

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016**

Introduced by Senator Casperson

# ENROLLED SENATE BILL No. 953

AN ACT to amend 1972 PA 106, entitled “An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts,” by amending sections 2, 3, 4, 6, 7a, 7b, 17, 17a, 19, and 20 (MCL 252.302, 252.303, 252.304, 252.306, 252.307a, 252.307b, 252.317, 252.317a, 252.319, and 252.320), sections 2, 4, 6, 7a, and 17 as amended and sections 7b and 17a as added by 2014 PA 2, sections 3 and 19 as amended by 2006 PA 448, and section 20 as added by 1998 PA 464.

*The People of the State of Michigan enact:*

Sec. 2. As used in this act:

(a) “Abandoned or discontinued 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.

(b) “Adjacent area” means the area measured from the nearest edge of the right-of-way of an interstate highway, freeway, or primary highway and, in urbanized areas, extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line or, outside of urbanized areas, extending perpendicularly to the limit where a sign is visible and then along a line parallel to the right-of-way line.

(c) “Annual permit” means a permit for a billboard under this act.

(d) “Billboard” means a sign separate from a premises erected for the purpose of advertising a product, event, person, or subject not related to the premises on which the sign is located. Billboard does not include an off-premises directional sign.

(e) “Business area” means an adjacent area that is zoned by a state, county, township, or municipal zoning authority for industrial or commercial purposes, customarily referred to as “b” or business, “c” or commercial, “i” or industrial, “m” or manufacturing, and “s” or service, and all other similar classifications and that is within a city, village, or charter township or is within 1 mile of the corporate limits of a city, village, or charter township or is beyond 1 mile of the corporate limits of a city, village, or charter township and contains 1 or more permanent structures devoted to the industrial or commercial purposes described in this subdivision and that extends along the highway a distance of 800 feet beyond each edge of the activity. Business area includes an adjacent area that is zoned by a state, county, city, village, township, or charter township zoning authority as part of a comprehensive land development project or planned unit development in which commercial or industrial activity is allowed, but does not include an adjacent area that is not along an interstate highway, freeway, primary highway, or other regulated route. Each side of the highway is considered separately in applying this definition except that where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of a business area on both sides of the highway.

As used in this subdivision, “permanent structure devoted to industrial or commercial purposes” includes a school building or a high school building, including an athletic field or facility, that is located on public school property and used for instructional or noninstructional school purposes. All measurements shall be from the outer edge of the regularly used building, parking lot, or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities are not commercial or industrial:

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

(ii) Transient or temporary activities.

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

(iv) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for the activities in subparagraph (i).

(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 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 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 a new sign structure constructed of equivalent materials and equipment. 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 billboard that is renewable on an annual basis.

(j) “Directional sign” means a sign that contains only directional information regarding and the identification of 1 of the following:

(i) A public or private activity or attraction that is owned or operated by the federal or a state or local government or an agency of the federal or a state or local government.

(ii) A publicly or privately owned natural phenomenon or a historic, cultural, scientific, educational, or religious site.

(iii) An area that is in the interest of the traveling public, if the area is of natural scenic beauty or is naturally suited for outdoor recreation.

(k) “Embedded electronic message device” means an accessory that is made part of a sign, sign face, or sign structure with a total area that is less than that of the sign face to which it is attached, and displays only static messages containing text or numbers that are directly associated with the current advertiser. Embedded electronic message device does not include a digital billboard or a device that displays graphics other than messages containing text or numbers.

(l) “Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(m) “Existing vegetation” means trees, bushes, and ground cover that the department intends to maintain and that are at least the same size as similar vegetation that the department would customarily install and maintain or allow to be installed and maintained as part of a roadside management plan, roadside management project, or landscaping project.

(n) “Freeway” means a divided highway of not less than 2 lanes in each direction to which owners or occupants of abutting property or the public do not have a right of ingress or egress to, from, or across the highway, except at points determined by or as otherwise provided by the authorities responsible for the freeway.

(o) “Incorporated municipality” means a city, village, or charter township.

