

## AGREEMENT

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this 30<sup>th</sup> day of March, 1972, by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator, hereinafter referred to as the Administrator and the State of Michigan, represented by the Michigan Department of State Highways acting by and through its Commission, hereinafter referred to as the State Witnesseth:

WHEREAS, Section 131(d) of title 23, United States Code, provides for agreement between the Secretary of Transportation and the several States to determine the size, lighting and spacing of signs, displays and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right of way within areas adjacent to the interstate and primary systems which are zoned commercial or industrial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and

WHEREAS, The purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the National Policy to protect the public investment in the interstate and primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, The State of Michigan elects to implement and carry out the provisions of Section 131 of title 23, United States Code, and the National policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to such State on or after March 31, 1972, under section 104 of title 23, United States Code.

NOW THEREFORE, The parties hereto do mutually agree as follows:

### I. Definitions

- A. Act means Section 131 of title 23, United States Code (1965), commonly referred to as Title I of the Highway Beautification Act of 1965.
- B. Business area means an adjacent area which is zoned under authority of state, county, township or municipal zoning authority for industrial or commercial purposes, customarily referred to as "b" or business, "c" or commercial, "i" or industrial, "m" or manufacturing and "s" or service and all other similar classifications and which: (i) is within a city,

village or charter township or (ii) is within 1 mile of the corporate limits of a city, village or charter township or (iii) is beyond 1 mile of the corporate limits of a city, village or charter township and contains 1 or more permanent structures devoted to the industrial or commercial purposes described in this subdivision and which extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, a business area may be established on the opposite side of a primary highway in an area zoned commercial or industrial or in an unzoned commercial or industrial area with the approval of the State Highway Commission. A permanent structure devoted to industrial or commercial purposes shall not result in the establishment of a business area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally recognized as commercial or industrial by zoning authorities except that none of the following activities shall be considered commercial or industrial:

- (i) Agricultural, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.
- (ii) Transient or temporary activities.
- (iii) Activities not visible from the main-traveled way.
- (iv) Activities conducted in a building principally used as a residence.
- (v) Railroad tracks and minor sidings.
- (vi) Outdoor advertising.
- (vii) Activities more than 660 feet from the main-traveled way.

C. Unzoned Commercial or industrial area means an area which is within an adjacent area, which is not zoned by state or local law, regulation or ordinance, which contains 1 or more permanent structures devoted to the

industrial or commercial purposes described in subdivision (a), and which extends along the highway a distance of 800 feet beyond each edge of the activity. Each side of the highway is considered separately in applying this definition except where it is not topographically feasible for a sign or sign structure to be erected or maintained on the same side of the highway as the permanent structure devoted to industrial or commercial purposes, an unzoned commercial or industrial area may be established on the opposite side of a primary highway with the approval of the State Highway Commission. A permanent structure devoted to industrial or commercial purposes shall not result in the establishment of an unzoned commercial or industrial area on both sides of the highway. All measurements shall be from the outer edge of the regularly used building, parking lot or storage or processing area of the commercial or industrial activity and not from the property lines of the activities and shall be along or parallel to the edge or pavement of the highway. Commercial or industrial purposes are those activities generally recognized as commercial or industrial by zoning authorities except that none of the following activities shall be considered commercial or industrial:

- (i) Agricultural, forestry, grazing, farming and related activities, including, but not limited to wayside fresh produce stands.
- (ii) Transient or temporary activities.
- (iii) Activities not visible from the main-traveled way.
- (iv) Activities conducted in a building principally used as a residence.
- (v) Railroad tracks and minor sidings.
- (vi) Outdoor advertising.
- (vii) Activities more than 660 feet from the main-traveled way.

D. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

E. Interstate highway means a highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

- F. Freeway means a divided highway of not less than 2 lanes in each direction to which owners or occupants of abutting property or the public have no right of ingress or egress to, from or across the highway, except at points determined by or as otherwise provided by the authorities responsible therefor.
- G. Primary highway means a highway, other than an interstate highway or freeway, officially designated as a part of the federal aid primary system as defined in section 103 of title 23 of the United States code, as amended, by the department and approved by the appropriate authority of the federal government.
- H. Main-traveled way means the traveled way of a highway on which through traffic is carried. The traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way of a divided highway. It does not include facilities such as frontage roads, turning roadways or parking areas.
- I. Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing, whether placed individually or on a T-type, V-type, back to back or double-faced display, designed, intended or used to advertise or inform.
- J. Sign structure means the assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, facings and trim. Such sign structure may contain 1 or 2 signs per facing and be double-faced, back to back, T-type or V-type.
- K. Visible means capable of being seen by a person of normal visual acuity.
- L. Location means a place where there is located a single, double-faced, back to back, T-type or V-type sign structure.
- M. Maintain means to allow to exist and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.
- N. Abandoned sign or sign structure means a sign or sign structure subject to the provisions of this act, the owner of which has failed to secure a permit, has failed to identify the sign or sign structure or has failed to respond to notice.
- O. Department means the department of state highways.
- P. Adjacent area means the area measured from the nearest edge of the right of way of an interstate highway, freeway or primary highway and extending horizontally along a line normal or perpendicular to the center

line of the highway 660 feet in a city; village or charter township and 3,000 feet in all other areas.

