March 13, 1967
Passed on File

Transportation 3-14 - Without recommendation 5-1
Appropriation 5-23, Pass as amended 6-6

Senate File 485

By BENDA, DeHART, DODDS, BURNS, REICHARDT and REPPERT (Dunton, Mensing, Vetter, Sorg, Kluever, Shaw, Baker and Gallagher)

Passed Senate, Date 6-19-67 **Passed House, Date** _____

Vote: Ayes 35 **Nays** 20 **Vote: Ayes** _____ **Nays** _____

Approved _____

Motion to reconsider filed 6-20

A BILL FOR

An Act to control and regulate the erection and maintenance of outdoor advertising on lands adjacent to the federal-aid interstate and primary highways, to provide for administration and promulgation of necessary rules by the state highway commission, and to amend section four hundred twenty-two point sixty-two (422.62) of the Code.

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

1 Section 1. This Act shall be known and may be cited as the
2 "Iowa Highway Advertising Control Act".
1 Sec. 2. The general assembly hereby finds and declares:
2 1. That the erection and maintenance of outdoor advertising
3 signs, displays and devices in areas adjacent to interstate
4 and primary highways should be controlled in order to protect
5 the public investment in such highways, to promote the safety
6 and recreational value of public travel, to preserve natural
7 beauty, and to promote the reasonable, orderly and effective
8 display of outdoor advertising.
9 2. That outdoor advertising is a legitimate commercial use
10 of private property adjacent to the public highways and should
11 be allowed to operate where other business, commercial and
12 industrial activities are conducted.
13 3. That the regulatory standards set forth in section five
14 (5) of this Act are consistent with customary use in this
15 state and will properly and adequately carry out the purposes
16 of this Act.
17 4. That the commission has entered into an agreement with

18 the secretary of the department of commerce of the United
19 States, pursuant to chapter three hundred six B (306B) of the
20 Code, to control the erection and maintenance of signs in
21 areas adjacent to the interstate highway system, and in order
22 for the state to be entitled to receive the bonus payments
23 set forth in the agreement, the commission shall maintain the
24 controls required under such agreement or the controls re-
25 quired by this Act, whichever controls are stricter.
1 Sec. 3. Unless the context otherwise requires, in this Act:
2 1. "Commission" means the highway commission of the state
3 of Iowa.
4 2. "Interstate highway" includes "interstate road" and
5 "interstate system" and means any highway of the primary system
6 at any time officially designated as a part of the national
7 system of interstate and defense highways by the commission and
8 approved by the appropriate authority of the federal government.
9 3. "Primary highway" includes "primary road" and "primary
10 road system" and for the purpose of this Act means all rural
11 roads and extensions of these rural roads which now or here-
12 after are included in the federal aid primary system and
13 municipal extensions thereof as determined by the commission
14 and approved by the appropriate authority of the federal govern-
15 ment.
16 4. "Sign" means any outdoor sign, display, device, notice,
17 figure, painting, drawing, message, placard, poster, bill-
18 board, or other thing, which is designed, intended or used to
19 advertise or inform, any part of the advertising or informa-
20 tive contents of which is visible from any place on the main-
21 traveled way of an interstate or primary highway.
22 5. "Main-traveled way" means the through traffic lanes of
23 that portion of the roadway for the movement of vehicles,
24 exclusive of frontage roads, auxiliary lanes, and ramps.
25 6. "Adjacent area" means an area which is contiguous to
26 and within six hundred sixty (660) feet of the nearest edge
27 of the right-of-way of any interstate or primary highway.

