

HIGHWAY ADVERTISING ACT OF 1972 (EXCERPT)
Act 106 of 1972

252.317a Nonconforming sign; maintenance and repair; compliance with federal statutes, rules, regulations, or agreements; nonstandard sign; "customary maintenance and repair" defined.

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 a new sign structure constructed using equivalent materials and equipment.

(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 a new sign structure constructed using equivalent materials and equipment. 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.

(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, "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:

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

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

(A) The installation of a temporary copy enhancement.

(B) 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.

(ii) Except as otherwise provided in this subsection, a change in the location of the sign structure.

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

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

(v) Electrification of the sign or sign structure.

(b) 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.

History: Add. 2014, Act 2, Imd. Eff. Jan. 30, 2014