- Q. Person means any individual, partnership, private association or corporation, state, county, city, village, township or other public or municipal association or corporation.

## II. Scope of Agreement

This agreement shall apply to all zoned and unzoned commercial or industrial areas within 660 feet of the nearest edge of the right of way of all portions of the Interstate System within the State of Michigan in which outdoor advertising signs, displays and devices may be visible from the main-traveled way of said system. This agreement shall also apply to all zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right of way of all portions of the primary system within the State of Michigan in which outdoor advertising signs, displays and devices may be visible from the main-traveled way of said system.

## III. State Control

The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices in accordance with the following criteria:

### A. General The following signs shall not be permitted:

1. Those which purport to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
2. Those which are not adequately maintained and in a good state of repair.
3. Those which are erected or maintained upon trees or painted or drawn upon rocks or other natural resources.
4. Those which prevent the driver of a motor vehicle from having a clear and unobstructed view of approaching, intersecting or merging traffic.
5. Those which are abandoned.

### B. Size of signs

1. In counties having a population of less than 425,000 signs shall not exceed 1,200 square feet in area, including border and trim but excluding ornamental base or apron, supports and other

structural members.

2. In counties having a population of 425,000 or more, signs of a size exceeding 1,200 square feet in area but not in excess of 6,500 square feet in area, including border or trim but excluding ornamental base or apron, supports and other structural members, shall be permitted if the department determines that the signs are in accord with customary usage in the area where the sign is located.
3. Maximum size limitations shall apply to each side of a sign structure. Signs may be placed back to back, side by side or in V-type or T-type construction, with not more than 2 sign displays to each side. Any such sign structure shall be considered as one sign for the purposes of this section.

C. Spacing of signs

1. Along interstate highways and freeways, a sign structure located in a business area or unzoned commercial or industrial area shall not be erected closer than 500 feet to another sign structure on the same side of the highway.
2. Along primary highways within the limits of an incorporated municipality, a sign structure shall not be closer than 100 feet to another sign structure.
3. Along primary highways in areas outside of the limits of an incorporated municipality, a sign structure shall not be closer than 300 feet to another sign structure.
4. The provisions of this section shall not apply to signs separated by a building or other visual obstruction in such a manner that only 1 sign located within the spacing distances is visible from the highway at any time.
5. Along interstate highways and freeways located outside of incorporated municipalities, a sign structure shall not be permitted adjacent to or within 500 feet of an interchange, an intersection at grade or a safety roadside rest area. The 500 feet shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main-traveled way.
6. Official and on-premise signs as defined in section 131(c) of title 23 of the United States code shall not be counted nor shall measurements be made from them for purposes of determining compliance with the spacing requirements provided in this

section.

7. The spacing requirements provided in this section apply separately to each side of the highway.
8. The spacing requirements provided in this section shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

D. Lighting

1. In business areas or unzoned commercial or industrial areas, signs may be illuminated so as to permit them to deliver the intended advertising message but the illuminations shall be employed in such manner so as to prevent intense or brilliant beams or rays of light from being directed at any portion of the main-traveled way of the highway.
  2. A sign containing changing illumination shall not be erected in any area except in an incorporated city or village over 35,000 in population where the department determines it is consistent with customary usage in the area.
  3. A sign shall not be so illuminated that it obscures or interferes with the effectiveness of an official traffic sign, device or signal.
  4. All lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.
- E. The state and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this agreement.

IV. Interpretation

The provisions contained herein shall constitute the minimum acceptable standards for effective control of signs, displays and devices within the scope of this agreement.

Nothing contained in this agreement shall be construed to prohibit the State from exercising a greater degree of control of outdoor advertising than that required by the Act or from adopting standards which are more restrictive in controlling outdoor advertising than the provisions of this agreement if so authorized by the State Legislature.

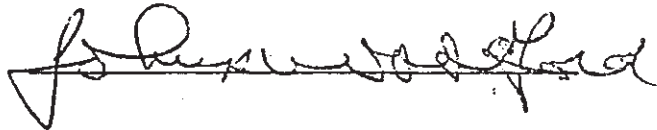
In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress, the parties reserve the right to renegotiate this agreement or to modify it to conform with any amendment.

V. Effective date

This agreement shall become effective on March 31, 1972 and shall be binding on both parties when signed by the Secretary and the representative of the Michigan State Highway Commission.

IN WITNESS WHEREOF the parties have executed this Agreement as of March 31, 1972.

State of Michigan  
State Highway Commission



United States of America

  
Federal Highway Administrator