

HOUSE BILL No. 6299

September 5, 2018, Introduced by Rep. LaFave and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1972 PA 106, entitled
"Highway advertising act of 1972,"
by amending section 4 (MCL 252.304), as amended by 2014 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. **(1)** This act regulates and controls the size,
2 lighting, and spacing of signs and sign structures in adjacent
3 areas and occupies the whole field of that regulation and control
4 except for the following:

5 (a) A county, city, village, township, or charter township may
6 enact ordinances to regulate and control the operation, size,
7 lighting, and spacing of signs and sign structures but shall not
8 permit a sign or sign structure that is otherwise prohibited by
9 this act or require or cause the removal of lawfully erected signs

1 or sign structures subject to this act without the payment of just
 2 compensation. A sign owner shall apply for an annual permit
 3 pursuant to section 6 for each sign to be maintained or to be
 4 erected within that county, city, village, **TOWNSHIP, OR** charter
 5 township. ~~, or township.~~ A sign erected or maintained within that
 6 county, city, village, township, or charter township ~~shall~~ **MUST**
 7 also comply with all applicable provisions of this act. ~~An~~ **SUBJECT**
 8 **TO SUBSECTION (2), AN** ordinance or code adopted by a county, city,
 9 village, township, or charter township that regulates the
 10 operation, size, lighting, or spacing of signs and sign structures
 11 and that is more stringent than the laws of this state is not made
 12 void by this act.

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

26 (c) ~~An~~ **SUBJECT TO SUBSECTION (2), AN** ordinance or code of a
 27 city, village, township, or charter township that existed on March

1 31, 1972 and that prohibits signs or sign structures is not made
2 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 **APPLIES** in a township within the county if the township has not
6 enacted an ordinance to regulate and control the size, lighting,
7 and spacing 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 **(2) A COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP**
14 **SHALL NOT ADOPT AN ORDINANCE OR CODE THAT RESTRICTS, PROHIBITS, OR**
15 **PLACES A LIMITATION ON A SIGN OR SIGN STRUCTURE BASED ON THE**
16 **CONTENT OF THE SIGN, UNLESS THE ORDINANCE OR CODE IS NARROWLY**
17 **TAILORED TO ACHIEVE A COMPELLING GOVERNMENTAL INTEREST. AN**
18 **ORDINANCE OR CODE OF A COUNTY, CITY, VILLAGE, TOWNSHIP, OR CHARTER**
19 **TOWNSHIP THAT RESTRICTS, PROHIBITS, OR PLACES A LIMITATION ON A**
20 **SIGN OR SIGN STRUCTURE BASED ON THE CONTENT OF THE SIGN IS VOID**
21 **UNLESS THE ORDINANCE OR CODE IS NARROWLY TAILORED TO ACHIEVE A**
22 **COMPELLING GOVERNMENTAL INTEREST.**

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.