28 7. "Rest area" means an area or site established and main-
29 tained within the right of way line of an interstate or primary
30 highway under supervision and control of the commission for
31 the convenience of the traveling public.
32 8. "Information center" means a building established and
33 maintained at a rest area for the purpose of providing informa-
34 tion in the specific interest of the traveling public, of in-
35 forming the public of places of interest within the state, of
36 maintaining maps, of permitting informational directories, and
37 advertising pamphlets and displays, and of providing such other
38 information as may be desirable under the supervision and con-
39 trol of the commission.
40 9. "Erect" means to construct, reconstruct, build, raise,
41 assemble, place, affix, attach, create, paint, draw or in any
42 other way bring into being or establish; provided, however, that
43 it shall not include any of the foregoing activities when per-
44 formed incidentally to the change of an advertising message
45 or to the customary maintenance of the sign structure.
46 10. "Maintain" means to allow to exist in a state of good
47 repair but not to include reconstruction.
48 11. "Reconstruction" means any repair to the extent of
49 sixty (60) percent or more of the replacement cost of the
50 structure.
51 12. "Business area" means any part of an adjacent area
52 which is at any time (1) zoned to permit business, industrial
53 or commercial activities under the authority of any law or
54 ordinance of this state or of its subdivisions; or (2) not so
55 zoned, but which constitutes an unzoned commercial or indus-
56 trial area as herein defined.
57 13. "Unzoned commercial or industrial area" means all land
58 not used for residential purposes adjacent to and within six
59 hundred sixty (660) feet of the nearest edge of the right of
60 way of a primary highway, which land:
61 a. Is occupied by a commercial or industrial activity; or
62 b. Lies within one thousand (1,000) feet of any commercial

63 or industrial activity; or
64 c. Lies within one thousand (1,000) feet of any two (2)
65 such unzoned areas.
66 14. "Commercial or industrial activity" means any business
67 use of property and includes all land, buildings, other struc-
68 tures and ancillary uses such as, but not limited to, driveways,
69 parking lots, storage areas, processing areas, recreational
70 areas and other areas which constitute an integral part of
71 such activity. Outdoor advertising structures, residential
72 uses of property and farming activities shall not be considered
73 a business use of property for purposes of this definition.
74 15. "Lot" includes "tract" or "parcel of land" and means
75 all contiguous land under identical ownership; contiguity shall
76 not be interrupted by either an intersecting street or the
77 main-traveled way.
1 Sec. 4. No sign shall be erected or maintained in an adja-
2 cent area except the following:
3 1. Directional and other official signs, erected by public
4 officers or agents, including but not limited to, signs per-
5 taining to natural wonders, scenic and historical attractions,
6 which are required or authorized by law, and which comply
7 with rules and regulations promulgated by the commission rela-
8 tive to lighting, size, number, spacing and such other re-
9 quirements as may be appropriate to implement this section;
10 provided that such rules and regulations shall be consistent
11 with national standards promulgated from time to time by the
12 secretary of the department of commerce of the United States
13 pursuant to subsection "c", section one hundred thirty-one
14 (131), title twenty-three (23), United States Code.
15 2. Signs in compliance with rules and regulations promul-
16 gated by the commission which:
17 a. Advertise the sale or lease of the property upon which
18 they are located, or
19 b. Advertise activities being conducted upon the property
20 on which they are located;

21 provided that said rules and regulations promulgated by the
22 commission shall not be more restrictive than national standards
23 promulgated from time to time by the secretary of the department
24 of commerce pursuant to title twenty-three (23), United States
25 Code.
26 3. Signs which are located, or which are to be located in
27 business areas and which comply, or will comply when erected,
28 with the provisions of section five (5) of this Act.
1 Sec. 5. No sign shall be erected or maintained which does
2 not comply with the following standards:
3 1. Size.
4 a. Signs shall not be erected or maintained which exceed
5 one thousand two hundred (1,200) square feet in area, includ-
6 ing border and trim, but excluding base or apron, supports and
7 other structural members.
8 b. Two (2) signs shall be permitted in any facing provided
9 that the total area of such facing shall not exceed one thou-
10 sand two hundred (1,200) square feet.
11 2. Lighting.
12 a. Signs shall not be erected or maintained which contain,
13 include or are illuminated by any flashing, intermittent, or
14 moving light or lights, except those giving public service
15 information such as, but not limited to time, date, temperature,
16 weather, news, and similar information.
17 b. Signs shall not be erected or maintained which are not
18 effectively shielded so as to prevent beams or rays of light
19 from being directed at any portion of the traveled way of any
20 interstate or primary highway and which are of such intensity
21 or brilliance as to cause glare or to impair the vision of the
22 driver of any motor vehicle.
23 c. Signs shall not be erected or maintained which shall be
24 so illuminated that they interfere with the effectiveness of,
25 or obscure an official traffic control device, sign or signal.
26 3. Spacing.
27 a. Signs shall not be erected or maintained in such a manner

