

# ADVERTISING ADJACENT TO HIGHWAYS

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In a filing with the Secretary of State on September 25, 1997, the following actions were taken: R 247.741 and R 247.242 were amended; R 247.743 through R 247.747 were rescinded; and R 247.748 was added.

These rules take effect 15 days after  
filing with the Secretary of State

(By authority conferred on the department of transportation by section 23 of Act No 106 of the Public Acts of 1972 as amended, being section 252.323 of the Michigan Compiled Laws.)

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## ADVERTISING ADJACENT TO HIGHWAYS

**R 247.703**

### PART 1. GENERAL PROVISIONS

#### **R 247.701 Definitions; A to D.**

Rule 1. (1) Terms defined and used in the act have the same meaning when used in these rules.

(2) "Act" means Act No 106 of the Public Acts of 1972, being §§252.301 to 252.324 of the Michigan Compiled Laws.

(3) "Directional and other official signs and notices" means an official sign or notice, public utility sign, service club and religions notice, public service sign, and directional signs.

(4) "Directional sign" means a sign containing only directional information and the identification of the activity about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religions site, deemed to be in the interest of the traveling public.

**R 247.702 Definitions; M to O.**

Rule 2 (1) "Official signs and notices" means a sign or notice erected and maintained by public officers or a public agency within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility and a historical marker authorized by state law and erected by state or local government agency or nonprofit historical society.

(2) "On-premise advertising signs and devices" means a sign, display, or device which identifies the business transacted, services rendered, goods sold or produced on the property, name of the business, name of firm or corporation occupying the property.

**R 247.703 Definitions; P to V.**

Rule 2. (1) "Parkland" means a publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(2) "Public service sign" means a sign located on an approved school bus shelter containing identification of donor and such safety slogans as to not occupy over 60% of the area of the sign.

(3) "Public utility signs" means a warning sign, informational sign, notice or marker which is customarily erected and maintained by a publicly or privately owned public utility, and essential to their operation.

(4) "Scenic area" means an area of particular scenic beauty or historical significance as determined by the federal, state or local officials having jurisdiction thereof and includes interest in land which has been acquired for the restoration, preservation, and enhancement of scenic beauty.

(5) "Service club and religious notice" means a sign or notice, relating to meetings of a nonprofit service club or charitable association or religious service, which signs do not exceed 8 square feet in area.

(6) "Transient or temporary operation" means that which operates less than 3 months per year.

(7) "Turning roadway" means a connecting roadway for traffic turning between 2 intersecting legs of an interchange.

(8) "Village" means an incorporated village.

**R 247.705 Scope.**

Rule 5. An outdoor advertising sign or device, erected or maintained within 660 feet of the right-of-way in a city, village, or charter township, and within 3,000 feet of the right-of-way in other areas adjacent to interstate, freeway, and federal-aid primary highways, which is visible from the main traveled way of that trunk line, shall conform to the following rules

**R 247.706 Spacing of signs.**

Rule 6. (1) Along interstate highways and freeways, a sign structure located in business areas or unzoned commercial or industrial areas shall not be erected or maintained closer than 500 feet to another sign structure on the same side of the highway.

(2) Along primary highways within the limits of municipalities, a sign structure located in business areas or unzoned commercial or industrial areas shall not be erected or maintained closer than 100 feet to another sign structure.

(3) Along primary highways in areas outside of the limits of municipalities, a sign structure located in business areas or unzoned commercial or industrial areas shall not be erected or maintained closer than 300 feet to another sign structure.

**R 247.707 Spacing within intersecting adjacent areas.**

Rule 7. (1) A sign shall be under the controls established for the highway upon which the sign location or locations front.

(2) Spacing controls shall be measured parallel to the pertinent highway.

(3) A sign visible from an interstate or primary highway shall occupy a location fronting on that highway and only 1 sign structure visible from that highway shall occupy any portion of that location.

(4) A sign visible from 2 adjacent interstate or primary highways shall occupy 2 locations, 1 fronting on each highway. Another sign shall not occupy either of the 2 locations.

(5) The minimum spacing between signs or sign structures visible from different highways shall be not more than the minimum spacing required of the intersecting highways.

**R 247.708 Visual limitations.**

Rule 8 Topographical features used to determine vision limitations include land forms, water, vegetation, and buildings affixed to the land.

**R 247.709 Measurements.**

Rule 9 (1) Measurements for spacing determination shall be made parallel to the edge of the pavement of the main traveled way.

(2) Measurements for determining that portion of a business area that is within 1 mile of a municipality shall be made on an arc or radius basis, with the measurements starting at the nearest point on the corporate limits and extending toward the controlled highways.

(3) Measurements between multiface signs shall be horizontal between the edge or back of the display face or face border trim of the sign and sign structure.

(4) The following shall be deemed 1 sign structure for spacing and size controls if they comply to the stated criteria:

(a) Double-faced display; faces lying in the same general plane not more than 4 feet apart and facing the same direction of travel.

(b) Back-to-back sign structure; faces not more than 10 feet apart and facing in opposite directions of travel.

**R 247.710 Structures and location areas.**

Rule 10 (1) An outdoor advertising sign or device shall be securely affixed to a substantial structure.

(2) A sign location occupies the full distance between the highway right-of-way line and the outer edge of the adjacent area measured perpendicular to the pavement edge of the main traveled roadway.

**R 247.711 Zoning areas.**

Rule 11 (1) Zoning shall be in accordance with procedures established by state law.

