

**SUBSTITUTE FOR
SENATE BILL NO. 953**

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending sections 2, 3, 4, 6, 7b, 11, 11a, 17, and 17a (MCL
252.302, 252.303, 252.304, 252.306, 252.307b, 252.311, 252.311a,
252.317, and 252.317a), sections 2, 4, 6, 11, 11a, and 17 as
amended and sections 7b and 17a as added by 2014 PA 2 and section 3
as amended by 2006 PA 448.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

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

1 notice.

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

9 (c) "Annual permit" means a permit for a billboard under this
10 act.

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

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

27 **BUSINESS AREA INCLUDES AN ADJACENT AREA THAT IS ZONED BY A STATE,**

1 COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP ZONING
2 AUTHORITY AS PART OF A COMPREHENSIVE LAND DEVELOPMENT PROJECT OR
3 PLANNED UNIT DEVELOPMENT IN WHICH COMMERCIAL OR INDUSTRIAL ACTIVITY
4 IS ALLOWED. Each side of the highway is considered separately in
5 applying this definition except that where it is not
6 topographically feasible for a sign or sign structure to be erected
7 or maintained on the same side of the highway as the permanent
8 structure devoted to industrial or commercial purposes, a business
9 area may be established on the opposite side of a primary highway
10 in an area zoned commercial or industrial or in an unzoned area
11 with the approval of the state highway commission. A permanent
12 structure devoted to industrial or commercial purposes does not
13 result in the establishment of a business area on both sides of the
14 highway. **AS USED IN THIS SUBDIVISION, "PERMANENT STRUCTURE DEVOTED
15 TO INDUSTRIAL OR COMMERCIAL PURPOSES" INCLUDES A SCHOOL BUILDING OR
16 A HIGH SCHOOL BUILDING, INCLUDING AN ATHLETIC FIELD OR FACILITY,
17 THAT IS LOCATED ON PUBLIC SCHOOL PROPERTY AND USED FOR
18 INSTRUCTIONAL OR NONINSTRUCTIONAL SCHOOL PURPOSES.** All measurements
19 shall be from the outer edge of the regularly used building,
20 parking lot, or storage or processing area of the commercial or
21 industrial activity and not from the property lines of the
22 activities and shall be along or parallel to the edge or pavement
23 of the highway. Commercial or industrial purposes are those
24 activities generally restricted to commercial or industrial zones
25 in jurisdictions that have zoning. In addition, the following
26 activities are not commercial or industrial:
27 (i) Agricultural, animal husbandry, forestry, grazing,

1 farming, and related activities, including, but not limited to,
2 wayside fresh produce stands.

3 (ii) Transient or temporary activities.

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

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

9 (v) Railroad tracks and minor sidings.

10 (vi) Outdoor advertising.

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

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

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

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

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

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

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

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

4 (g) "Destroyed sign" means a nonconforming sign that has been
5 damaged by storm, fire, or other casualty that requires customary
6 maintenance and repair in excess of 60% of the replacement cost of
7 a new sign structure constructed of equivalent materials and
8 equipment. Destroyed sign does not include a nonconforming sign
9 that has been damaged by vandalism or a negligent act of a person.

10 (h) "Digital billboard" means a sign or sign structure that
11 utilizes an electronic means to display a series of messages that
12 are changed by electronic means. Digital billboard does not include
13 a sign that contains an embedded electronic message device or a
14 trivision sign.

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

17 (j) "Directional sign" means a sign that contains only
18 directional information regarding and the identification of 1 of
19 the following:

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

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

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

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

9 (l) "Erect" means to construct, build, raise, assemble, place,
10 affix, attach, create, paint, draw, or in any other way bring into
11 being or establish. **ERECT INCLUDES BEING IN THE PROCESS OF**
12 **CONSTRUCTING, BUILDING, RAISING, ASSEMBLING, PLACING, AFFIXING,**
13 **ATTACHING, CREATING, PAINTING, DRAWING, OR IN ANY OTHER WAY**
14 **BRINGING INTO BEING OR ESTABLISHING.**

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

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

26 (o) "Incorporated municipality" means a city, village, or
27 charter township.

1 (p) "Index" means the Detroit consumer price index for all
2 urban consumers published by the United States ~~bureau~~**BUREAU** of
3 ~~labor statistics~~**LABOR STATISTICS** or, if that index ceases to be
4 published by the United States ~~bureau~~**BUREAU** of ~~labor statistics~~,
5 **LABOR STATISTICS**, the published index that most closely measures
6 inflation, as determined by the department.

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

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

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

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

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

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

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

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

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

3 (iv) Listed in national travel guides.

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

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

11 (i) Was legally erected before March 31, 1972 but **A PERMIT FOR**
12 **THE SIGN OR SIGN STRUCTURE** could not be legally erected—**ISSUED**
13 under the current provisions of this act.