(p) “Index” means the Detroit consumer price index for all urban consumers published by the United States Bureau of Labor Statistics or, if that index ceases to be published by the United States Bureau of Labor Statistics, the published index that most closely measures inflation, as determined by the department.

(q) “Interim permit” means a permit that can be utilized by the applicant to construct a sign structure that is visible from a freeway, interstate, or primary highway.

(r) “Interstate highway” means a highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the federal government under 23 USC 103.

(s) “Location” means a place where a sign structure subject to this act is located.

(t) “Main-traveled way” means the traveled way of a highway on which through traffic is carried. Main-traveled way includes the traveled way of each of the separate roadways for traffic in opposite directions on a divided highway. Main-traveled way does not include facilities such as frontage roads, turning roadways, or parking areas.

(u) “Maintain” means to allow to exist and includes the periodic changing of advertising messages, and customary maintenance and repair of signs and sign structures.

(v) “Nationally known” means an activity or attraction that is all of the following:

(i) An active part of a national advertising promotion.

(ii) Listed on a national register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Listed in national travel guides.

(v) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

(w) “Nonconforming sign” means a sign or sign structure, other than a nonstandard sign or a sign that is erected and maintained in a business area along a scenic byway prior to the designation as a scenic byway, that satisfies 1 of the following:

(i) Was legally erected before March 31, 1972 but a permit for the sign or sign structure could not be legally issued under the current provisions of this act.

(ii) Is a sign or sign structure regulated under this act for which a permit was legally issued after March 31, 1972 but a permit for the sign or sign structure could not be legally issued under the current provisions of this act.

(x) “Nonstandard sign” means a sign or sign structure other than a nonconforming sign, that is subject to this act, for which a permit was legally issued under this act before March 23, 1999, is not a nonconforming sign, and does not comply with the spacing requirements in section 17(1) or (2), but otherwise complies with this act.

(y) “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. If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity conducted or maintained on the property, or if the sign brings rental income to the property owner or sign owner, it shall be considered the business of outdoor advertising and not an on-premises sign. On-premises sign does not include a sign on a narrow strip of land contiguous to the advertised activity, or a sign on an easement on adjacent property, when the purpose is clearly to circumvent the intent of this act.

(z) “Person” means any individual, partnership, private association, or corporation, state, county, city, village, township, charter township, or other public or municipal association or corporation.

(aa) “Primary highway” means a highway other than an interstate highway or freeway that is a regulated route.

(bb) “Public school property” means property located along an interstate highway, freeway, primary highway, or other regulated route that, on or before December 31, 2016, is owned or leased by the governing board of a public school or property located along an interstate highway, freeway, primary highway, or other regulated route that, on or before December 31, 2016, is owned or leased by a foundation owned or managed by the governing board of a public school.

(cc) “Regionally known” means an activity or attraction that is all of the following:

(i) Known throughout this state or the peninsula of this state in which the activity or attraction is located and in 1 or more states adjoining this state.

(ii) Listed on a state register, if applicable.

(iii) Staffed and maintains a register of visitors.

(iv) Organized to provide information or conducted tours for a significant portion of the year, or for at least 3 months if the activity or attraction is seasonal in nature.

(dd) “Regulated route” means an interstate highway, freeway, or primary highway required to be regulated under 23 USC 131 and any other route that is required to be regulated or may become required to be regulated by the department under this act or another state or federal statute or legal requirement.

(ee) “Religious organization sign” means a sign, not larger than 8 square feet, that gives notice of religious services.

(ff) “Scenic byway” means a regulated route that is required to be regulated as a scenic byway under 23 USC 131.

(gg) “Secondary highway” means a state secondary road or county primary road.

(hh) “Service club sign” means a sign, not larger than 8 square feet, that gives notice about nonprofit service clubs or charitable associations.

(ii) “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, that is designed, intended, or used to advertise or inform.

(jj) “Sign structure” means the assembled components that make up an outdoor advertising display, including, but not limited to, uprights, supports, facings, and trim. A sign structure may contain 1 or 2 signs per facing and may be double-faced, back to back, T-type, or V-type.

