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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 571 (as passed by the Senate)
Sponsor: Senator Mitch Irwin
Committee: Local Government and Veterans

Date Completed: 2-7-90

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RATIONALE

The Highway Advertising Act regulates the size, lighting, and spacing of signs and sign structures in the area between the edge of an interstate highway, freeway, or primary highway and 3,000 feet from the edge. A township with a population of 30,000 or more, a city, a village, or a charter township, however, may enact sign control ordinances as long as an ordinance does not permit a sign or sign structure that is otherwise prohibited by the Act. Thus, such municipalities are authorized to enact local sign ordinances that are more restrictive than the State's regulations. In townships whose population is less than 30,000, however, the Michigan Department of Transportation (DOT) is the regulatory body for the erection and maintenance of signs adjacent to highways. Some people feel that large billboards such as those seen along roadsides can be an eyesore, especially in the State's more scenic areas. They contend that the regulation of the construction and maintenance of such signs should receive greater local input and control and that townships of any size, not just those with populations of 30,000 or more, should be permitted to adopt regulations stricter than those imposed by the DOT.

CONTENT

The bill would amend the Highway Advertising Act to authorize townships of any size, rather than townships with a population of 30,000 or more, to enact sign control ordinances.

MCL 252.304

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Since the Highway Advertising Act gives the DOT sole regulatory authority over the placement and maintenance of signs adjacent to highways in townships with a population under 30,000, residents and officials of small townships are treated unfairly with respect to their ability to influence sign zoning regulations. The few small townships that would be affected by the bill generally are in northern Michigan counties in which the tourist industry has grown in recent years. With that growth has come outdoor advertising in the form of billboards along the sides of highways touting such things as hotels and ski resorts. For instance, 26 signs reportedly were placed, with State approval, adjacent to U.S. 131 near the Pellston airport in Emmet County after the sale of land that was an abandoned railroad right of way. Since the land is located in a township with fewer than 30,000 residents, the local unit of government had no authority to enact a sign ordinance more restrictive than State regulations, and the residents and officials of the township had no input into, or control over, the decision to approve the placement of the signs. Although the bill could

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not change that particular situation, it would allow other small townships in similar situations to take the action desired by the local residents.

Opposing Argument

Outdoor advertising should not be subject to excessive regulation. The Highway Advertising Act, itself, recognizes that outdoor advertising is a legitimate commercial use of private property and is an integral part of the marketing function necessary to enhance Michigan's growing tourist industry. In addition, it is not necessary to allow small townships to assume the State's regulatory function. The statute provides sufficient regulation of the advertising industry to ensure that a preponderance of unsightly signs does not dot the countryside.

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