28 as to obscure, or otherwise physically interfere with an offi-
29 cial traffic control sign, signal or device, or which obstructs
30 or physically interferes with the driver's view of approaching,
31 merging or intersecting traffic.
32 b. Signs shall not be erected or maintained which do not
33 comply with all applicable county or municipal codes and
34 ordinances, including but not limited to zoning, building and
35 sign codes, as locally interpreted, applied and enforced.
36 c. Signs shall not be erected or maintained closer to
37 another sign on the same lot facing in the same direction,
38 other than a sign described in subsections one (1) and two (2)
39 of section four (4) of this Act, than the following described
40 distances, unless separated by a building, structure or the
41 main-traveled way:
42 (1) Within a business area inside the corporate limits of
43 a municipality and designed to be viewed primarily from a
44 primary highway, or within a zoned commercial or industrial
45 area inside the corporate limits of a municipality and designed
46 to be viewed primarily from the interstate highway, one hundred
47 fifty (150) feet. A sign may be erected or maintained on every
48 lot, however, provided that the minimum lot width is forty
49 (40) feet, except as hereinafter provided. No sign, except
50 as hereinafter provided, is permitted within the triangular
51 area formed by a line connecting two (2) points each fifty
52 (50) feet back from the point where the street lines of the
53 main-traveled way and the intersecting street meet, or would
54 meet if extended.
55 (2) Within a zoned commercial or industrial area outside
56 the corporate limits of a municipality and designed to be
57 viewed primarily from a primary highway, two hundred fifty
58 (250) feet. A sign may be erected or maintained on every lot
59 provided that the minimum lot width is seventy-five (75)
60 feet, except as hereinafter provided. No sign, except as
61 hereinafter provided, is permitted within the triangular
62 area formed by a line connecting two (2) points each one

63 hundred (100) feet back from the point where the street lines
64 of the main-traveled way and the intersecting street meet, or
65 would meet if extended.
66 (3) Within an unzoned commercial or industrial area outside
67 the corporate limits of a municipality and designed to be
68 viewed primarily from a primary highway, five hundred (500)
69 feet. A sign may be erected or maintained on every lot pro-
70 vided that the minimum lot width is seventy-five (75) feet,
71 except as hereinafter provided. No sign, except as hereinafter
72 provided, is permitted within the triangular area formed by a
73 line connecting two (2) points each two hundred (200) feet
74 back from the point where the street lines of the main-traveled
75 way and the intersecting street meet, or would meet if ex-
76 tended.
77 (4) Within a zoned commercial or industrial area outside
78 the corporate limits of a municipality and designed to be viewed
79 primarily from the interstate highway, one thousand (1000)
80 feet. A sign may be erected or maintained on every lot pro-
81 vided that the minimum lot width is two hundred fifty (250)
82 feet, except as hereinafter provided. At interchanges, no
83 sign can be erected or maintained within a radius of six hun-
84 dred sixty (660) feet of the exit or entrance gore, or three
85 hundred fifty (350) feet from the point where the near edge of
86 the road intersects with the center line tangent of the ramp
87 end, or two hundred fifty (250) feet of a major official guide
88 sign, or within seventy-five (75) feet of the right of way of
89 the ramp.
90 (5) No minimum lot widths as set out above are required for
91 a lot in existence on the effective date of this Act.
92 (6) Within a triangular area, as defined above, occupied by
93 a building or structure, no sign shall be erected or maintained
94 closer to the intersection than the building or structure itself.
95 (7) None of the provisions of subsection three (3), para-
96 graph c., of this section shall prevent the erection, in those
97 areas where a sign is permitted, of a double-faced, back-to-

