

CHAPTER 1067

MAINTENANCE OF ACCESS ROADS

H. F. 10

AN ACT relating to the maintenance of access roads.

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

1 SECTION 1. Section three hundred six point nineteen (306.19),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **306.19 Purchase or condemnation of right of way—procedure—**
5 **closing driveway—alternative access.**

6 1. In the maintenance, relocation, establishment, or improvement of
7 any road, including the extension of such road within cities and towns,
8 the commission or board having jurisdiction and control of such road
9 shall have authority to purchase or to institute and maintain proceed-
10 ings for the condemnation of the necessary right of way therefor.
11 Such board or commission shall likewise have power to purchase or
12 institute and maintain proceedings for the condemnation of land
13 necessary for highway drainage, or land containing gravel or other
14 suitable material for the improvement or maintenance of highways,
15 together with the necessary road access or right of access thereto.

16 2. Whenever the board or commission condemns or purchases prop-
17 erty access rights or alters by lengthening any existing driveway to a
18 road from abutting property, except during the time required for con-
19 struction and maintenance of the road or highway, the board or com-
20 mission shall:

21 a. Compensate the owner for any diminution in the market value
22 of the property by the denial or alteration by lengthening the drive-
23 way; however, in computing such diminution in value no considera-
24 tion shall be given to the additional maintenance expense for main-
25 taining the additional length of driveway, but in lieu thereof, both in
26 condemnation proceedings or negotiated purchases, the board or com-
27 mission shall pay to the owner the sum of five dollars for every lineal
28 foot of additional length of driveway located on said owner's prop-
29 erty. This payment shall represent just compensation to said prop-
30 erty owner for the additional driveway maintenance caused by rea-
31 son of the highway or road project.

32 b. If in the opinion of the board or commission it would be more
33 economical to purchase the entire tract of the property owner than
34 to provide and pay the maintenance expense required under the pro-
35 visions of this section, proceed with the acquisition of the entire tract
36 of land; or

37 c. If mutually agreeable, move buildings from an existing location
38 to a location requiring an equal or lesser length of driveway and pro-
39 vide an adequate driveway to a public road.

40 3. None of the foregoing requirements shall prohibit the property
41 owner and the board or commission from entering into a mutually
42 acceptable agreement for the replacement, relocation, construction, or
43 maintenance of any alternate driveway on the owner's property.

44 4. Compensation for any property rights taken in the establishment
45 of any alternative temporary or permanent access shall be paid as in
46 any other purchase or condemnation of property. Proceedings for

47 the condemnation of land for any highway shall be under the provi-
 48 sions of chapter 471 and chapter 472 or as said chapters may be
 49 amended. Provided that, in the condemnation of right of way for
 50 secondary roads, the board of supervisors may proceed as provided in
 51 sections three hundred six point twenty-eight (306.28) to three hun-
 52 dred six point thirty-seven (306.37), both inclusive, of the Code.
 53 5. For the purposes of this section, the term "driveway" shall mean
 54 a way of ingress and egress located entirely on private property, con-
 55 sisting of a lane or passageway leading from a residence to a public
 56 roadway or highway.

Approved April 22, 1972.

CHAPTER 1068

IOWA JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL

H. F. 734

AN ACT relating to the state's compliance with the federal Highway Beautification Act regarding junkyard and billboard standards, and providing penalties.

A. **SHORT TITLE.** This Act may be cited as "Iowa Junkyard Beautification and Billboard Control Act."

B. **PURPOSES OF ACT.** For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways and to preserve and enhance the scenic beauty of lands bordering public highways, it is declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards and to control outdoor advertising in areas adjacent to the interstate and primary systems within this state.

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

- 1 **SECTION 1. Definitions.** For the purposes of sections one (1)
 2 through nine (9), inclusive, of this Act, unless the context otherwise
 3 requires:
 4 1. "Junk" means old or scrap copper, brass, rope, rags, batteries,
 5 paper, trash, rubber debris, waste, or junked, dismantled, or wrecked
 6 automobiles, or parts of automobiles, or iron, steel, or other old
 7 or scrap ferrous or nonferrous material.
 8 2. "Junkyard" means an establishment or place of business which
 9 is maintained, operated, or used primarily for storing, keeping, buy-
 10 ing, or selling junk; and the term includes garbage dumps, sanitary
 11 fills, and automobile graveyards.
 12 3. "Interstate highway" includes "interstate road" and "inter-
 13 state system" and means any highway of the primary system at
 14 any time officially designated as a part of the national system of
 15 interstate and defense highways by the commission and approved
 16 by the appropriate authority of the federal government.
 17 4. "Primary highway" means the federal aid primary system.
 18 5. "Commission" means the state highway commission.