(kk) “Tobacco product” means any tobacco product sold to the general public and includes, but is not limited to, cigarettes, tobacco snuff, and chewing tobacco.

(ll) “Trivision sign” means a sign or sign structure that uses mechanical means to display more than 1 message in sequence.

(mm) “Unzoned commercial or industrial area” means an area that is within an adjacent area, that is not zoned by state or local law, regulation, or ordinance, or public school property that is subject to jurisdiction conferred under section 1263(3) of the revised school code, 1976 PA 451, MCL 380.1263, that contains 1 or more permanent structures devoted to the industrial or commercial purposes described in subdivision (e), and that extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except that where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, an unzoned commercial or industrial area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned area with the approval of the state highway commission. A permanent structure devoted to industrial or commercial purposes does not result in the establishment of an unzoned commercial or industrial area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot, or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally restricted to commercial or industrial zones in jurisdictions that have zoning. In addition, the following activities are not commercial or industrial:

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

(ii) Transient or temporary activities.

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

(iv) Activities conducted in a building principally used as a residence, or in a building located on property that is used principally for residential purposes or for the activities in subparagraph (i).

(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 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 for rent by the public.

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

(nn) “Visible” means a sign that has a message that is capable of being seen by an individual of normal visual acuity when traveling in a motor vehicle.

Sec. 3. To promote the reasonable, orderly, and effective display of outdoor advertising, to improve and enhance scenic beauty consistent with 23 USC 131, and to limit and reduce the illegal possession and use of tobacco by minors, the legislature finds it appropriate to regulate and control outdoor advertising and outdoor advertising as it pertains to tobacco adjacent to the streets, roads, highways, and freeways within this state and that outdoor advertising serves a public need as a legitimate accessory commercial use of private property, an integral part of the marketing function, and an established segment of the economy of this state.

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

(a) A county, city, village, township, or charter township may enact ordinances to regulate and control the operation, size, lighting, and spacing of signs and sign structures but shall not permit a sign or sign structure that is otherwise prohibited by this act or require or cause the removal of lawfully erected signs or sign structures subject to this act without the payment of just compensation. A sign owner shall apply for an annual permit pursuant to section 6 for each sign to be maintained or to be erected within that county, city, village, charter township, or township. A sign erected or maintained within that county, city, village, township, or charter township shall also comply with all applicable provisions of this act. An ordinance or code adopted by a county, city, village, township, or charter township that regulates the operation, size, lighting, or spacing of signs and sign structures and that is more stringent than the laws of this state is not made void by this act.

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

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

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

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

Sec. 6. (1) A sign owner shall apply for an annual permit on a form prescribed by the department for each sign or sign structure to be maintained or erected in an adjacent area where the facing of the sign or sign structure is visible from a regulated route. The form shall require the name and business address of the applicant, the name and address of the owner of the property on which the sign or sign structure is to be located, the date the sign or sign structure, if currently maintained, was erected, the zoning classification of the property, a precise description of where the sign or sign structure is or will be situated and a certification that the sign or sign structure is not prohibited by section 18(a), (b), (c), or (d) and that the sign or sign structure does not violate any provisions of this act. The sign permit application shall include a statement signed by the owner of the land on which the sign or sign structure is to be placed, acknowledging that no trees or shrubs in the adjacent highway right-of-way may be removed, trimmed, or in any way damaged or destroyed without the written authorization of the department. Except as otherwise provided in this subsection, the department may require documentation to verify the zoning classification of the property, the consent of the land owner, and any other matter considered essential to the evaluation of compliance with this act. A sign owner shall apply for a separate annual permit for each sign or sign structure for each regulated route subject to this act from which the facing of the sign or sign structure is visible.

(2) The owner of a sign or sign structure shall apply for an annual permit for each sign or sign structure that becomes subject to the permit requirements of this act because of a change in highway designation or other reason not within the control of the sign owner within 2 months after receiving notice from the department that the sign or sign structure is subject to the permit requirements of this act. Both of the following apply to an annual permit issued under this subsection:

(a) The annual permit is not subject to section 7a.