98 back, or V-type sign with a maximum of two (2) signs per fac-
99 ing as permitted by subsection one (1), paragraph b. of this
100 section.
101 4. General:
102 a. Signs shall not be erected or maintained which imitate
103 or resemble any official traffic control sign, signal or device.
104 b. Signs shall not be erected or maintained upon trees,
105 or painted or drawn upon rocks or other natural features.
106 c. Signs shall not be erected or maintained which are
107 structurally unsafe or in substantial disrepair.
108 d. Signs which are obsolete shall be removed.
1 Sec. 6. The commission in behalf of this state shall seek
2 agreement with the secretary of commerce of the United States
3 acting pursuant to the provisions of section one hundred thirty-
4 one (131), title twenty-three (23), United States Code, as
5 amended, that the provisions of this Act are in conformance
6 with said section one hundred thirty-one (131) and provide
7 effective control of signs as set forth therein.
1 Sec. 7. Any sign lawfully in existence in an adjacent area
2 on the effective date of this Act and which is not on that date
3 in conformity with the provisions of this Act, shall not be
4 required to be removed until fifty-eight (58) months shall have
5 elapsed from the date of its erection; provided, however, that
6 no such sign shall be required to be removed before July 1,
7 1970. Any other sign lawfully erected which does not conform
8 to this Act shall not be required to be removed until the end
9 of the fifth year after it becomes nonconforming.
1 Sec. 8.
2 1. The commission shall acquire by purchase, gift or con-
3 demnation, and shall pay just compensation upon the removal of,
4 any of the following signs which are not in conformity with the
5 provisions of this Act:
6 a. Signs lawfully in existence on the effective date of
7 this Act.
8 b. Signs lawfully in existence on land adjoining any highway

9 made an interstate or primary highway after the effective date
10 of this Act.
11 c. Signs lawfully erected on or after the effective date of
12 this Act.
13 2. No sign shall be acquired pursuant to this Act unless
14 the costs thereof are eligible for seventy-five (75) percent
15 federal participation, and unless there are sufficient funds,
16 from whatever source, appropriated and immediately available
17 to the commission, and unless the funds are apportioned by
18 the federal government and notification thereof has been
19 received by the commission; provided that thereafter the
20 commission may further acquire with state funds those signs
21 legally erected, between October 22, 1965, and the effective
22 date of this Act, which are not in conformity with the pro-
23 visions of this Act.
1 Sec. 9. Each such removal shall be deemed to be a taking,
2 for which just compensation shall be paid, of the following:
3 1. From the owner of such sign, all right, title, and
4 interest in and to such sign and his leasehold related
5 thereto.
6 2. From the owner of the real property on which the sign
7 is located, the right to erect and maintain such signs thereon.
1 Sec. 10. The provisions of chapters four hundred seventy-
2 one (471) and four hundred seventy-two (472) of the Code shall
3 be applicable to any such condemnation commenced pursuant to
4 sections eight (8) and nine (9) of this Act, and the commission
5 shall have the right to take immediate possession of and re-
6 move such signs under the procedures of section four hundred
7 seventy-two point twenty-five (472.25) of the Code provided
8 that no sign shall be required to be removed prior to the re-
9 moval dates set out in section seven (7) of this Act.
1 Sec. 11. Every sign which is regulated by the provisions
2 of this Act, or the structure on which such sign is displayed,
3 shall have stated thereon the name and address of the owner
4 and the date of its erection; provided that, if the address of

5 the owner is on file with the commission, it need not be stated
6 thereon.

1 Sec. 12. No sign permitted by section five (5) of this Act
2 may be erected without first obtaining a permit therefor from
3 the commission. The application for a permit shall be on a form
4 provided by the commission and shall contain such information
5 as the commission may reasonably require. Upon receipt of an
6 application containing all required information in due form
7 and properly executed, together with a permit fee of five (5)
8 dollars, the commission shall issue a permit to the applicant
9 for the erection of the sign, provided that such sign will not
10 violate any provision of this Act.