(2) The status of an unzoned commercial or industrial area, or a zoned business area beyond 1 mile of the corporate limits, shall remain unchanged for a period of 3 years after the businesses creating the commercial or industrial area have closed operations. During the period when a commercial or industrial business is not in operation, additional signs shall not be allowed within the area.

(3) In determining unzoned commercial or industrial areas, activities related to agriculture or forestry such as nurseries, greenhouses, storage facilities, portable sawmills, natural resource extraction operations normally located in agricultural or forest areas such as unmanned oil wells and storage areas, earth borrow areas lacking permanent processing equipment, as well as unmanned public utility structures or operations shall not be considered commercial or industrial.

## **PART 2. PERMITS AND VIOLATIONS**

### **R 247.721 Permits**

Rule 21. (1) Each sign face shall be treated as a separate sign for permit purposes.

(2) If the permit number cannot be placed on the sign facing, it may be placed on the sign structure in compliance with the act. If the permit number is placed on the sign structure, it shall be visible from the highway faced by the sign or sign structure.

(3) Any permit issued pursuant to these rules does not relieve the applicant from the responsibility of complying with all ordinances which comply with section 4 of the act.

(4) The location of the proposed sign as specified in the permit application shall be relied upon by the department in the issuance of future permits in that vicinity.

(5) A person is not required to obtain a permit for his own sign which is located on his own premise, only if that sign advertises the business, products or profession which is conducted or maintained on that premise as defined in these rules.

(6) An annual permit sticker issued by the department shall be placed above the 4-inch permit number on all outdoor advertising signs or devices which are issued permits prior to July 1973. The permit sticker must be attached within 4 months of the issuance of a permit on signs existing on the effective date of the act or within 3 business days of the completion of erection of a new sign.

### **R 247.723 Violation notices and postings.**

Rule 23. When a sign or sign structure is found to be in violation of the act, a notice shall be posted on the sign or sign structure.

### **PART 3. DIRECTIONAL AND OTHER OFFICIAL SIGNS**

#### **R 247.731 Directional and other official signs; applicability.**

Rule 31. All applicable provisions of the act shall apply to directional and other official signs and notices which are erected and maintained within the adjacent area of an interstate, freeway, or primary highway and which are visible from the main traveled way of the highway except as hereinafter provided.

#### **R 247.732 Directional sign qualifications.**

Rule 32 (1) A privately owned activity or attraction eligible for a directional sign is a natural phenomenon, scenic attraction, natural outdoor recreational area, or an historic, educational, cultural, scientific, or religious site.

(2) To be eligible, a privately owned attraction or activity shall be nationally or regionally known and of outstanding interest to the traveling public.

(3) The department shall determine the eligibility of each attraction or activity. In making this determination, the department may avail itself of the experience and knowledge of selected groups in the specific type of attraction or activity being considered. Any scenic, natural wonder, or historical site shall be sanctioned by the direction of the department of natural resources upon recommendations from the natural area advisory council or historical preservation advisory council before approval by the department.

#### **R 247.733 Permits.**

Rule 33 (1) A permit is required for a directional, service club, church, or public service sign.

(2) Permit numbers for a service club, church, or public service sign shall be 2 inches in height and may be placed on the back of the sign.

#### **R 247.735 Size.**

Rule 35 (1) A sign shall not exceed the following limits:

- (a) Service clubs and church signs, 8 square feet per organization.
- (b) Directional signs, 150 square feet.
- (c) Public service signs, 32 square feet.

(2) The maximum height or length is 20 feet.

(3) All dimensions include border and trim.

**R 247.736 Spacing and location.**

Rule 36. (1) Each location of a service club, church, and directional sign shall be approved by the department.

(2) The total number of service club and church signs on 1 side of the highway shall be not more than 4 in any 1,000 feet.

(3) A directional sign shall be located not less than 2,000 feet from an interchange, rest area, or intersection at-grade along the interstate system or other freeway as measured along the main traveled way from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way.

(4) A directional sign shall be located not less than 2,000 feet from a parkland or a scenic area.

(5) Directional signs facing the same direction of travel shall be spaced not less than 1 mile apart.

(6) Not more than 3 directional signs pertaining to the same activity and facing the same direction of travel shall be erected along a single route approaching the activity.

(7) A sign located adjacent to an interstate highway shall be not more than 75 miles from the activity.

(8) A sign located adjacent to a primary highway shall be not more than 50 air miles from the activity.

**R 247.737 Illumination.**

Rule 37 (1) A sign shall not contain, include, or be illuminated by a flashing, intermittent, or moving light.

(2) A sign shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway, and shall be of such intensity or brilliance as to not cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation of a motor vehicle.

(3) A sign shall be so illuminated as not to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

## **PART 4. HEARINGS AND APPEALS**

### **R 247.741 Requests for hearing.**

Rule 41. (1) A person aggrieved by any action or inaction of the department under the act, other than the amount of compensation to be paid pursuant to the act, is entitled to a hearing before an officer appointed by the department upon filing a written request with the department. The request shall be filed within 60 days after the grievance arises.

(2) The department shall give notice of the hearing and shall conduct the hearing in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

### **R 247.742 Representation.**

Rule 42. A person may represent himself or herself at a hearing or be represented by legal counsel and technical counsel. The department may be represented by an employee of the department or the attorney general.

### **R 247.743 through R 247.747: Rescinded.**

### **R 247.748 Delegation of authority from department to hearing officer to make final administrative decision.**

Rule 48. The department may delegate to a hearing officer the authority to make the final administrative decision from which further review shall be sought under Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.