



December 6, 2016

RE: SB 953 – BILLBOARDS amendment to the Highway Advertising Act of 1972

Dear Chair Glardon and House Transportation and Infrastructure Standing Committee Members,

The City of Grand Rapids opposes SB 953 as proposed by Senator Casperson. While it is greatly appreciated that the bill has been amended since being introduced, additional modifications are still needed. As a general comment, the idea of exempting particular property owners or uses from local zoning control is troublesome. Local regulations are a reflection of a community's priorities and values that should not be regulated through State legislation.

If it is desired that SB 953 proceed, the following changes are recommended:

- *Page 3, Line 20:* Delete "or noninstructional". This leaves the language too open-ended as it could include any properties owned or purchased by a school and may result in the acquisition of property for the placement of a billboard.
- *Page 13, Lines 14 and 15:* Delete "effective display". The result of this provision could be construed to provide rights to the viewshed of a billboard on other's property, without a required easement or compensation to either private land owners or the public.
- *Page 13, Line 22:* Strike "public need". This provides greater weight to this use than other legitimate commercial uses and is unnecessary.
- *Page 23, Line 23:* Restore the original language. This provision changes the definition of a non-conforming sign by stating that the mere issuance of a permit gives legal rights to a billboard on a parcel. The billboard structure needs to exist for the use to be considered valid. Simply holding a permit could create a number of legal problems at the local level.

Additional Concerns:

- The law as written provides no protections for residential areas and preempts local regulations that are designed to preserve the quality of life for homeowners. Most school properties are located in residential areas. Electronic billboards have been known to impact residential uses due to excessive brightness and rapid message changes that make the sign appear to flash.
- *Page 10, Lines 11 and 12 (churches); and 17-19 (service clubs):* Delete or make modifications as this provision is no longer legal (see US Supreme Court decision *Reed v Town of Gilbert*).

Respectfully Submitted,
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Managing Director of Design, Development, and Community Engagement