14 (ii) Is a sign or sign structure regulated under this act ~~that~~
15 **FOR WHICH A PERMIT** was legally erected—**ISSUED** after March 31, 1972
16 but **A PERMIT FOR THE SIGN OR SIGN STRUCTURE** could not be legally
17 erected—**ISSUED** under the current provisions of this act.

18 (x) "Nonstandard sign" means a sign or sign structure other
19 than a nonconforming sign, that is subject to this act, **FOR WHICH A**
20 **PERMIT** was legally erected—**ISSUED UNDER THIS ACT** before March 23,
21 1999, is not a nonconforming sign, and does not comply with the
22 spacing requirements in section 17(1) **OR (2)**, but otherwise
23 complies with this act.

24 (y) "On-premises sign" means a sign advertising activities
25 conducted or maintained on the property on which it is located. The
26 boundary of the property shall be as determined by tax rolls, deed
27 registrations, and apparent land use delineations. If a sign

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

10 (z) "Person" means any individual, partnership, private
11 association, or corporation, state, county, city, village,
12 township, charter township, or other public or municipal
13 association or corporation.

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

16 **(BB) "PUBLIC SCHOOL PROPERTY" MEANS PROPERTY OWNED OR LEASED**
17 **BY THE GOVERNING BOARD OF A PUBLIC SCHOOL OR PROPERTY OWNED OR**
18 **LEASED BY A FOUNDATION OWNED OR MANAGED BY THE GOVERNING BOARD OF A**
19 **PUBLIC SCHOOL.**

20 (CC) ~~(bb)~~—"Regionally known" means an activity or attraction
21 that is all of the following:

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

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

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

27 (iv) Organized to provide information or conducted tours for a

1 significant portion of the year, or for at least 3 months if the
2 activity or attraction is seasonal in nature.

3 (DD) ~~(ee)~~—"Regulated route" means an interstate highway,
4 freeway, or primary highway required to be regulated under 23 USC
5 131 and any other route that is required to be regulated or may
6 become required to be regulated by the department under this act or
7 another state or federal statute or legal requirement.

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

10 (FF) ~~(ee)~~—"Scenic byway" means a regulated route that is
11 required to be regulated as a scenic byway under 23 USC 131.

12 (GG) ~~(ff)~~—"Secondary highway" means a state secondary road or
13 county primary road.

14 (HH) ~~(gg)~~—"Service club sign" means a sign, not larger than 8
15 square feet, that gives notice about nonprofit service clubs or
16 charitable associations.

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

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

27 (KK) ~~(jj)~~—"Tobacco product" means any tobacco product sold to

1 the general public and includes, but is not limited to, cigarettes,
2 tobacco snuff, and chewing tobacco.

3 (II) ~~(kk)~~—"Trivision sign" means a sign or sign structure that
4 uses mechanical means to display more than 1 message in sequence.

5 (MM) ~~(ll)~~—"Unzoned commercial or industrial area" means an
6 area that is within an adjacent area, that is not zoned by state or
7 local law, regulation, or ordinance, **OR PUBLIC SCHOOL PROPERTY THAT**
8 **IS SUBJECT TO JURISDICTION CONFERRED UNDER SECTION 1263(3) OF THE**
9 **REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1263**, that contains 1 or
10 more permanent structures devoted to the industrial or commercial
11 purposes described in subdivision (e), and that extends along the
12 highway a distance of 800 feet beyond each edge of the activity.
13 Each side of the highway is considered separately in applying this
14 definition except that where it is not topographically feasible for
15 a sign or sign structure to be erected or maintained on the same
16 side of the highway as the permanent structure devoted to
17 industrial or commercial purposes, an unzoned commercial or
18 industrial area may be established on the opposite side of a
19 primary highway in an area zoned commercial or industrial or in an
20 unzoned area with the approval of the state highway commission. A
21 permanent structure devoted to industrial or commercial purposes
22 does not result in the establishment of an unzoned commercial or
23 industrial area on both sides of the highway. All measurements
24 shall be from the outer edge of the regularly used building,
25 parking lot, or storage or processing area of the commercial or
26 industrial activity and not from the property lines of the
27 activities and shall be along or parallel to the edge or pavement

1 of the highway. Commercial or industrial purposes are those
2 activities generally restricted to commercial or industrial zones
3 in jurisdictions that have zoning. In addition, the following
4 activities are not commercial or industrial:

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

8 (ii) Transient or temporary activities.

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

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

14 (v) Railroad tracks and minor sidings.

15 (vi) Outdoor advertising.

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

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

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

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

25 (xi) Activities conducted in a structure for which an
26 occupancy permit has not been issued or that is not a fully
27 enclosed building, having all necessary utility service and

1 sanitary facilities required for its intended commercial or
2 industrial use.

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

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

8 **(NN)** ~~(mm)~~ "Visible" means a sign that has a message that is
9 capable of being seen by an individual of normal visual acuity when
10 traveling in a motor vehicle.

