

CHAPTER 1162

HIGHWAY SIGNS

S. F. 1265

AN ACT relating to certain signs and notices providing for changes in the terms referring to certain signs and notices, providing for changes in the annual fee for certain advertising devices and establishing a uniform removal procedure for advertising devices erected or maintained in violation of chapters three hundred six B (306B) or three hundred six C (306C) of the Code.

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

1 SECTION 1. Section three hundred six B point five (306B.5), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the following:

3 **306B.5 Removal after notice.** Any advertising device erected or maintained
4 adjacent to any interstate system after May 21, 1965 in violation of this chapter
5 or the rules promulgated by the department, is a public nuisance and may be
6 removed by the department upon thirty days' notice, by certified mail, to the
7 owner of the advertising device and to the owner of the land on which the
8 advertising device is located. The notice shall require such owners to remove the
9 advertising device if it is prohibited or to cause it to conform to this chapter or
10 rules promulgated by the department if it is not prohibited.

11 1. If the owner of the advertising device or the landowner fails to act within
12 thirty days as required in the notice, the advertising device shall be deemed to be
13 forfeited and the department may enter upon the land and remove the advertising
14 device. Such entry after notice, shall not be deemed a trespass and the
15 department may be aided by injunction to abate the nuisance and to insure
16 peaceful entry.

17 2. The cost of removal, including any fees and costs or expenses as may arise
18 out of any action brought by the department to insure peaceful entry and removal
19 may be assessed against the owner of the advertising device. Should the owner of
20 the advertising device fail to pay such fees, costs, or expenses within thirty days
21 after assessment, the department may institute proceedings in the district court or
22 small claims division as applicable, to collect said fees, costs, or expenses which
23 when collected, shall be paid into the "highway beautification fund".

1 SEC. 2. Section three hundred six C point eleven (306C.11), subsection four
(4), Code 1975, is amended to read as follows:

2 4. Official ~~and~~ directional ~~or other traffic control devices or signs.~~ Advertising
3 ~~devices~~ and notices which shall include, but not be limited to, ~~advertising devices~~
4 ~~signs~~ and notices pertaining to natural wonders, scenic and historic attractions,
5 recreational attractions and municipal recognition signs, which shall conform with
6 rules promulgated by the department, provided that such rules shall be consistent
7 with national standards promulgated ~~from time to time by the appropriate~~
8 ~~authority of the federal government,~~ pursuant to Title 23, section 131, ~~paragraph~~
9 ~~subsection "c"~~ of the United States Code.
10

1 SEC. 3. Section three hundred six C point eleven (306C.11), subsection five (5),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1976
3 Session, House File ninety-one (91), section one (1), is amended by adding the
4 following new paragraph:

5 NEW PARAGRAPH. For the year beginning July 1, 1977, and each subsequent
6 year the annual fee shall be equal to the sum of twenty-five dollars plus ten
7 dollars per month. The ten dollar per month portion shall be due on or before the
8 first of each month or payable quarterly with installments due on or before July
9 first, October first, January first, and April first of each year. The ten dollar per
10 month portion of the annual fee shall be used by the department for the design,
11 construction, erection and maintenance of specific information panels and

12 administration costs of collecting the monthly fee. The twenty-five dollar portion
13 of the annual fee shall be deposited in the highway beautification fund.

1 SEC. 4. Section three hundred six C point thirteen (306C.13), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. Official ~~advertising devices~~ *and directional signs and notices* and advertising
4 devices concerning the sale or lease of the property or activities conducted upon
5 the property as specified in Title 23, section 131, ~~paragraph subsection "c"~~ of the
6 United States Code, shall not be taken into consideration in determining
7 compliance with spacing requirements.

1 SEC. 5. Section three hundred six C point nineteen (306C.19), paragraphs* one
2 (1) and two (2), Code 1975, are amended to read as follows:

3 1. If the ~~landowner~~ or owner of the advertising device *or the landowner* fails to
4 act within thirty days as required in the notice, *the advertising device shall be*
5 *deemed to be forfeited* and the department may enter upon the land and remove
6 the advertising device. Such entry after notice, shall not be deemed a trespass and
7 the department may be aided by injunction to abate the nuisance and to insure
8 peaceful entry.

9 2. The cost of removal, including any fees and costs or expenses as may arise
10 out of any action brought by the department to insure peaceful entry and
11 removal, ~~shall may~~ be assessed against the owner of the advertising device. Should
12 the owner of the advertising device fail to promptly pay such fees, costs, or
13 expenses, ~~the department shall proceed to advertise and sell the advertising device~~
14 ~~for purposes of collecting the same. Any balance from the total receipts of the~~
15 ~~sale after deducting all fees, costs, and expenses, including those of the sale, shall~~
16 ~~be paid to the owner of the advertising device; however, if in the opinion of the~~
17 ~~department the proceeds of the sale will not be sufficient to justify the expense~~
18 ~~involved, the advertising device may be used, scrapped, dismantled, or otherwise~~
19 ~~destroyed or disposed of by the department as it sees fit within thirty days after~~
20 ~~assessment, the department may institute proceedings in the district court or small~~
21 ~~claims division as applicable, to collect said fees, costs, or expenses which when~~
22 ~~collected, shall be paid into the "highway beautification fund".~~

Approved June 10, 1976

*Subsections probably intended

CHAPTER 1163

BUSINESS SIGNS

H. F. 91

AN ACT relating to fees for posting business signs on specific information panels and advertising permits.

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

1 SECTION 1. Section three hundred six C point eleven (306C.11), subsection five
2 (5), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Commercial vendors using informational signs shall furnish and maintain
4 informational panels to the department and the commercial vendor shall pay an
5 annual fee of twenty-five dollars for each informational panel to the department
6 for posting such informational panels.