

# SENATE BILL No. 435

July 1, 2015, Introduced by Senators HILDENBRAND and MACGREGOR and referred to the Committee on Transportation.

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2 and 13 (MCL 252.302 and 252.313), section 2 as amended by 2014 PA 2 and section 13 as amended by 1998 PA 533.

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

1           Sec. 2. As used in this act:

2           (a) "Abandoned or discontinued sign or sign structure" or  
3 "abandoned sign" means a sign or sign structure subject to this  
4 act, the owner of which has failed to secure a permit, has failed  
5 to identify the sign or sign structure, or has failed to respond to  
6 notice.

7           (b) "Adjacent area" means the area measured from the nearest  
8 edge of the right-of-way of an interstate highway, freeway, or  
9 primary highway and, in urbanized areas, extending 3,000 feet  
10 perpendicularly and then along a line parallel to the right-of-way

1 line or, outside of urbanized areas, extending perpendicularly to  
2 the limit where a sign is visible and then along a line parallel to  
3 the right-of-way line.

4 (c) "Annual permit" means a permit for a billboard under this  
5 act.

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

10 (e) "Business area" means, **EXCEPT AS OTHERWISE PROVIDED IN**  
11 **THIS SUBDIVISION**, an adjacent area that is zoned by a state,  
12 county, township, or municipal zoning authority for industrial or  
13 commercial purposes, customarily referred to as "b" or business,  
14 "c" or commercial, "i" or industrial, "m" or manufacturing, and "s"  
15 or service, and all other similar classifications and that is  
16 within a city, village, or charter township or is within 1 mile of  
17 the corporate limits of a city, village, or charter township or is  
18 beyond 1 mile of the corporate limits of a city, village, or  
19 charter township and contains 1 or more permanent structures  
20 devoted to the industrial or commercial purposes described in this  
21 subdivision and that extends along the highway a distance of 800  
22 feet beyond each edge of the activity. **BUSINESS AREA INCLUDES AN**  
23 **ADJACENT AREA THAT IS NOT ZONED BY A STATE, COUNTY, TOWNSHIP, OR**  
24 **MUNICIPAL ZONING AUTHORITY FOR INDUSTRIAL OR COMMERCIAL PURPOSES IF**  
25 **THE ADJACENT AREA IS SUBJECT TO A SPECIAL USE PERMIT ISSUED BY A**  
26 **STATE, COUNTY, TOWNSHIP, OR MUNICIPAL ZONING AUTHORITY THAT ALLOWS**  
27 **COMMERCIAL OR INDUSTRIAL ACTIVITIES TO BE CONDUCTED WITHIN THE**

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

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

24 (ii) Transient or temporary activities.

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

26 (iv) Activities conducted in a building principally used as a  
27 residence, or in a building located on property that is used

1 principally for residential purposes or for the activities in  
2 subparagraph (i).

3 (v) Railroad tracks and minor sidings.

4 (vi) Outdoor advertising.

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

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

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

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

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

19 (xii) A storage facility for a business or other activity not  
20 located on the same property, except a storage building having at  
21 least 10 separate units that are available for rent by the public.

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

24 (f) "Department" means the state transportation department.

25 (g) "Destroyed sign" means a nonconforming sign that has been  
26 damaged by storm, fire, or other casualty that requires customary  
27 maintenance and repair in excess of 60% of the replacement cost of

1 a new sign structure constructed of equivalent materials and  
2 equipment. Destroyed sign does not include a nonconforming sign  
3 that has been damaged by vandalism or a negligent act of a person.

4 (h) "Digital billboard" means a sign or sign structure that  
5 utilizes an electronic means to display a series of messages that  
6 are changed by electronic means. Digital billboard does not include  
7 a sign that contains an embedded electronic message device or a  
8 trivision sign.

9 (i) "Digital billboard permit" means a permit for a digital  
10 billboard that is renewable on an annual basis.

11 (j) "Directional sign" means a sign that contains only  
12 directional information regarding and the identification of 1 of  
13 the following:

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

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

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

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

1 billboard or a device that displays graphics other than messages  
2 containing text or numbers.

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

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

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

17 (o) "Incorporated municipality" means a city, village, or  
18 charter township.

19 (p) "Index" means the Detroit consumer price index for all  
20 urban consumers published by the United States ~~bureau of labor~~  
21 ~~statistics~~ **BUREAU OF LABOR STATISTICS** or, if that index ceases to  
22 be published by the United States ~~bureau of labor statistics,~~  
23 **BUREAU OF LABOR STATISTICS**, the published index that most closely  
24 measures inflation, as determined by the department.

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

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

5 (s) "Location" means a place where a sign structure subject to  
6 this act is located.

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

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

16 (v) "Nationally known" means an activity or attraction that is  
17 all of the following:

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

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

20 (iii) Staffed and maintains a register of visitors.

21 (iv) Listed in national travel guides.

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

25 (w) "Nonconforming sign" means a sign or sign structure, other  
26 than a nonstandard sign or a sign that is erected and maintained in  
27 a business area along a scenic byway prior to the designation as a

1 scenic byway, that satisfies 1 of the following:

2 (i) Was legally erected before March 31, 1972 but could not be  
3 legally erected under the current provisions of this act.

4 (ii) Is a sign or sign structure regulated under this act that  
5 was legally erected after March 31, 1972 but could not be legally  
6 erected under the current provisions of this act.