(b) The annual permit may not be surrendered for an interim permit under section 7a(3).

(3) Except as otherwise provided in this subsection, in addition to an annual permit under subsection (1), a sign owner shall apply for and the department shall issue a digital billboard permit for each digital billboard that is not a nonconforming sign and that meets the requirements of section 17(3) to be maintained or erected in an adjacent area where the facing of the sign or sign structure is visible from a regulated route. The information provided by an applicant

under this subsection shall be on a form prescribed by the department. A sign owner shall apply for a separate digital billboard permit for each sign or sign structure allowed under section 17(3) for each regulated route from which the facing of the sign or sign structure is visible. The owner of a sign or sign structure shall apply for a digital billboard permit for each digital billboard that becomes subject to the permit requirements of this act because of a change in highway designation or other reason not within the control of the sign owner within 2 months after receiving notice from the department that the sign or sign structure is subject to the permit requirements of this act. Both of the following apply to a digital billboard permit issued under this subsection:

(a) The digital billboard permit is not subject to section 7a.

(b) The digital billboard permit may not be surrendered for an interim permit under section 7a(3).

(4) Notwithstanding any other provision of this act, the owner of a digital billboard that was legally erected, or who applied for a digital billboard permit before August 1, 2015 that was revoked or denied, may apply for, and the department shall issue, a digital billboard permit. A digital billboard permitted under this subsection or subsection (5) is exempt from section 17(3), and the department shall not require any form of consideration for a digital billboard permitted under this subsection or subsection (5) other than payment of the appropriate application fee and annual renewal fees as required under this act.

(5) Notwithstanding any other provision of this act, if, on or before January 1, 2016, an individual has obtained location approval from the department and approval from the local unit of government having jurisdiction of that location to convert an existing billboard to a digital billboard, he or she shall apply for, and the department shall issue, a digital billboard permit.

(6) Both of the following apply to the owner of a nonstandard sign:

(a) In addition to an annual permit under subsection (1), the owner of a nonstandard sign may apply for a digital billboard permit to erect and maintain a digital billboard on a nonstandard sign by applying for a digital billboard permit on a form prescribed by the department, paying the required fee, and surrendering 3 interim permits to the department. The owner of a nonstandard sign seeking a digital billboard permit under this subsection shall apply for a separate digital billboard permit for each sign or sign structure for each regulated route from which the facing of the sign or sign structure is visible, but shall not be required to surrender more than a total of 3 interim permits.

(b) Except as otherwise provided in this subdivision, beginning on January 30, 2014 and ending January 30, 2015, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under subdivision (a), the owner shall not be required to surrender 3 interim permits. This subdivision only applies to signs located in a county having a population of not less than 750,000. The spacing requirements under section 17(4) apply to the first 8 nonstandard signs for which the owner applies for a digital billboard permit under subdivision (a). The January 30, 2015 deadline described in this subdivision shall be extended for an owner who has applied for a digital billboard permit under this section and has applied for, but not yet received, approval from a local unit of government having jurisdiction of the location upon which he or she seeks to erect a digital billboard. The extension described in this subdivision shall be for an amount of time equal to the amount of time that elapsed between the date of application for approval to the local unit of government and the date approval is granted by the local unit of government. For purposes of this subdivision, a 2-sided sign or sign structure that was erected on or before January 30, 2014 shall be treated as a single sign or sign structure and the owner shall not be required to surrender more than 3 interim permits under this subdivision. An owner may reapply for a digital billboard permit that he or she previously applied for and was either denied or revoked before January 1, 2016. Upon a reapplication described in this subdivision, the department shall issue a digital billboard permit to the owner if the owner is in compliance with the other requirements of this subsection.

Sec. 7a. (1) Except as otherwise provided in this section, section 6(2)(a), and section 7b, the department shall not issue an annual permit for a new sign on or after January 1, 2007.

(2) A permit issued by the department before January 1, 2007 remains in force and valid.

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

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

(b) The holder of the permit surrenders the permit to the department upon the removal of a sign structure that has a valid permit under this act.

