial or
 19 a limited permit under subsection ~~(6),~~ **(8)**, an applicant may
 20 request ~~the~~ review and reconsideration of the denial or limited
 21 permit. The applicant shall submit its request in writing on a form
 22 as determined by the department. The applicant shall state the
 23 specific item or items for which review and reconsideration are
 24 being requested. An applicant who received a limited permit may
 25 manage vegetation in accordance with that permit during the review
 26 and reconsideration period.

27 (11) ~~(9)~~ No later than 90 days after January 1, 2007, the **THE**

1 department shall develop **AND MAINTAIN** a procedure for review and
2 reconsideration of applications that are denied or that result in
3 the issuance of a limited permit. This procedure shall include at
4 least 2 levels of review and provide for input from the applicant.
5 The review period shall not exceed 120 days. The department shall
6 consult with all affected and interested parties, including, but
7 not limited to, representatives of the outdoor advertising
8 industry, in the development of this procedure.

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

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

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

27 ~~— (13) The department shall prepare an annual report for~~

~~submission to the legislature regarding the vegetation management undertaken pursuant to this section. At a minimum, this report shall include all of the following items:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (14) The report in subsection (13) shall contain a summary for the entire state and report in detail for each department region.~~

~~The department shall provide the report to the legislature for review no later than 90 days following the completion of each fiscal year. The reporting deadline for the initial report is 18 months after January 1, 2007.~~

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

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

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

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

(16) If the department alleges that a person has trimmed or removed more trees or shrubs than the permit authorizes, then the department shall notify the person of its intent to seek ~~any~~ 1 or more of the penalties provided in subsection (15). The notification shall be in writing and delivered via United States certified mail, and shall detail the conduct the department alleges constitutes a violation of subsection (15), **AND** shall indicate ~~what~~ **THE** penalties the department ~~will be~~ **IS** seeking under subsection (15). ~~, and~~

1 **NOTIFICATION** shall occur within 30 days ~~of~~ **AFTER** the filing of the
 2 completion order for the trimming or removal of trees or shrubs the
 3 department alleges violated the permit. Any allegation by the
 4 department that a person has trimmed or removed more trees or
 5 shrubs than the permit authorizes ~~shall be~~ **IS** subject to the
 6 appeals process contained in subsections ~~(8), (9), and (10),~~ **(11),**
 7 **AND (12).**

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

9 (a) "Billboard viewing zone" means the ~~1,000-foot~~ **750-FOOT**
 10 area measured at the pavement edge of the main-traveled way closest
 11 to the billboard having as its terminus the point of the right-of-
 12 way line immediately adjacent to the billboard **EXCEPT THAT, FOR A**
 13 **LOCATION WHERE A VEGETATION PERMIT HAS BEEN GRANTED WITHIN THE 5**
 14 **YEARS PRIOR TO THE EFFECTIVE DATE OF THE 2013 AMENDATORY ACT THAT**
 15 **AMENDED THIS SUBDIVISION, THE BILLBOARD VIEWING ZONE INCLUDES THE**
 16 **AREA SUBJECT TO THE VEGETATION PERMIT.**

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

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

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

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

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

15 (c) For signs erected after March 23, 1999, signs on a sign
16 structure shall not be stacked 1 on top of another. For signs
17 erected prior to March 23, 1999, the sign or sign structure shall
18 not be modified to provide a sign or sign structure that is stacked
19 1 on top of another.

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

25 **(3) A SINGLE SIGN FACE MAY CONSIST OF NOT MORE THAN 2 SMALLER**
26 **SIGN FACES IF ALL OF THE FOLLOWING ARE SATISFIED:**

27 **(A) EACH SIGN FACE IS EQUAL IN SIZE.**

1 (B) EACH SIGN FACE IS LEGALLY PERMITTED UNDER THIS ACT.

2 (C) EACH SIGN FACE DOES NOT EXCEED 350 SQUARE FEET IN AREA.

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

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

11 (3) A SIGN UTILIZING A DIGITAL BILLBOARD PERMIT SHALL NOT BE
12 CLOSER THAN 1,500 FEET TO ANOTHER SIGN UTILIZING A DIGITAL
13 BILLBOARD PERMIT ON EITHER SIDE OF THE HIGHWAY FACING THE SAME
14 DIRECTION OF ONCOMING TRAFFIC.

15 (4) ~~(3) The provisions of this~~ **THIS** section ~~do~~ **DOES** not apply
16 to signs separated by a building or other visual obstruction in
17 such a manner that only 1 sign located within the spacing distances
18 is visible from the highway at any time, provided that the building
19 or other visual obstruction has not been created for the purpose of
20 visually obstructing either of the signs at issue.