11 Sec. 3. To **PROMOTE THE REASONABLE, ORDERLY, AND EFFECTIVE**
12 **DISPLAY OF OUTDOOR ADVERTISING, TO** improve and enhance scenic
13 beauty consistent with ~~section 131 of title 23 of the United States~~
14 ~~Code,~~ 23 USC 131, and to limit and reduce the illegal possession
15 and use of tobacco by minors, the legislature finds it appropriate
16 to regulate and control outdoor advertising and outdoor advertising
17 as it pertains to tobacco adjacent to the streets, roads, highways,
18 and freeways within this state and that outdoor advertising ~~is~~
19 **SERVES A PUBLIC NEED AS** a legitimate accessory commercial use of
20 private property, ~~is~~ an integral part of the marketing function,
21 and an established segment of the economy of this state.

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

26 (a) A county, city, village, township, or charter township may
27 enact ordinances to regulate and control the operation, size,

1 lighting, and spacing of signs and sign structures but shall not
2 permit a sign or sign structure that is otherwise prohibited by
3 this act or require or cause the removal of lawfully erected signs
4 or sign structures subject to this act without the payment of just
5 compensation. A sign owner shall apply for an annual permit
6 pursuant to section 6 for each sign to be maintained or to be
7 erected within that county, city, village, charter township, or
8 township. A sign erected or maintained within that county, city,
9 village, township, or charter township shall also comply with all
10 applicable provisions of this act. An ordinance or code adopted by
11 a county, city, village, township, or charter township that
12 regulates the operation, size, lighting, or spacing of signs and
13 sign structures and that is more stringent than the laws of this
14 state is not made void by this act.

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

27 (c) An ordinance or code of a city, village, township, or

1 charter township that existed on March 31, 1972 and that prohibits
2 signs or sign structures is not made void by this act.

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

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

13 Sec. 6. (1) A sign owner shall apply for an annual permit on a
14 form prescribed by the department for each sign or sign structure
15 to be maintained or erected in an adjacent area where the facing of
16 the sign or sign structure is visible from a regulated route. The
17 form shall require the name and business address of the applicant,
18 the name and address of the owner of the property on which the sign
19 or sign structure is to be located, the date the sign or sign
20 structure, if currently maintained, was erected, the zoning
21 classification of the property, a precise description of where the
22 sign or sign structure is or will be situated and a certification
23 that the sign or sign structure is not prohibited by section 18(a),
24 (b), (c), or (d) and that the sign or sign structure does not
25 violate any provisions of this act. The sign permit application
26 shall include a statement signed by the owner of the land on which
27 the sign or sign structure is to be placed, acknowledging that no

1 trees or shrubs in the adjacent highway right-of-way may be
2 removed, trimmed, or in any way damaged or destroyed without the
3 written authorization of the department. ~~The~~**EXCEPT AS OTHERWISE**
4 **PROVIDED IN THIS SUBSECTION, THE** department may require
5 documentation to verify the zoning **CLASSIFICATION OF THE PROPERTY,**
6 the consent of the land owner, and any other matter considered
7 essential to the evaluation of compliance with this act. **THE**
8 **DEPARTMENT SHALL NOT REQUIRE A SIGNED WRITTEN STATEMENT FROM A**
9 **COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AS PART OF THE**
10 **DOCUMENTATION IT MAY REQUIRE UNDER THIS SUBSECTION.** A sign owner
11 shall apply for a separate annual permit for each sign or sign
12 structure for each regulated route subject to this act from which
13 the facing of the sign or sign structure is visible.

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

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

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

25 (3) ~~In~~**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN**
26 addition to an annual permit under subsection (1), a sign owner
27 shall apply for and the department shall issue a digital billboard

1 permit for each digital billboard that is not a nonconforming sign
2 and that meets the requirements of section 17(3) to be maintained
3 or erected in an adjacent area where the facing of the sign or sign
4 structure is visible from a regulated route. The information
5 provided by an applicant under this subsection shall be on a form
6 prescribed by the department. A sign owner shall apply for a
7 separate digital billboard permit for each sign or sign structure
8 allowed under section 17(3) for each regulated route from which the
9 facing of the sign or sign structure is visible. The owner of a
10 sign or sign structure shall apply for a digital billboard permit
11 for each digital billboard that becomes subject to the permit
12 requirements of this act because of a change in highway designation
13 or other reason not within the control of the sign owner within 2
14 months after receiving notice from the department that the sign or
15 sign structure is subject to the permit requirements of this act.
16 Both of the following apply to a digital billboard permit issued
17 under this subsection:

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

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

21 (4) Notwithstanding any other provision of this act, ~~within 90~~
22 ~~days after the effective date of the amendatory act that added this~~
23 ~~subsection,~~ the owner of a digital billboard that was legally
24 erected, **OR WHO APPLIED FOR A DIGITAL BILLBOARD PERMIT** before the
25 ~~effective date of the amendatory act that added this subsection~~
26 ~~shall apply~~ **AUGUST 1, 2015 THAT WAS REVOKED OR DENIED, MAY APPLY**
27 for, and the department shall issue, a digital billboard permit. A

1 digital billboard permitted under this subsection or subsection (5)
2 is exempt from section 17(3), and the department shall not require
3 any form of consideration for a digital billboard permitted under
4 this subsection or subsection (5) other than payment of the
5 appropriate application fee and annual renewal fees as required
6 under this act.