7 (x) "Nonstandard sign" means a sign or sign structure other  
8 than a nonconforming sign, that is subject to this act, was legally  
9 erected before March 23, 1999, is not a nonconforming sign, and  
10 does not comply with the spacing requirements in section 17(1), but  
11 otherwise complies with this act.

12 (y) "On-premises sign" means a sign advertising activities  
13 conducted or maintained on the property on which it is located. The  
14 boundary of the property shall be as determined by tax rolls, deed  
15 registrations, and apparent land use delineations. If a sign  
16 consists principally of brand name or trade name advertising and  
17 the product or service advertised is only incidental to the  
18 principal activity conducted or maintained on the property, or if  
19 the sign brings rental income to the property owner or sign owner,  
20 it shall be considered the business of outdoor advertising and not  
21 an on-premises sign. On-premises sign does not include a sign on a  
22 narrow strip of land contiguous to the advertised activity, or a  
23 sign on an easement on adjacent property, when the purpose is  
24 clearly to circumvent the intent of this act.

25 (z) "Person" means any individual, partnership, private  
26 association, or corporation, state, county, city, village,  
27 township, charter township, or other public or municipal

1 association or corporation.

2 (aa) "Primary highway" means a highway other than an  
3 interstate highway or freeway that is a regulated route.

4 (bb) "Regionally known" means an activity or attraction that  
5 is all of the following:

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

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

10 (iii) Staffed and maintains a register of visitors.

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

14 (cc) "Regulated route" means an interstate highway, freeway,  
15 or primary highway required to be regulated under 23 USC 131 and  
16 any other route that is required to be regulated or may become  
17 required to be regulated by the department under this act or  
18 another state or federal statute or legal requirement.

19 (dd) "Religious organization sign" means a sign, not larger  
20 than 8 square feet, that gives notice of religious services.

21 (ee) "Scenic byway" means a regulated route that is required  
22 to be regulated as a scenic byway under 23 USC 131.

23 (ff) "Secondary highway" means a state secondary road or  
24 county primary road.

25 (gg) "Service club sign" means a sign, not larger than 8  
26 square feet, that gives notice about nonprofit service clubs or  
27 charitable associations.

1 (hh) "Sign" means any outdoor sign, display, device, figure,  
2 painting, drawing, message, placard, poster, billboard, or other  
3 thing, whether placed individually or on a T-type, V-type, back to  
4 back, or double-faced display, that is designed, intended, or used  
5 to advertise or inform.

6 (ii) "Sign structure" means the assembled components that make  
7 up an outdoor advertising display, including, but not limited to,  
8 uprights, supports, facings, and trim. A sign structure may contain  
9 1 or 2 signs per facing and may be double-faced, back to back, T-  
10 type, or V-type.

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

14 (kk) "Trivision sign" means a sign or sign structure that uses  
15 mechanical means to display more than 1 message in sequence.

16 (ll) "Unzoned commercial or industrial area" means an area  
17 that is within an adjacent area, that is not zoned by state or  
18 local law, regulation, or ordinance, that contains 1 or more  
19 permanent structures devoted to the industrial or commercial  
20 purposes described in subdivision (e), and that extends along the  
21 highway a distance of 800 feet beyond each edge of the activity.  
22 Each side of the highway is considered separately in applying this  
23 definition except that where it is not topographically feasible for  
24 a sign or sign structure to be erected or maintained on the same  
25 side of the highway as the permanent structure devoted to  
26 industrial or commercial purposes, an unzoned commercial or  
27 industrial area may be established on the opposite side of a

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

23 (v) Railroad tracks and minor sidings.

24 (vi) Outdoor advertising.

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

27 (viii) Activities that have not been in continuous operation

1 of a business or commercial nature for at least 2 years.

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

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

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

12 (xii) A storage facility for a business or other activity not  
13 located on the same property, except a storage building having at  
14 least 10 separate units that are available for rent by the public.

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

17 (mm) "Visible" means a sign that has a message that is capable  
18 of being seen by an individual of normal visual acuity when  
19 traveling in a motor vehicle.

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

24 (a) Directional and other official signs, including, but not  
25 limited to, signs pertaining to natural wonders, scenic and  
26 historical attractions, which are required or authorized by law,  
27 and which comply with rules promulgated by the department relative

1 to the lighting, size, number, and spacing thereof.

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

4 (c) On-premises signs.

5 (d) Signs located in a business area or an unzoned commercial  
6 and industrial area and that comply with sections 12, 15, 16, and  
7 17 except that a sign not described in subdivision (a), (b), or (c)  
8 shall not be erected or maintained beyond 660 feet of the nearest  
9 edge of the right of way. **THIS SUBDIVISION ALSO APPLIES TO A SIGN  
10 LOCATED IN AN AREA THAT WAS NOT A BUSINESS AREA BEFORE THE  
11 EFFECTIVE DATE OF THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION  
12 BUT BECAME A BUSINESS AREA ON OR AFTER THE EFFECTIVE DATE OF THE  
13 2015 AMENDATORY ACT THAT AMENDED THIS SECTION.**

14 (2) If the department is authorized by law to designate scenic  
15 areas along an interstate highway, freeway, or primary highway,  
16 signs shall not be erected or maintained within areas so designated  
17 unless located within a business area or an unzoned commercial or  
18 industrial area where signs may be erected or maintained in  
19 compliance with this act.