21 (5) ~~(4)~~ Along interstate highways and freeways located outside
22 of incorporated municipalities, a sign structure shall not be
23 permitted adjacent to or within 500 feet of an interchange, an
24 intersection at grade, or a safety roadside rest area. The 500 feet
25 shall be measured from the point of beginning or ending of pavement
26 widening at the exit from, or entrance to, the main-traveled way.

27 (6) ~~(5)~~ Official signs as described in section 13(1)(a) and

1 on-premises signs shall not be counted ~~nor shall~~ **AND** measurements
 2 **SHALL NOT** be made from them for purposes of determining compliance
 3 with the spacing requirements ~~provided~~ in this section.

4 (7) ~~(6) The~~ **EXCEPT AS PROVIDED IN SUBSECTION (3), THE** spacing
 5 requirements ~~provided~~ in this section apply separately to each side
 6 of the highway.

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

10 (9) ~~(8) A~~ sign that was erected in compliance with the spacing
 11 requirements of this section that were in effect at the time when
 12 the sign was erected, but ~~which~~ **THAT** does not comply with the
 13 spacing requirements of this section after March 23, 1999, ~~shall~~
 14 ~~not be considered~~ **IS NOT** unlawful ~~as that term is used in~~ **UNDER**
 15 section 22.

16 (10) ~~(9) Along an interstate highway , where the interstate~~
 17 ~~highway~~ **THAT** is designated by 1 letter and 3 numbers ~~, and the~~
 18 ~~interstate highway is located in a county with a population of less~~
 19 ~~than 211,000 but more than 175,000, as determined by the most~~
 20 ~~recent federal decennial census, an existing sign structure that~~
 21 ~~was erected prior to the date of the amendatory act that added this~~
 22 ~~subsection~~ **MARCH 24, 2011** shall not be closer than 900 feet to
 23 another sign structure on the same side of the highway.

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

27 **SEC. 17A. (1) A NONCONFORMING SIGN MAY CONTINUE TO EXIST AS**

1 LONG AS IT IS NOT A DESTROYED, ABANDONED, OR PROHIBITED SIGN. A
2 NONCONFORMING SIGN THAT HAS NOT DISPLAYED AN ADVERTISING MESSAGE
3 FOR MORE THAN 1 YEAR SHALL BE CONSIDERED AN ABANDONED SIGN.

4 (2) A SIGN OWNER MAY PERFORM CUSTOMARY MAINTENANCE AND REPAIR
5 OF A NONCONFORMING SIGN. THE ANNUAL COST OF THE CUSTOMARY
6 MAINTENANCE AND REPAIR SHALL NOT EXCEED 40% OF THE REPLACEMENT COST
7 OF A NEW SIGN STRUCTURE.

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

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

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

22 (A) INCREASING THE OVERALL HEIGHT OF THE EXISTING SIGN
23 STRUCTURE.

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

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

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

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

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

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

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

SEC. 17B. (1) THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A PROPERTY OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN OWNER HAS A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR HER PROPERTY SHALL NOT CROSS A LIMITED ACCESS RIGHT-OF-WAY TO ERECT OR MAINTAIN A SIGN.

(2) THE DEPARTMENT SHALL NOT ISSUE A PERMIT TO CROSS A LIMITED

1 ACCESS RIGHT-OF-WAY FOR PURPOSES OF ERECTING OR MAINTAINING A SIGN
2 TO THE OWNER OF A SIGN, AGENT OF THE OWNER OF A SIGN, OR A PROPERTY
3 OWNER OR THE AGENT OF A PROPERTY OWNER WITH WHOM THE SIGN OWNER HAS
4 A CONTRACTUAL RELATIONSHIP TO MAINTAIN THE SIGN ON HIS OR HER
5 PROPERTY.

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

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

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

16 Sec. 18. The following signs or sign structures are
17 prohibited:

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

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

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

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

1 (E) THOSE THAT ARE ERECTED OR MAINTAINED UPON PROPERTY IN
2 WHICH THE DEPARTMENT HAS A PROPERTY INTEREST EXCEPT WHERE OTHERWISE
3 ALLOWED UNDER THIS ACT OR STATE OR FEDERAL LAW.

4 (F) THOSE THAT ARE ERECTED OR MAINTAINED IN AN ADJACENT AREA
5 ALONG A FEDERALLY DESIGNATED SCENIC BYWAY THAT DID NOT EXIST PRIOR
6 TO THE DESIGNATION AS A SCENIC BYWAY.

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

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

27 (I) ~~(g)~~ Signs ~~found to be in violation of subdivision (f)~~ **(H)**

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