7 (5) Notwithstanding any other provision of this act, if, on
8 ~~the effective date of the amendatory act that added this~~
9 ~~subsection, OR BEFORE JANUARY 1, 2016,~~ an individual has obtained
10 location approval from the department and approval from the local
11 unit of government having jurisdiction of that location to ~~erect~~
12 **CONVERT AN EXISTING BILLBOARD TO** a digital billboard, he or she
13 shall apply for, and the department shall issue, a digital
14 billboard permit.

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

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

1 (b) ~~Beginning~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
2 **SUBDIVISION, BEGINNING** on ~~the effective date of the amendatory act~~
3 ~~that added this subdivision~~ **JANUARY 30, 2014** and ending ~~1 year~~
4 ~~after the effective date of the amendatory act that added this~~
5 ~~subdivision,~~ **JANUARY 30, 2015**, for the first 8 nonstandard signs
6 for which the owner applies for a digital billboard permit under
7 subdivision (a), the owner shall not be required to surrender 3
8 interim permits. This subdivision only applies to signs located in
9 a county having a population of not less than 750,000. The spacing
10 requirements under section 17(4) apply to the first 8 nonstandard
11 signs for which the owner applies for a digital billboard permit
12 under subdivision (a). **THE JANUARY 30, 2015 DEADLINE DESCRIBED IN**
13 **THIS SUBDIVISION SHALL BE EXTENDED FOR AN OWNER WHO HAS APPLIED FOR**
14 **A DIGITAL BILLBOARD PERMIT UNDER THIS SECTION AND HAS APPLIED FOR,**
15 **BUT NOT YET RECEIVED, APPROVAL FROM A LOCAL UNIT OF GOVERNMENT**
16 **HAVING JURISDICTION OF THE LOCATION UPON WHICH HE OR SHE SEEKS TO**
17 **ERECT A DIGITAL BILLBOARD. THE EXTENSION DESCRIBED IN THIS**
18 **SUBDIVISION SHALL BE FOR AN AMOUNT OF TIME EQUAL TO THE AMOUNT OF**
19 **TIME THAT ELAPSED BETWEEN THE DATE OF APPLICATION FOR APPROVAL TO**
20 **THE LOCAL UNIT OF GOVERNMENT AND THE DATE APPROVAL IS GRANTED BY**
21 **THE LOCAL UNIT OF GOVERNMENT. FOR PURPOSES OF THIS SUBDIVISION, A**
22 **2-SIDED SIGN OR SIGN STRUCTURE THAT WAS ERECTED ON OR BEFORE**
23 **JANUARY 30, 2014 SHALL BE TREATED AS A SINGLE SIGN OR SIGN**
24 **STRUCTURE AND THE OWNER SHALL NOT BE REQUIRED TO SURRENDER MORE**
25 **THAN 3 INTERIM PERMITS UNDER THIS SUBDIVISION. AN OWNER MAY REAPPLY**
26 **FOR A DIGITAL BILLBOARD PERMIT THAT HE OR SHE PREVIOUSLY APPLIED**
27 **FOR AND WAS EITHER DENIED OR REVOKED BEFORE JANUARY 1, 2016. UPON A**

1 REAPPLICATION DESCRIBED IN THIS SUBDIVISION, THE DEPARTMENT SHALL
2 ISSUE A DIGITAL BILLBOARD PERMIT TO THE OWNER IF THE OWNER IS IN
3 COMPLIANCE WITH THE OTHER REQUIREMENTS OF THIS SUBSECTION.

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

10 (a) A natural phenomenon.

11 (b) A scenic attraction.

12 (c) A historic, educational, cultural, scientific, or
13 religious site.

14 (d) An outdoor recreational area.

15 (2) A permit issued under this section is exempt from section
16 7a, is not transferable, and is not eligible to be surrendered for
17 an interim permit.

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

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

24 (a) Closer than 2,000 feet to an interchange, rest area, park
25 land, scenic area, or intersection at-grade along the interstate
26 system, a freeway, or a primary highway, as measured from the
27 nearest point of the beginning or ending of pavement widening at

1 the exit from, or entrance to, the main-traveled way.

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

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

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

11 (6) The message displayed on a sign for which a permit is
12 issued under this section shall only identify the activity or
13 attraction and directional information useful to the traveler in
14 locating the activity or attraction, including mileage, route
15 numbers, **WEBSITE ADDRESS AND TELEPHONE NUMBER OF THE ACTIVITY OR**
16 **ATTRACTION**, and exit numbers. The message displayed on a sign for
17 which a permit is issued under this section shall not include
18 descriptive words or phrases or pictorial or photographic
19 representations of the activity or attraction or the surrounding
20 area.

