

CHAPTER 260

OUTDOOR ADVERTISING ON INTERSTATE HIGHWAYS

S. F. 192

AN ACT relating to outdoor advertising along the interstate highways within this state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. As used in this Act:

2 1. "Advertising device" includes any outdoor sign, display, device,
3 figure, painting, drawing, message, placard, poster, billboard, or any
4 other device designed, intended, or used to advertise or to give infor-
5 mation in the nature of advertising and having the capacity of being
6 visible from the traveled portion of any highway of the interstate
7 system in this state.

8 2. "Interstate system" means the system of highways as defined in
9 Title twenty-three (23) U.S.C. one hundred three (103), subsection
10 (d) or amendments thereto.

11 3. "National policy" means the provisions relating to control of
12 advertising devices adjacent to the interstate system contained in Title
13 twenty-three (23) U.S.C. one hundred thirty-one (131) or amend-
14 ments thereto and the national standards promulgated pursuant to
15 such provisions.

1 SEC. 2. No advertising device shall be erected or maintained with-
2 in six hundred sixty (660) feet of the edge of the right-of-way of the
3 interstate system except the following:

4 1. Directional or other official signs or notices that are erected by
5 public officers or agencies and required or authorized by law.

6 2. Advertising devices in compliance with national policy and rules
7 and regulations promulgated by the state highway commission which
8 indicate the sale or lease of the property upon which such devices are
9 located or which advertise activities being conducted on the property
10 where the devices are located providing said rules and regulations
11 promulgated by the state highway commission shall not be more re-
12 strictive than required to conform to the national standards as set
13 forth in Title twenty-three, (23), United States Code.

14 3. Advertising devices in compliance with national policy and rules
15 and regulations promulgated by the state highway commission which
16 advertise activities being conducted within twelve (12) air miles of
17 the place where such devices are located.

18 4. Advertising devices in compliance with national policy and rules
19 and regulations promulgated by the state highway commission which
20 are designed to give information in the specific interest of the travel-
21 ing public.

22 5. Advertising devices which are located in commercial or industrial
23 zones traversed by segments of the interstate system within the bound-
24 aries of incorporated municipalities as such boundaries existed Sep-
25 tember 21, 1959, where the use of property adjacent to the interstate
26 system is subject to municipal regulation and control, or other areas
27 where the land on September 21, 1959, was clearly established by law
28 for industrial or commercial purposes.

1 SEC. 3. The state highway commission shall promulgate and en-
2 force rules and regulations consistent with the safety of the traveling
3 public and in compliance with national policy governing the erection,
4 maintenance, and frequency of advertising devices within six hundred
5 sixty (660) feet of the edge of the right-of-way of the interstate sys-
6 tem which are authorized by this Act and which are outside of com-
7 mercial and industrial zones designated in subsection five (5) of sec-
8 tion two (2) of this Act.

1 SEC. 4. The state highway commission shall acquire by purchase,
2 gift, or condemnation all advertising devices existing on the effective
3 date of this Act which violate the provisions of this Act or which fail
4 to conform to rules and regulations promulgated by the state highway
5 commission under this Act and all rights and interests of all persons
6 in and to such devices; except that in instances involving any author-
7 ized device which fails to conform to rules and regulations, the state
8 highway commission shall give notice to the owner of the device and
9 to the owner of the land on which the device is located and shall give
10 the owner and landowner time to conform to such rules and regula-
11 tions as provided in section five (5) of this Act before proceeding as
12 directed in this section. The provisions of chapters four hundred
13 seventy-one (471) and four hundred seventy-two (472) of the Code
14 shall be applicable to any such condemnation and the state highway
15 commission shall have the right to take immediate possession of and
16 remove such devices under the procedures of section four hundred
17 seventy-two point twenty-five (472.25) of the Code.

1 SEC. 5. Any advertising device erected adjacent to any interstate
2 system after the effective date of this Act which violates the provisions
3 of this Act or fails to comply with the rules and regulations promul-
4 gated by the state highway commission is a public nuisance. The state
5 highway commission shall give thirty (30) days notice, by certified
6 mail, to the owner of the device and to the owner of the land on which
7 said device is located to remove such advertising device if it is a pro-
8 hibited device or cause it to conform to rules and regulations if it is
9 an authorized device. If the landowner or owner of the device fails
10 to act within thirty (30) days as required in the notice, the state high-
11 way commission may file a petition in the district court of the county
12 where such advertising device is located to abate the nuisance. If the
13 court finds that a violation exists as alleged in the petition, the court
14 shall enter an order of abatement against the person or persons erect-
15 ing or maintaining such advertising device and against the person or
16 persons owning the land on which such advertising device is located.

1 SEC. 6. Whoever erects or maintains an advertising device in vio-
2 lation of this Act or in violation of rules and regulations promulgated
3 by the state highway commission under this Act shall be guilty of a
4 misdemeanor and upon conviction be fined not less than twenty-five
5 (25) dollars nor more than one hundred (100) dollars.

1 SEC. 7. The state highway commission may enter into agreements
2 with the secretary of commerce of the United States concerning the
3 erection, maintenance, regulation, location, frequency, and related
4 matters of advertising devices permitted under this Act.

1 SEC. 8. The state highway commission may accept any allotment
2 of funds by the United States or any department or agency thereof
3 appropriated under Title twenty-three (23) U.S.C. or amendments
4 thereto to accomplish the purposes of this Act.

1 SEC. 9. Section four hundred twenty-two point sixty-two (422.62),
2 Code 1962, as amended by chapter two hundred sixty-six (266) and
3 section one (1) of chapter two hundred sixty-seven (267), Acts of the
4 Sixtieth General Assembly, is hereby amended as follows:

5 1. By inserting in line six (6) after the word "treasurer." the fol-
6 lowing:

7 "Within fifteen (15) days after the effective date of this Act, the
8 state treasurer shall transfer the sum of three hundred fifty thousand
9 (350,000) dollars to a fund which shall be known as the 'interstate
10 outdoor advertising fund' from which all expenditures under this Act
11 shall be paid."

12 2. By inserting in line twenty-seven (27) after the word "plates"
13 the words "and the amount transferred during such fiscal year to the
14 interstate outdoor advertising fund".

1 SEC. 10. Section one (1) of chapter two hundred sixty-six (266),
2 Acts of the Sixtieth General Assembly, is hereby amended by inserting
3 in line eleven (11) after the word "year" the words ", and any amount
4 unexpended in the interstate outdoor advertising fund on June 30,
5 1969,".

1 SEC. 11. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Deni-
3 son Review, a newspaper published in Denison, Iowa, and in The What
4 Cheer Patriot-Chronicle, a newspaper published in What Cheer, Iowa.

Approved May 7, 1965.

I hereby certify that the foregoing Act, Senate File 192, was published in The Denison Review, Denison, Iowa, May 17, 1965, and in The What Cheer Patriot-Chronicle, What Cheer, Iowa, May 20, 1965.

GARY L. CAMERON, *Secretary of State.*

CHAPTER 261

SECONDARY ROADS

S. F. 224

AN ACT relating to secondary roads.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred nine point seven (309.7), sub-
2 section one (1), Code 1962, is amended by striking the words "two
3 and one-half ($2\frac{1}{2}$)" in line one (1) and inserting in lieu thereof the
4 words "eleven and one-eighth ($11\frac{1}{8}$)".