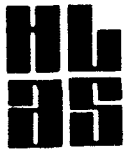


OCT 08 1990

LOCAL BILLBOARD CONTROL



**House  
Legislative  
Analysis  
Section** Mich. State Law Library

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Lansing, Michigan 48909  
Phone: 517/373-6466

### ***THE APPARENT PROBLEM:***

Before 1980, the Highway Advertising Act (which regulates the size, lighting, and spacing of signs and sign structures) allowed general law townships with populations of 50,000 or more — and all cities, villages, and charter townships, regardless of size — to enact sign control ordinances with provisions more restrictive than those in the act. In 1980, the act was amended to allow general law townships with populations of 30,000 or more to enact these stricter sign control ordinances and to clarify that all charter townships, regardless of their populations, were also able to enact stricter ordinances.

A township in northern lower Michigan was concerned about the number and size of billboards along a portion of a highway leading to a local airport (reportedly, there are nine "doubledecker" billboards lining this part of the highway), but was unable to do anything about the signs because the township is a general law township with fewer than 30,000 people. After a hearing held in northern Michigan, legislation has been proposed that would eliminate the current population requirement for general law townships to the law's provisions.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Highway Advertising Act (Public Act 106 of 1972) to allow all general law townships to enact sign control ordinances with provisions stricter than those in state law. The bill also would allow counties (either on their own or at the request of a city, village, township, or charter township in that county) to prepare model ordinances to regulate signs. The bill would take effect on October 1, 1990.

MCL 252.304

### ***FISCAL IMPLICATIONS:***

A Department of Transportation analysis says that the bill would have no fiscal impact on the state. (12-1-89)

### ***ARGUMENTS:***

#### ***For:***

The bill would correct an inequity in the treatment of general law townships by existing law. Under present law, a village with a population of only 200 is able to enact ordinances regulating the size, lighting and spacing of signs and sign structures, while a general law township with a population of 29,000 is denied this authority. The population requirement for general law townships should be eliminated and regulatory power over highway signs should be an option for such townships.

House Bill 5137 as enrolled  
Second Analysis (8-2-90)

Sponsor: Rep. Pat Gagliardi  
House Committee: Transportation  
Senate Committee: Local Government and Veterans

#### ***For:***

By allowing counties to prepare model ordinances which cities, towns, and villages could adopt, the bill could remove much of the onus of drafting such ordinances from these smaller units of government.

#### ***For:***

There is a national movement to establish "scenic roads," and it is possible that the 1991 Federal Surface Transportation Act will establish a national scenic roads program. Many of Michigan's counties and general law townships with fewer than 30,000 people have areas of great scenic beauty and are sure to qualify on those grounds for future scenic roads. Since the control of outdoor advertising is basic for roads to qualify as "scenic," no county or township should be excluded from the possibility of participating in future scenic roads programs, particularly given the positive economic impact that such programs can have.

#### ***Against:***

The Highway Advertising Act requires that local units of government certify to the state Transportation Commission that they control highway signs and requires local units to furnish copies of their sign control ordinances to the Department of Transportation. These requirements just create unnecessary paperwork at the state and local levels. The state's oversight and tracking of these ordinances could be just as well served — and unnecessary paperwork could be reduced — by deleting these requirements and instead simply allowing the department to request copies of such ordinances when it felt this was necessary or desirable.

#### ***Against:***

If cities, villages, and townships can be allowed to enact sign control ordinances with stricter requirements than state law, counties, too, should be allowed this same authority. Regulatory power over highway signs should be an option for all local units of government.

***Response:*** While this might make sense for some of the counties that have low population levels, allowing counties to impose billboard control throughout their jurisdiction could mean that cities, villages, and townships (especially in the more populous counties) could wind up having unwanted sign control ordinances imposed on them. The authority to prepare model ordinances (which the smaller units of government inside the county could then voluntarily adopt) is sufficient.