21 Sec. 11. (1) ~~A—EXCEPT AS PROVIDED IN SUBSECTION (5),~~ A person
22 who trims or removes trees or shrubs within a highway right-of-way
23 for the purpose of making a proposed or existing sign more visible
24 without a permit issued under section 11a is guilty of a
25 misdemeanor punishable by imprisonment for not more than 30 days or
26 a fine of \$10,000.00 or up to 5 times the value of the trees or
27 shrubs trimmed or removed, whichever is greater. The value of the

1 removed trees or shrubs shall be determined by the department under
2 section 11a.

3 (2) If a sign owner, sign owner's agent, or a property owner
4 or agent of a property owner with whom the sign owner has a
5 contractual relationship to maintain the sign on his or her
6 property trims or removes trees or shrubs without first having
7 obtained a permit under section 11a, the sign owner is not eligible
8 to obtain a permit under section 11a for 3 years from the date of
9 trimming or removal of trees or shrubs.

10 (3) If trees or shrubs have been trimmed or removed without a
11 permit under section 11a by a sign owner, a sign owner's agent, a
12 property owner, or a property owner's agent, the department shall
13 conduct a hearing under the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.201 to 24.328. After providing notice and
15 opportunity for hearing under the administrative procedures act of
16 1969, 1969 PA 306, MCL 24.201 to 24.328, the department may impose
17 a fine not to exceed 5 times the value of the vegetation that was
18 trimmed or removed, restrict future vegetation management permits,
19 restrict use of the sign or sign structure for a period not to
20 exceed 1 year, or, for a second or subsequent violation, remove the
21 sign under section 19. A sign, the use of which has been restricted
22 under this subsection, shall not be considered an abandoned sign.

23 (4) If a sign is removed under this section and the department
24 subsequently receives an application for a permit under section 6
25 for the same area, the department shall consider that the
26 conditions for the permit issued under section 6 remain in force
27 for spacing and all other requirements of this act.

1 (5) A PERSON MAY TRIM OR REMOVE TREES OR SHRUBS WITHIN THE
2 RIGHT-OF-WAY OF A PRIMARY HIGHWAY FOR THE PURPOSE OF MAKING AN
3 EXISTING SIGN MORE VISIBLE IF ALL OF THE FOLLOWING ARE SATISFIED:

4 (A) THE TREES OR SHRUBS TO BE REMOVED ARE WITHIN 500 FEET OF
5 THE SIGN, AND THE SIGN IS LOCATED IN A COUNTY HAVING A POPULATION
6 OF NOT LESS THAN 750,000.

7 (B) THE PRIMARY HIGHWAY BORDERS 2 COUNTIES, AND EACH COUNTY
8 HAS A POPULATION OF NOT LESS THAN 750,000.

9 Sec. 11a. (1) Subject to the requirements of this section, the
10 department is authorized to and shall issue permits for the
11 management of vegetation to the owner of a sign, agent of the owner
12 of a sign, or a property owner or agent of a property owner with
13 whom the sign owner has a contractual relationship to maintain the
14 sign on his or her property, subject to this act.

15 (2) A sign owner may apply to the department for a permit to
16 manage vegetation using the department's approved form. The
17 application shall be accompanied by an application fee of \$150.00
18 to cover the costs of evaluating and processing the application.
19 Beginning October 1, 2014, the department shall annually adjust the
20 application fee to ensure that the fee covers the total cost of
21 evaluating and processing the application. The department shall not
22 increase the application fee by an annual percentage amount greater
23 than the index.

24 (3) An application submitted under subsection (2) shall be on
25 a form and in a manner specified by the department and shall
26 clearly identify the vegetation to be managed in order to create
27 visibility of the sign within the billboard viewing zone and all

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

7 (4) Unless otherwise agreed to by the department and an
8 applicant, the department shall issue its decision on an
9 application no later than 90 days after receipt of a completed
10 application. The department shall approve the application, approve
11 the application with modification, or deny the application. In
12 deciding whether to approve an application, approve an application
13 with modification, or deny an application, the department shall
14 consider the vegetation management that was previously allowed at
15 the billboard site. If the department approves the application or
16 approves the application with modification, it shall notify the
17 applicant. The notification required by this subsection shall
18 include the value of the vegetation to be managed as determined
19 under subsection (5). The notification shall also include any
20 required mitigation for the vegetation to be managed and all
21 conditions and requirements associated with the issuance of the
22 permit. The permit fee is \$500.00, except that in special and
23 unique situations and circumstances where the department incurs
24 additional costs directly attributable to the approval of the
25 permit, a fee greater than \$500.00 adequate for the recovery of
26 additional costs may be assessed. Beginning October 1, 2014, the
27 department shall annually adjust the permit fee to ensure that the

