

FILED MAR 17 1976

SENATE FILE 1265

By COMMITTEE ON TRANSPORTATION

Substituted for H. F. 1330

Passed Senate, Date 3-24-76 (1034) Passed House, Date 4-28-76 (2268)

Vote: Ayes 38 Nays 5 Vote: Ayes 55 Nays 31

Approved 6-10-76

*Repassed Senate per House amendment
as amended 5-11-76 (1855)*

*Repassed House as amended by Senate
5-14-76 (p. 2786)*

29-0

58-28

A BILL FOR *motion to reconsider 5/14 (2812)*

1 An Act to establish a uniform removal procedure for advertising *with amendments 5/26 (2958)*
2 devices erected or maintained in violation of chapters three
3 hundred six B (306B) or three hundred six C (306C) of the Code.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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

32 Sec. 2. Section three hundred six C point nineteen
33 (306C.19), paragraphs one (1) and two (2), Code 1975, are
34 amended to read as follows:

35 1. If the ~~landowner~~-or owner of the advertising device

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

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

26 EXPLANATION

27 This bill provides for a uniform removal procedure for
28 advertising signs. In addition, it provides means to assess
29 and collect the costs expended to remove advertising devices
30 erected or maintained in violation of the law governing such
31 devices.

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SENATE FILE 1265

H-6391

1 Amend Senate File 1265 as passed by the Senate
2 as follows:

3 1. Page 1, by inserting after line 31 the fol-
4 lowing:

5 "Sec. _____. Section three hundred six C point
6 eleven (306C.11), subsection four (4), Code 1975,
7 is amended to read as follows:

8 4. Official and directional ~~or-ether-traffic~~
9 ~~control-devices-or~~ signs--Advertising-devices and
10 notices which shall include, but not be limited to,
11 ~~advertising-devices~~ signs and notices pertaining
12 to natural wonders, scenic and historic attractions,
13 recreational attractions and municipal recognition
14 signs, which shall conform with rules promulgated
15 by the department, provided that such rules shall
16 be consistent with national standards promulgated
17 ~~from-time-to-time-by-the-appropriate-authority-of~~
18 ~~the-federal-government,~~ pursuant to Title 23, section
19 131, paragraph subsection "c" of the United States
20 Code.

21 Sec. _____. Section three hundred six C point
22 thirteen (306C.13), subsection six (6), Code 1975,
23 is amended to read as follows:

24 6. Official advertising-devices and directional
25 signs and notices and advertising devices concern-
26 ing the sale or lease of the property or activities
27 conducted upon the property as specified in Title
28 23, section 131, paragraph subsection "c" of the
29 United States Code, shall not be taken into
30 consideration in determining compliance with spacing
31 requirements."

32 2. Renumber sections and correct internal
33 references as necessary in conformance with this
34 amendment.

35 3. Amend the title, line 1, by striking the words
36 "to establish" and inserting in lieu thereof the words
37 "relating to certain signs and notices providing for
38 changes in the terms referring to certain signs and
39 notices and establishing".

H-6391 FILED - *Adopted 4/28*
APRIL 22, 1976 *(1268)*

BY PERKINS of Greene
DRAKE of Muscatine
HARPER of Davis
KRAUSE of Palo Alto

SENATE AMENDMENT TO HOUSE AMENDMENT
TO SENATE FILE 1265

H-6656

1 Amend the House amendment S-5616 to Senate File
2 1265 as passed by the Senate as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. _____. Section three hundred six C point
6 eleven (306C.11), subsection five (5), Code 1975,
7 as amended by Acts of the Sixty-sixth General Assembly,
8 1976 Session, House File ninety-one (91), section
9 one (1), is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. For the year beginning July 1,
12 1977, and each subsequent year the annual fee shall
13 be equal to the sum of twenty-five dollars plus ten
14 dollars per month. The ten dollar per month portion
15 shall be due on or before the first of each month
16 or payable quarterly with installments due on or
17 before July first, October first, January first, and
18 April first of each year. The ten dollar per month
19 portion of the annual fee shall be used by the
20 department for the design, construction, erection
21 and maintenance of specific information panels and
22 administration costs of collecting the monthly fee.
23 The twenty-five dollar portion of the annual fee shall
24 be deposited in the highway beautification fund."

25 2. Page 1, line 39, by inserting after the word
26 "notices" the words ", providing for changes in the
27 annual fee for certain advertising devices".

28 3. Renumber sections as necessary in conformance
29 with this amendment.

