

306C.10 Definitions.

For the purposes of this division, unless the context otherwise requires:

1. *"Adjacent area"* means an area which is contiguous to and within six hundred sixty feet of the nearest edge of the right-of-way of any interstate, freeway primary, or primary highway.
2. *"Advertising device"* includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or give information in the nature of advertising, and having the capacity of being visible from the traveled portion of any interstate or primary highway.
3. *"Bonus interstate highways"* includes all interstate highways except those interstate highways adjacent to areas excepted from control under chapter 306B by authority of section 306B.2, subsection 4.
4. *"Commercial or industrial activities"* means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:
 - a. Outdoor advertising structures.
 - b. Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce.
 - c. Activities in operation less than three months per year.
 - d. Activities conducted in a building principally used as a residence.
 - e. Railroad tracks and minor spurs.
 - f. Activities outside of adjacent areas, as defined by this division and section 306B.5.
 - g. Activities which have been used in defining and delineating an unzoned area but which have since been discontinued or abandoned.
 - h. Residential housing developments.
 - i. Manufactured home communities or mobile home parks.
 - j. Institutions of learning.
 - k. State, county and charitable institutions.
 - l. State and county conservation and recreation areas, public parks, forests, playgrounds, or other areas of historic interest or areas designated as scenic beautification areas under section 313.67.
5. *"Commercial or industrial zone"* means those areas zoned commercial or industrial under authority of a law, regulation, or ordinance of this state, its subdivisions, or a municipality.
6. *"Department"* means the state department of transportation.
7. *"Erect"* means to construct, reconstruct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; however, it shall not include any of the foregoing activities when

performed incidental to the customary maintenance of an advertising device.

8. "*Freeway primary highway*" means those primary highways which have been constructed as a fully controlled access facility with no access to the facility except at established interchanges.

9. "*Information center*" means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing "information of specific interest to the traveling public", as that phrase is defined in section 306C.11, subsection 5.

10. "*Interstate highway*" includes "*interstate road*" and "*interstate system*" and means any highway of the primary system at any time 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.

11. "*Maintain*" means to cause to remain in a state of good repair but does not include reconstruction.

12. "*Main-traveled way*" means the portion of the roadway for movement of vehicles on which through traffic is carried exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways, or parking areas.

13. "*Primary highways*" includes the entire primary system as officially designated, or as may hereafter be so designated, by the department.

14. "*Reconstruction*" means any repair to the extent of sixty percent or more of the replacement cost of the structure, excluding buildings.

15. "*Rest area*" means an area or site established and maintained under authority of section 313.67 within the right-of-way of an interstate, freeway primary, or primary highway under supervision and control of the department for the safety, recreation, and convenience of the traveling public.

16. "*Right-of-way*" means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

17. "*Special event sign*" means a temporary advertising device, not larger than thirty-two square feet in area, erected for the purpose of notifying the public of noncommercial community events including but not limited to fairs, centennials, festivals, and celebrations open to the general public and sponsored or approved by a city, county, or school district.

18. "*Structure*" means any sign supporting device including but not limited to buildings.

19. "*Unzoned commercial or industrial area*" means those areas not zoned by state or local law, regulation, or ordinance, which are occupied by one or more commercial or industrial activities, and the land along the interstate highways and primary highways for a distance of seven hundred fifty feet immediately adjacent to the activities. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be parallel to the edge of pavement of the highway. Measurements shall not be from the property line of the activities unless that property line coincides with the limits of the activities. Unzoned commercial or industrial areas shall not include land on the opposite side of the highway from the commercial or industrial activities.

20. "*Visible*" means capable of being read or comprehended without visual aid by a person of normal visual acuity.

[C73, 75, 77, 79, 81, § 306C.10]

2001 Acts, ch 153, §16; 2003 Acts, ch 8, §5