1 fee covers the total cost of issuing the permit and the cost of all
2 departmental responsibilities associated with the permit. The
3 department shall not increase the permit fee by an annual
4 percentage amount greater than the consumer price index. Upon
5 receipt of the permit fee, payment for the value of the vegetation,
6 and compliance with department conditions and requirements, the
7 department shall issue the permit. Within 5 years after the
8 issuance of a vegetation management permit under this section, if a
9 sign owner applies to manage vegetation at the same location, he or
10 she may trim or remove any vegetation that has regrown if that
11 vegetation was originally trimmed or removed under the vegetation
12 management permit, and is not required to pay the value of the
13 vegetation that has regrown or any fees other than the application
14 fees required under this act.

15 (5) The department shall annually develop and publish a
16 replacement cost schedule for trees and shrubs to be removed under
17 a vegetation management permit. The replacement cost schedule shall
18 specify the size, number, type, and cost of replacement trees to be
19 paid for by an applicant based on the diameter at breast height for
20 each tree that is removed and a conversion factor determined by the
21 department for the number of replacement trees required for any
22 shrubs that are removed. The total cost shall be based on the
23 department's total cost for planting trees according to the most
24 recent version of the standard specifications for construction used
25 by the department and the expected cost of plants, labor, and
26 materials required to install and establish plants for that year.
27 As an alternative, the department and the applicant may agree that

1 the department will develop the value of the vegetation to be
2 trimmed or removed using the most recent version of the
3 international society of arboriculture's guide for plant appraisal
4 and the corresponding Michigan tree evaluation supplement to the
5 guide for plant appraisal published by the Michigan forestry and
6 park association. The department may use another objective
7 authoritative guide in consultation with representatives of the
8 outdoor advertising industry and other interested parties if either
9 the guide or the supplement has not been updated in more than 5
10 years. The department, in consultation with representatives of the
11 outdoor advertising industry and other interested parties, may
12 develop a value schedule for vegetation.

13 (6) Subject to this subsection, a permit to manage vegetation
14 shall provide for a minimum of 5 seconds of continuous, clear, and
15 unobstructed view of the billboard face based on travel at the
16 posted speed as measured from the point directly adjacent to the
17 point of the billboard closest to the highway. The department and
18 the applicant may enter into an agreement, at the request of the
19 applicant, identifying the specific location of the continuous,
20 clear, and unobstructed view within the billboard viewing zone. The
21 specific location may begin at a point anywhere within the
22 billboard viewing zone but shall result in a continuous, clear, and
23 unobstructed view of not less than 5 seconds. An applicant shall
24 apply for a permit that minimizes the amount of vegetation to be
25 managed for the amount of viewing time requested. Applications for
26 vegetation management that provide for greater than 5 seconds of
27 continuous, clear, and unobstructed viewing at the posted speed as

1 measured from a point directly adjacent to the point of the
2 billboard closest to the highway shall not be rejected based solely
3 upon the application exceeding the 5-second minimum. For billboards
4 spaced less than 500 feet apart, vegetation management, when
5 permitted, shall provide for a minimum of 5 seconds of continuous,
6 clear, and unobstructed view of the billboard face based on travel
7 at the posted speed or the distance between the billboard and the
8 adjacent billboard, whichever is less.

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

15 (8) If no suitable alternative exists or the applicant is
16 unable to provide acceptable mitigation, the department may deny an
17 application or provide a limited permit to manage vegetation if 1
18 or more of the following situations exist:

19 (a) The vegetation management would have an adverse impact on
20 safety.

21 (b) The vegetation management would have an adverse impact on
22 operations of a state trunk line highway.

23 (c) The vegetation management conflicts with federal or state
24 law or promulgated rules.

25 (d) The applicant does not have the approval of the owner of
26 the property.

27 (e) The vegetation to be managed is existing vegetation and

1 was planted, permitted to be planted, or allowed to grow naturally
2 by the department for a specific purpose, as shown by the
3 department's records or the department's practices.

4 (f) Existing vegetation greater than 8 feet in height would be
5 managed for a newly constructed billboard or vegetation existed
6 that was greater than 8 feet in height that obscured a billboard or
7 would have obscured the billboard before it was constructed. When
8 denying an application or providing a limited permit, The
9 department shall consider previous vegetation management that was
10 allowed at the billboard site.

11 (g) The vegetation management would occur on a scenic or
12 heritage route that was designated on or before January 1, 2007,
13 unless the proposed vegetation management permit is for vegetation
14 management for a sign that would be a conforming sign or a
15 nonstandard sign if the sign was not located on a scenic byway or
16 heritage route.

17 (h) The application is for a sign that was found, after a
18 hearing in accordance with section 19, to not be in compliance with
19 this act.

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

23 (9) If the department denies an application or issues a
24 limited permit under this section, the department shall provide a
25 specific rationale for denying an application or approving a
26 limited permit.