H-6656 FILED
RECEIVED FROM SENATE
MAY 13, 1976

Have concurred 5/14 (2786)

S-5616

1 Amend Senate File 1265 as passed by the Senate
2 as follows:

3 1. Page 1, by inserting after line 31 the fol-
4 lowing:

5 "Sec. _____. Section three hundred six C point
6 eleven (306C.11), subsection four (4), Code 1975,
7 is amended to read as follows:

8 4. ~~Official and directional ex-ether-traffic~~
9 ~~control-devices-or signs---~~Advertising-devices and
10 notices which shall include, but not be limited to,
11 advertising-devices signs and notices pertaining
12 to natural wonders, scenic and historic attractions,
13 recreational attractions and municipal recognition
14 signs, which shall conform with rules promulgated
15 by the department, provided that such rules shall
16 be consistent with national standards promulgated
17 ~~from-time-to-time-by-the-appropriate-authority-of~~
18 ~~the-federal-government,~~ pursuant to Title 23, section
19 131, paragraph subsection "c" of the United States
20 Code.

21 Sec. _____. Section three hundred six C point
22 thirteen (306C.13), subsection six (6), Code 1975,
23 is amended to read as follows:

24 6. Official advertising-devices and directional
25 signs and notices and advertising devices concern-
26 ing the sale or lease of the property or activities
27 conducted upon the property as specified in Title
28 23, section 131, paragraph subsection "c" of the
29 United States Code, shall not be taken into
30 consideration in determining compliance with spacing
31 requirements."

32 2. Renumber sections and correct internal
33 references as necessary in conformance with this
34 amendment.

35 3. Amend the title, line 1, by striking the words
36 "to establish" and inserting in lieu thereof the words
37 "relating to certain signs and notices providing for
38 changes in the terms referring to certain signs and
39 notices and establishing".

S-5616 FILED
APRIL 29, 1976

RECEIVED FROM THE HOUSE

Senate concurred 5/10 (p. 1828)
Motion to reconsider (p. 1829)
Senate concurred as amended by
5732 5/11 (1855)

S-5732

1 Amend the House amendment S-5616 to Senate File
2 1265 as passed by the Senate as follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. ____ . Section three hundred six C point
6 eleven (306C.11), subsection five (5), Code 1975,
7 as amended by Acts of the Sixty-sixth General Assembly,
8 1976 Session, House File ninety-one (91), section
9 one (1), is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. For the year beginning July 1,
12 1977, and each subsequent year the annual fee shall
13 be equal to the sum of twenty-five dollars plus ten
14 dollars per month. The ten dollar per month portion
15 shall be due on or before the first of each month
16 or payable quarterly with installments due on or
17 before July first, October first, January first, and
18 April first of each year. The ten dollar per month
19 portion of the annual fee shall be used by the
20 department for the design, construction, erection
21 and maintenance of specific information panels and
22 administration costs of collecting the monthly fee.
23 The twenty-five dollar portion of the annual fee shall
24 be deposited in the highway beautification fund."

25 2. Page 1, line 39, by inserting after the word
26 "notices" the words ", providing for changes in the
27 annual fee for certain advertising devices".

28 3. Renumber sections as necessary in conformance
29 with this amendment.

S-5732 FILED - Adopted 5/11 (1855)
MAY 10 1976

BY C. JOSEPH COLEMAN

SENATE FILE 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:

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

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

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

2. The cost of removal, including any fees and costs or expenses as may arise out of any action brought by the department to insure peaceful entry and removal may be assessed

against the owner of the advertising device. Should the owner of the advertising device fail to pay such fees, costs, or expenses within thirty days after assessment, the department may institute proceedings in the district court or small claims division as applicable, to collect said fees, costs, or expenses which when collected, shall be paid into the "highway beautification fund".

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

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

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

NEW PARAGRAPH. For the year beginning July 1, 1977, and each subsequent year the annual fee shall be equal to the sum of twenty-five dollars plus ten dollars per month. The ten dollar per month portion shall be due on or before the first of each month or payable quarterly with installments due on or before July first, October first, January first, and April first of each year. The ten dollar per month portion of the annual fee shall be used by the department for the design, construction, erection and maintenance of specific information panels and administration costs of collecting the monthly fee. The twenty-five dollar portion of the annual fee shall be deposited in the highway beautification fund.

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

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

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

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

2. The cost of removal, including any fees and costs or expenses as may arise out of any action brought by the department to insure peaceful entry and removal, shall may be assessed against the owner of the advertising device. Should the owner of the advertising device fail to promptly pay such fees, costs, or expenses, ~~the department shall proceed to advertise and sell the advertising device for purposes of collecting the same.--Any balance from the total receipts of the sale after deducting all fees, costs, and expenses, including those of the sale, shall be paid to the owner of the advertising device, however, if in the opinion of the department the proceeds of the sale will not be sufficient to justify the expense involved, the advertising device may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the department as it sees fit~~ within thirty days after assessment, the department may institute proceedings in the district court or small claims division as applicable,

to collect said fees, costs, or expenses which when collected, shall be paid into the "highway beautification fund".

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 1265, Sixty-sixth General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved June 10, 1976

ROBERT D. RAY
Governor