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

(d) The department verifies that the sign structure has been removed or the removal has been deemed effective under this section.

(4) An interim permit issued under this section shall only be utilized for the construction of a sign structure and shall remain in effect without expiration with fees renewed on an annual basis. A sign erected using an interim permit shall not be closer than 1,000 feet to another sign structure on the same side of the highway along interstate highways and freeways or closer than 500 feet to another sign structure on the same side of the highway along primary highways. An

interim permit shall not be used to erect a sign in a location where existing vegetation is greater than 8 feet tall or where existing vegetation was removed without the department's permission.

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

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

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

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

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

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

(11) The department may issue a permit for a new sign structure that measures no more than 8 square feet for service club signs or religious organization signs.

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

(13) Notwithstanding anything in this act to the contrary, the department may issue a permit for an existing sign that advertises a product, service, or retail business that is owned and operated by the sign owner if the location for the sign meets all existing requirements of this act, or if the sign is an existing nonconforming sign that advertises a product, service, or retail business that is owned and operated by the sign owner and the sign owner held an original permit for that sign on January 1, 2007.

(14) A permit issued under subsection (13) is not transferable and is not eligible to be surrendered for an interim permit.

(15) Notwithstanding anything in this act to the contrary, the department may issue a permit for a sign that is no more than 150 square feet in size and that advertises a product, service, attraction, destination, or retail business that is owned and operated or served by the sign owner, if the sign meets all other requirements of this act. A permit issued under this subsection is not transferable and is not eligible to be surrendered for an interim permit. The department shall not issue more than 4 permits under this subsection to an attraction, destination, or retail business.

(16) Both of the following apply to the owner of an existing sign or sign structure whose permit was canceled due to nonpayment of renewal fees:

(a) He or she may apply for a new annual permit by submitting an application for a new annual permit and surrendering an interim permit, or pay a penalty of \$500.00.

(b) No later than 180 days after notice is sent under section 7(4)(a), the owner of an existing sign or sign structure whose permit expired 1 year or less after the date his or her renewal fee was due because of nonpayment of renewal fees may apply for a new annual permit by submitting an application for a new annual permit and surrendering 1 interim permit per sign, but shall not be required to submit more than 1 interim permit per sign structure, or pay a fee of \$500.00.

Sec. 7b. (1) Notwithstanding anything in this act to the contrary, the department may issue a permit for a directional sign for a publicly or privately owned activity or attraction that is nationally known or regionally known, that is of outstanding interest to the traveling public, and that is generally considered to be 1 of the following:

- (a) A natural phenomenon.
- (b) A scenic attraction.
- (c) A historic, educational, cultural, scientific, or religious site.
- (d) An outdoor recreational area.

(2) A permit issued under this section is exempt from section 7a, is not transferable, and is not eligible to be surrendered for an interim permit.

(3) A permit issued under this section shall be for a sign that is no larger than 150 square feet in size, no more than 20 feet high, and no more than 20 feet long, including border and trim and excluding supports.

(4) A sign for which a permit is issued under this section shall not be any of the following:

(a) Closer than 2,000 feet to an interchange, rest area, park land, scenic area, or intersection at-grade along the interstate system, a freeway, or a primary highway, as measured from the nearest point of the beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.

(b) Closer than 1 mile to another directional sign on either side of the road facing the same direction.

(c) Located adjacent to a regulated route at a distance greater than 50 air miles from the activity or attraction.

(5) The department shall not issue a permit under this section if there are more than 3 signs identifying the same activity or attraction facing the same direction on either side of the road along a single regulated route approaching the activity or attraction.

(6) The message displayed on a sign for which a permit is issued under this section shall only identify the activity or attraction and directional information useful to the traveler in locating the activity or attraction, including mileage, route numbers, website address and telephone number of the activity or attraction, and exit numbers. The message displayed on a sign for which a permit is issued under this section shall not include descriptive words or phrases or pictorial or photographic representations of the activity or attraction or the surrounding area.

Sec. 17. (1) Except as otherwise provided in subsections (10) and (11), along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected or maintained closer than 1,000 feet to another sign structure on the same side of the highway.