1 Sec. 13. Any sign erected in an adjacent area after the ef-
2 fective date of this Act, in violation of this Act or the rules
3 and regulations promulgated hereunder, may be removed by the
4 department upon thirty (30) days prior notice by certified mail
5 to the owner thereof and to the owner of the land on which said
6 sign is located. No notice shall be required to be given to
7 the owner of a sign whose name is not stated on the sign or
8 on the structure on which it is displayed, or whose address
9 is not stated thereon and is not on file with the commission.

1 Sec. 14. Whoever erects a sign in violation of this Act
2 or in violation of rules and regulations promulgated by the
3 commission under this Act shall be fined not less than one
4 hundred (100) dollars nor more than three hundred (300)
5 dollars.

1 Sec. 15. To accomplish the purposes of this Act, the com-
2 mission may accept any allotment of funds by the United States,
3 or any department or agency thereof, appropriated to carry
4 out the purposes of section one hundred thirty-one (131) of
5 title twenty-three (23), United States Code or amendments
6 thereto. The commission shall take such steps as may be neces-
7 sary to obtain from the United States or any department or
8 agency thereof, funds allotted and appropriated for the pur-
9 pose of paying the federal seventy-five (75) percent share of

10 of the just compensation to be paid to sign owners and owners
11 of real property under the terms of subsection "g" of section
12 one hundred thirty-one (131), title twenty-three (23), United
13 States Code and sections eight (8), nine (9) and ten (10) of
14 this Act.

1 Sec. 16. If any provision or clause of this Act or appli-
2 cation thereof to any person or circumstances is held invalid,
3 such invalidity shall not affect other provisions or applica-
4 tions of the Act which can be given effect without the invalid
5 provision or application, and to this end the provisions of
6 this Act are declared to be severable.

1 Sec. 17. The commission is authorized to establish or to
2 enter into agreements with private persons, firms or corpora-
3 tions for the establishment of information centers in rest
4 areas on the interstate and primary highways, subject to the
5 approval of the department of commerce of the United States.

1 Sec. 18. Section four hundred twenty-two point sixty-two
2 (422.62), Code 1966, is hereby amended as follows:

3 1. By inserting in line eleven (11) after the word "paid."
4 the following:

5 "Within fifteen (15) days after the effective date of this
6 Act, the state treasurer shall transfer annually the sum of
7 one million five hundred thousand (1,500,000) dollars to a
8 fund which shall be known as the highway advertising control
9 fund from which all expenditures under this Act shall be paid."

10 2. By inserting in line forty-seven (47) after the num-
11 eral "1969" the words ", and any amount unexpended in the
12 highway advertising control fund on June 30 of each year,"

13 3. By inserting in line fifty-seven (57) after the word
14 "fund" the words "and the amount transferred during such fiscal
15 year to the highway advertising control fund".

1 Amend Senate File 485 by striking from
2 Sec. 18, Line 7 the words and figures
3 "one million five hundred thousand
4 (1,500,000)" and inserting in lieu
5 thereof the words and figures "ten
6 thousand (10,000)".

Filed - Adopted 6-19
June 6, 1967

By COMMITTEE ON APPROPRIATIONS

1 Amend Senate File 485 by inserting the following new
2 paragraph at the end of section 9:
3 "Nothing in this Act shall be construed to require
4 any payment of compensation for the right to erect and
5 maintain any sign except where the sign is lawfully in
6 existence or lawfully erected as provided in section 8 of
7 this Act. With respect to the right to erect signs after
8 the effective date of this Act, this Act is is the nature
9 of a zoning ordinance."

Filed - Adopted 6-19
June 13, 1967

By STANLEY, GAUDINEER and
BENDA

1 Amend Senate File 485, Section 3, by striking
2 subsection 7, and subsection 8.
3 Further amend Senate File 485 by striking
4 Section 17.

Filed and adopted
June 19, 1967

By FROMMELT