27 (10) No later than 45 days after receiving a denial of a

1 request to begin the 5 seconds of continuous, clear, and
2 unobstructed view at a point other than a point directly adjacent
3 to the point of the billboard closest to the highway as provided in
4 subsection (6), or a denial or a limited permit under subsection
5 (8), an applicant may request review and reconsideration of the
6 denial or limited permit. The applicant shall submit its request in
7 writing on a form as determined by the department. The applicant
8 shall state the specific item or items for which review and
9 reconsideration are being requested. An applicant who received a
10 limited permit may manage vegetation in accordance with that permit
11 during the review and reconsideration period.

12 (11) The department shall develop and maintain a procedure for
13 review and reconsideration of applications that are denied or that
14 result in the issuance of a limited permit. This procedure shall
15 include at least 2 levels of review and provide for input from the
16 applicant. The review period shall not exceed 120 days. The
17 department shall consult with all affected and interested parties,
18 including, but not limited to, representatives of the outdoor
19 advertising industry, in the development of this procedure.

20 (12) If, after review and reconsideration under subsection
21 (10), the applicant is denied a permit or issued a limited permit,
22 the applicant may appeal the decision of the department to a court
23 of competent jurisdiction.

24 (13) All work performed in connection with trimming, removing,
25 or relocating vegetation shall be performed at the sign owner's
26 expense.

27 (14) Except for ground cover, the department shall not plant

1 or authorize to be planted any vegetation that obstructs, or
2 through expected normal growth will obstruct in the future, the
3 visibility within the billboard viewing zone of any portion of a
4 sign face subject to this act. Both of the following apply to
5 vegetation planted or allowed to be planted by the department:

6 (a) If the vegetation planted or allowed to be planted by the
7 department within the billboard viewing zone after January 1, 2007
8 obstructs the visibility of any portion of a sign face subject to
9 this act, the department shall trim or remove at the department's
10 cost, or allow the sign permit holder to trim or remove, the
11 vegetation obstructing the visibility of any portion of the sign
12 face.

13 (b) This subsection does not apply to the replacement of
14 existing vegetation that was removed for transportation purposes.

15 (15) The department shall consider the impact on the
16 visibility of a billboard before erecting or authorizing the
17 erection of a digital information sign or any other sign within the
18 highway right-of-way. A billboard owner may propose, and the
19 department shall consider, the relocation of an existing sign
20 within the highway right-of-way. A billboard owner is responsible
21 for all costs associated with relocation of a sign under this
22 subsection. Not later than 90 days after receipt of a billboard
23 owner's request for the relocation of an existing sign, the
24 department shall respond in writing to the billboard owner with 1
25 of the following:

26 (a) Notice of department approval of relocating the sign, an
27 estimate of the cost associated with relocating the sign, and

1 notice that all costs associated with the proposed sign relocation
2 are the responsibility of the billboard owner.

3 (b) Notice of department denial of relocation of the sign and
4 the justification for that denial that may include, but is not
5 limited to, federal requirements, safety considerations, or
6 emergency or operational purposes.

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

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

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

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

22 (17) If the department alleges that a person has trimmed or
23 removed more trees or shrubs than the permit authorizes, then the
24 department shall notify the person of its intent to seek 1 or more
25 of the penalties provided in subsection (16). The notification
26 shall be in writing and delivered via United States certified mail,
27 and shall detail the conduct the department alleges constitutes a

1 violation of subsection (16), and shall indicate the penalties the
2 department is seeking under subsection (16). Notification shall
3 occur within 30 days after the filing of the completion order for
4 the trimming or removal of trees or shrubs the department alleges
5 violated the permit. Any allegation by the department that a person
6 has trimmed or removed more trees or shrubs than the permit
7 authorizes is subject to the appeals process contained in
8 subsections (10), (11), and (12).

9 (18) As used in this section:

10 (a) "Billboard viewing zone" means the 1,000-foot area
11 measured at the pavement edge of the main-traveled way ~~closest to~~
12 **FROM WHICH** the billboard **FACE IS INTENDED TO BE VIEWED** having as
13 its terminus the point of the right-of-way line immediately
14 adjacent to the **MAIN-TRAVELED WAY FROM WHICH THE** billboard **IS**
15 **INTENDED TO BE VIEWED** except that, for a location where a
16 vegetation permit has been granted within the 5 years prior to the
17 effective date of the 2013 amendatory act that amended this
18 subdivision, the billboard viewing zone includes the area subject
19 to the vegetation permit. **BILLBOARD VIEWING ZONE INCLUDES A HIGHWAY**
20 **MEDIAN.**

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

23 (c) "Viewing cone" means the triangular area described as the
24 point directly below the face of the billboard closest to the
25 highway, the point directly below the billboard face farthest away
26 from the highway, a point as measured from a point directly
27 adjacent to the part of the billboard closest to the closest edge

1 of the highway and extending back parallel to the highway the
2 distance that provides the view of the billboard prescribed in this
3 section, and the triangle described by the points extending upward
4 to the top of the billboard.