(2) Along primary highways, a sign structure shall not be erected or maintained closer than 500 feet to another sign structure.

(3) Except as otherwise provided in subsection (4), a sign utilizing a digital billboard permit shall not be closer than 1,750 feet to another sign utilizing a digital billboard permit on either side of the highway facing the same direction of oncoming traffic.

(4) Beginning on January 30, 2014 and ending January 30, 2015, for the first 8 nonstandard signs for which the owner applies for a digital billboard permit under section 6(6)(a) without having to surrender 3 interim permits as provided under section 6(6)(b), each sign shall not be closer than 1,000 feet to another sign using a digital billboard permit on either side of the highway facing the same direction of traffic. This subsection only applies to signs located in a county having a population of not less than 750,000.

(5) This section does not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time, provided that the building or other visual obstruction has not been created for the purpose of visually obstructing either of the signs at issue.

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

(7) Official signs as described in section 13(1)(a) and on-premises signs shall not be counted and measurements shall not be made from them for purposes of determining compliance with the spacing requirements in this section.

(8) Except as provided in subsection (3), the spacing requirements in this section apply separately to each side of the highway.

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

(10) A sign that was erected in compliance with the spacing requirements of this section that were in effect at the time when the sign was erected, but that does not comply with the spacing requirements of this section after March 23, 1999, is not unlawful under section 22.

(11) Along an interstate highway that is designated by 1 letter and 3 numbers and located in a county with a population of less than 211,000 but more than 175,000, an existing sign structure that was erected prior to March 24, 2011 shall not be closer than 900 feet to another sign structure on the same side of the highway.

(12) Nothing in this section shall be construed to cause a sign for which a permit was legally issued under this act prior to March 23, 1999 to be defined as a nonconforming sign.

Sec. 17a. (1) A nonconforming sign may continue to exist as long as it is not a destroyed, abandoned, discontinued, or prohibited sign. A nonconforming sign that has not displayed an advertising message for more than 1 year shall be considered an abandoned sign.

(2) A sign owner may perform customary maintenance and repair of a nonconforming sign. The annual cost of the customary maintenance and repair shall not exceed 40% of the replacement cost of the nonconforming sign.



(3) A sign owner may perform customary maintenance and repair of a nonconforming sign that is damaged as a result of storm, fire, or casualty. Customary maintenance and repair of a nonconforming sign that is damaged as a result of storm, fire, or casualty shall not exceed 60% of the replacement cost of the nonconforming sign. The 60% limitation in this subsection does not apply if the damage to the nonconforming sign is caused by vandalism or a negligent act of a person other than the sign owner.

(4) A nonconforming sign owner may not take any action that places this state out of compliance with federal statutes, published rules, regulations, or the federal-state agreement on outdoor advertising.

(5) A nonstandard sign may continue to exist and a sign owner may perform any action to a nonstandard sign that is allowed under this act, except for the following:

(a) Increasing the overall height of an existing sign structure. This subdivision does not apply to a nonstandard sign that is located in a county having a population of 750,000 or more.

(b) Increasing the total square footage of a sign face to a size greater than its original square footage.

(c) Increasing the number of sign faces to more than 2.

(6) As used in this section:

(a) "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. All of the following apply to customary maintenance and repair:

(i) Customary maintenance and repair does not include any of the following:

(A) Enlargement of the sign or sign structure. As used in this sub-subparagraph, "enlargement of the sign or sign structure" does not include either of the following:

(I) The installation of a temporary copy enhancement.

(II) The installation of an embedded message device, if the installation is not prohibited by federal statute or a rule promulgated by the federal highway administration.

(B) Except as otherwise provided in this subdivision, 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.

(E) Electrification of the sign or sign structure.

(ii) Notwithstanding any other provision of this act, customary maintenance and repair includes a modification to a sign or sign structure that was completed prior to January 1, 2007, other than electrification, conversion to a digital billboard, or conversion to a trivision sign. Customary maintenance and repair includes the reversal of electrification, conversion to a digital billboard, or conversion to a trivision sign if the electrification, conversion to a digital billboard, or conversion to a trivision sign was completed before January 1, 2007.