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

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

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

17 (4) Beginning on ~~the effective date of the amendatory act that~~
18 ~~added this subsection~~ **JANUARY 30, 2014** and ending ~~1 year after the~~
19 ~~effective date of the amendatory act that added this subsection,~~
20 **JANUARY 30, 2015**, for the first 8 nonstandard signs for which the
21 owner applies for a digital billboard permit under section 6(6)(a)
22 without having to surrender 3 interim permits as provided under
23 section 6(6)(b), each sign shall not be closer than 1,000 feet to
24 another sign using a digital billboard permit on either side of the
25 highway facing the same direction of traffic. This subsection only
26 applies to signs located in a county having a population of not
27 less than 750,000.

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

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

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

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

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

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

1 (11) Along an interstate highway that is designated by 1
2 letter and 3 numbers and located in a county with a population of
3 less than 211,000 but more than 175,000, an existing sign structure
4 that was erected prior to March 24, 2011 shall not be closer than
5 900 feet to another sign structure on the same side of the highway.

6 (12) Nothing in this section shall be construed to cause a
7 sign ~~that~~ **FOR WHICH A PERMIT** was legally ~~erected~~ **ISSUED UNDER THIS**
8 **ACT** prior to March 23, 1999 to be defined as a nonconforming sign.

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

14 (2) A sign owner may perform customary maintenance and repair
15 of a nonconforming sign. The annual cost of the customary
16 maintenance and repair shall not exceed 40% of the replacement cost
17 of ~~a new~~ **THE NONCONFORMING** sign. ~~structure constructed using~~
18 ~~equivalent materials and equipment.~~

19 (3) A sign owner may perform customary maintenance and repair
20 of a nonconforming sign that is damaged as a result of storm, fire,
21 or casualty. Customary maintenance and repair of a nonconforming
22 sign that is damaged as a result of storm, fire, or casualty shall
23 not exceed 60% of the replacement cost of ~~a new~~ **THE NONCONFORMING**
24 sign. ~~structure constructed using equivalent materials and~~
25 ~~equipment.~~ The 60% limitation in this subsection does not apply if
26 the damage to the nonconforming sign is caused by vandalism or a
27 negligent act of a person other than the sign owner.

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

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

8 ~~——(a) Increasing the overall height of an existing sign~~
 9 ~~structure.~~

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

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

13 (6) As used in this section: ~~,"customary maintenance and~~
 14 ~~repair"~~

15 (A) **"CUSTOMARY MAINTENANCE AND REPAIR"** means the repair or
 16 replacement of materials or equipment with equivalent materials or
 17 equipment on a sign or sign structure that restores the structural
 18 integrity of the sign or sign structure or the functionality of the
 19 equipment. Customary maintenance and repair includes, but is not
 20 limited to, modifications to the sign or sign structure that are
 21 designed to comply with state and federal worker safety regulations
 22 and requirements, modifications to the sign structure that are
 23 primarily for the conservation of energy or environmental
 24 preservation, paint, the installation of trim or borders, and
 25 removal of 1 or more sign faces or relocation of all or part of the
 26 sign or sign structure upon request by the department. All of the
 27 following apply to customary maintenance and repair:

1 (i) ~~(a)~~ Customary maintenance and repair does not include any
2 of the following:

3 (A) ~~(i)~~ Enlargement of the sign or sign structure. As used in
4 this ~~subparagraph~~, **SUB-SUBPARAGRAPH**, "enlargement of the sign or
5 sign structure" does not include either of the following:

6 (I) ~~(A)~~ The installation of a temporary copy enhancement.

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

10 (B) ~~(ii)~~ Except as otherwise provided in this ~~subsection~~,
11 **SUBDIVISION**, a change in the location of the sign structure.

12 (C) ~~(iii)~~ An increase in the height of the sign structure.

13 (D) ~~(iv)~~ Installation of additional signs on a sign structure.

14 (E) ~~(v)~~ Electrification of the sign or sign structure.

15 (ii) ~~(b)~~ Notwithstanding any other provision of this act,
16 customary maintenance and repair includes a modification to a sign
17 or sign structure that was completed prior to January 1, 2007,
18 other than electrification, conversion to a digital billboard, or
19 conversion to a trivision sign. Customary maintenance and repair
20 includes the reversal of electrification, conversion to a digital
21 billboard, or conversion to a trivision sign if the
22 electrification, conversion to a digital billboard, or conversion
23 to a trivision sign was completed before January 1, 2007.

24 (B) **"REPLACEMENT COST" MEANS THE TOTAL SUM OF THE COSTS**
25 **INCURRED TO ERECT A NEW REPLACEMENT SIGN OR SIGN STRUCTURE WITH**
26 **EQUIVALENT MATERIALS AND EQUIPMENT AT CURRENT MARKET PRICES.**