(b) "Replacement cost" means the total sum of the costs incurred to erect a new replacement sign or sign structure with equivalent materials and equipment at current market prices.

Sec. 19. (1) Except as otherwise provided in subsection (9), signs and their supporting structures erected or maintained in violation of this act may be removed by the department in the manner prescribed in this section.

(2) There shall be mailed to the owner of the sign by certified mail a notice that the sign or its supporting sign structure violates stated specified provisions of this act and is subject to removal. If the owner's address cannot be determined, a notice shall be posted on the sign. The posted notice shall be written on red waterproof paper stock of a size not less than 8-1/2 inches by 11 inches. The notice shall be posted in the area designated by section 12 for the placing of permit numbers, in a manner so that it is visible from the highway faced by the sign or sign structure.

(3) If the sign or sign structure is not removed or brought into compliance with this act within 60 days following the date of posting or mailing of written notice or within such further time as the department may allow in writing, the sign or sign structure shall be considered abandoned, unless the owner of the sign or sign structure requests a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, within 60 days following the date of the posting or mailing of written notice by the department. Notwithstanding anything in this section to the contrary, a sign and its supporting structures shall not be deemed abandoned unless a sign owner exhausts all of his or her administrative and legal remedies provided for by law.

(4) The department shall conduct a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, at which it shall confirm that the sign is abandoned, that due process has been observed, and that the sign may be removed by the department without payment of compensation and at the expense of the owner. Signs or sign

structures considered abandoned, and any other sign or sign structure erected or maintained in violation of this act that is not eligible for removal compensation as provided in section 22, shall be removed by the department forthwith or upon the expiration of such further time as the department allows. The department may recover as a penalty from the owner of the sign or sign structure or, if he or she cannot be found, the owner of the real property upon which the sign or sign structure is located, double the cost of removal or \$500.00, whichever is greater. For frivolous hearings as determined by the administrative law judge, the department may recover as a penalty from the owner of the sign or sign structure, or, if the owner of the sign or sign structure cannot be found, the owner of the real property upon which the sign or sign structure is located, double the cost of an administrative hearing incurred by the department or \$500.00, whichever is greater. Any penalty imposed under this section is subject to de novo review in circuit court.

(5) The department, its agents and employees, and any person acting under the authority of or by contract with the department may enter upon private property without liability for so doing in connection with the posting or the removal of any sign or sign structure pursuant to this act.

(6) The department may contract on a negotiated basis without competitive bidding with a permittee under this act for the removal of any sign or sign structure under this act.

(7) Any repeat violation of this act shall be considered a continuing violation of this act.

(8) A sign or sign structure erected or maintained in violation of this act is a nuisance per se. The department, before or after a hearing is conducted, may apply to the circuit court in the county in which a sign is located for an order to show cause why the use of a sign erected or maintained in violation of this act should not be enjoined pending its removal in accordance with this section.

(9) The department shall not remove a sign or sign structure that was erected before January 30, 2014 and meets all of the following:

(a) The department issued a permit for the sign or sign structure as provided in section 6.

(b) The department renewed the permit described in subdivision (a) at least 1 time as provided in section 7.

(c) The sign or sign structure complies with the provisions of the March 30, 1972 agreement between the United States of America and this state for carrying out national policy relating to the control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal aid primary system.

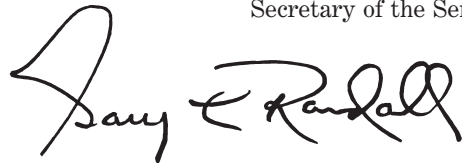
Sec. 20. (1) If any part of this act is found by a court to be invalid or unconstitutional, the remaining parts of this act shall not be affected but shall remain in full force and effect.

(2) If any section, or a portion of any section, of this act is found to be out of compliance with federal statutes, published rules or regulations, or the federal-state agreement on outdoor advertising, and this state is notified in writing that the federal government shall withhold transportation funding due to the noncompliance, that section or portion of that section shall no longer apply.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor