

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.

1     **SEC. 2. Junkyards prohibited—exceptions.** A person shall not  
2 establish, operate, or maintain a junkyard, any portion of which is  
3 within one thousand feet of the nearest edge of the right-of-way of  
4 any interstate or primary highway, except:  
5     1. Those which are screened by natural objects, plantings, fences,  
6 or other appropriate means obscuring them from view from the main-  
7 traveled portion of the highway.  
8     2. Those located within areas which are zoned for industrial use  
9 under authority of law.  
10    3. Those located within unzoned industrial areas which areas shall  
11 be determined from actual land uses and defined by regulations to  
12 be promulgated by the commission under the provisions of chapter  
13 seventeen A (17A) of the Code in accordance with the standards,  
14 criteria, and rules and regulations promulgated under authority  
15 of Title twenty-three (23), United States Code.  
16    4. Those which are not visible from the main-traveled portion of  
17 the highway.

1     **SEC. 3. Junkyards lawfully in existence.** Any junkyard located  
2 outside a zoned or unzoned industrial area lawfully in existence on  
3 the effective date of this Act which is within one thousand feet of  
4 the nearest edge of the right-of-way and visible from the main-  
5 traveled portion of any highway on the interstate or primary system  
6 shall be screened, if feasible, by the commission or the owner under  
7 rules and direction of the commission, at locations on the highway  
8 right-of-way or in areas acquired for such purposes outside the right-  
9 of-way in order to obscure the junkyard from the main-traveled way  
10 of such highways.

1     **SEC. 4. Requirements as to screening.** The commission may  
2 adopt rules and regulations pursuant to chapter seventeen A (17A)  
3 of the Code governing the location, planting, construction, and main-  
4 tenance of screening or fencing required by this Act including ma-  
5 terials to be used. However, such rules and regulations shall be in  
6 accordance with the standards, criteria, rules, and regulations pro-  
7 mulgated under authority of Title twenty-three (23), United States  
8 Code.

1     **SEC. 5. Acquisition of land for screening or removal.** When the  
2 commission determines that it is in the best interests of the state,  
3 it may acquire by gift, purchase, exchange, or condemnation, as  
4 provided by law, such property or rights or interests in property as  
5 may be necessary to provide adequate screening for junkyards. When  
6 the commission determines that the topography of the land adjoining  
7 the highway will not permit adequate screening, or screening would  
8 not be economically feasible, the commission may acquire such prop-  
9 erty or rights or interests in property as may be necessary to secure  
10 the relocation, removal, or disposal of the junkyard, and shall pay  
11 the cost of such relocation, removal, or disposal, with federal partici-  
12 pation. However, no plan for relocation, removal, or disposal which  
13 qualifies for federal participation shall be undertaken unless the  
14 commission has received notification from the federal government  
15 that the federal share to be paid is immediately available for that  
16 purpose.

1     **SEC. 6. Nuisance—injunction.** Any junkyard which does not  
2 conform to the requirements of sections one (1) through nine (9),  
3 inclusive, of this Act, and which is not excepted under sections two  
4 (2) or three (3) of this Act, is a public nuisance. The commission  
5 may apply for an injunction to abate any nuisance arising from a  
6 violation of the provisions of sections one (1) through nine (9),  
7 inclusive, of this Act, or rules and regulations adopted pursuant to  
8 sections one (1) through nine (9), inclusive, of this Act.

1     **SEC. 7. Interpretation.** Nothing in this Act shall be construed  
2 to abrogate or affect the provisions of any lawful ordinance, regula-  
3 tion, or resolution, which are more restrictive than the provisions of  
4 sections one (1) through nine (9), inclusive, of this Act.

1     **SEC. 8. Agreements with the United States authorized.** The  
2 commission may enter into agreements with the United States sec-  
3 retary of transportation as provided by Title twenty-three (23),  
4 United States Code, relating to control of junkyards in areas adja-  
5 cent to the interstate and primary systems, and take action in the  
6 name of the state to comply with the terms of such agreements.

1     **SEC. 9.** Nothing in sections one (1) through nine (9), inclusive,  
2 of this Act shall be construed as permitting the taking of private prop-  
3 erty or the restriction of the reasonable and existing uses of such  
4 property without just compensation and in accordance with the pro-  
5 visions of chapter four hundred seventy-two (472) of the Code and  
6 Title twenty-three (23), United States Code.

1     **SEC. 10. Definitions.** For the purposes of sections ten (10)  
2 through twenty-two (22), inclusive, of this Act, unless the context  
3 otherwise requires:

4     1. "Commission" means the state highway commission of the  
5 state of Iowa.

6     2. "Interstate highway" includes "interstate road" and "inter-  
7 state system" and means any highway of the primary system at  
8 any time officially designated as a part of the national system of  
9 interstate and defense highways by the commission and approved by  
10 the appropriate authority of the federal government.

11     3. "Bonus interstate highways" includes all interstate highways  
12 except those interstate highways adjacent to areas excepted from  
13 control under chapter three hundred six B (306B) by authority of  
14 section three hundred six B point two (306B.2), subsection five (5)  
15 of the Code.

16     4. "Primary highways" includes the entire primary system as  
17 officially designated, or as may hereafter be so designated, by the  
18 commission.

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

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

28 7. "Advertising device" includes any outdoor sign, display, device,  
29 figure, painting, drawing, message, placard, poster, billboard, or any  
30 other device designed, intended, or used to advertise or give infor-  
31 mation in the nature of advertising, and having the capacity of  
32 being visible from the traveled portion of any interstate or primary  
33 highway.

34 8. "Structure" means any sign supporting device including but  
35 not limited to buildings.

36 9. "Erect" means to construct, reconstruct, build, raise, assemble,  
37 place, affix, attach, create, paint, draw, or in any other way bring  
38 into being or establish; however, it shall not include any of the fore-  
39 going activities when performed incidental to the customary main-  
40 tenance of an advertising device.

41 10. "Maintain" means to cause to remain in a state of good repair  
42 but does not include reconstruction.

43 11. "Reconstruction" means any repair to the extent of sixty per-  
44 cent or more of the replacement cost of the structure, excluding  
45 buildings.

46 12. "Visible" means capable of being read or comprehended with-  
47 out visual aid by a person of normal visual acuity.

48 13. "Adjacent area" means an area which is contiguous to and  
49 within six hundred and sixty feet of the nearest edge of the right-  
50 of-way of any interstate, freeway primary, or primary highway.

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

56 15. "Information center" means a site, either with or without  
57 structures or buildings, established and maintained at a rest area  
58 for the purpose of providing "information of specific interest to the  
59 traveling public", as that phrase is defined in section eleven (11),  
60 subsection five (5), of this Act.

61 16. "Rest area" means an area or site established and maintained  
62 under authority of section three hundred thirteen point sixty-seven  
63 (313.67) of the Code within the right-of-way of an interstate, free-  
64 way primary, or primary highway under supervision and control of  
65 the commission for the safety, recreation, and convenience of the  
66 traveling public.

67 17. "Commercial or industrial zone" means those areas zoned  
68 commercial or industrial under authority of a law, regulation, or  
69 ordinance of this state, its subdivisions, or a municipality.

70 18. "Commercial or industrial activities" means those activities  
71 generally recognized as commercial or industrial by zoning authori-  
72 ties in this state, except that none of the following activities shall  
73 be considered commercial or industrial:

74 a. Outdoor advertising structures.

75 b. Agricultural, forestry, grazing, farming, and related activities,  
76 including, but not limited to, wayside fresh produce.

77 c. Activities in operation less than three months per year.

78 d. Activities conducted in a building principally used as a residence.

79 e. Railroad tracks and minor spurs.

80 f. Activities outside of adjacent areas, as defined by sections ten  
81 (10) through twenty-two (22), inclusive, of this Act.

- 82 g. Activities which have been used in defining and delineating an  
83 unzoned area but which have since been discontinued or abandoned.
- 84 h. Residential housing developments.
- 85 i. Mobile home parks.
- 86 j. Institutions of learning.
- 87 k. State, county and charitable institutions.
- 88 l. State and county conservation and recreation areas, public parks,  
89 forests, playgrounds, or other areas of historic interest or areas  
90 designated as scenic beautification areas under section three hundred  
91 thirteen point sixty-seven (313.67) of the Code.
- 92 19. "Unzoned commercial or industrial area" means those areas  
93 not zoned by state or local law, regulation, or ordinance, which are  
94 occupied by one or more commercial or industrial activities, and the  
95 land along the interstate highways and primary highways for a  
96 distance of seven hundred fifty feet immediately adjacent to the  
97 activities. All measurements shall be from the outer edge of the  
98 regularly used buildings, parking lots, storage, or processing areas  
99 of the activities and shall be parallel to the edge of pavement of  
100 the highway. Measurements shall not be from the property line of  
101 the activities unless that property line coincides with the limits of  
102 the activities. Unzoned commercial or industrial areas shall not in-  
103 clude land on the opposite side of the highway from the commercial  
104 or industrial activities.

1 SEC. 11. Subject to the provision made in section thirteen (13) of  
2 this Act regarding control of bonus interstate highways, no adver-  
3 tising device shall be erected or maintained within any adjacent  
4 area as defined in section ten (10) of this Act, or on the right-of-way  
5 of any primary highway, except the following:

6 1. Advertising devices concerning the sale or lease of property  
7 upon which they are located.

8 2. Advertising devices concerning activities conducted on the prop-  
9 erty on which they are located, nor shall the property upon which  
10 they are located be construed to mean located upon any contiguous  
11 area having inconsistent use, size, shape, or ownership.

12 3. Advertising devices within the adjacent area located in com-  
13 mercial or industrial zones or in unzoned commercial or industrial  
14 areas in compliance with the regulatory standards of sections ten  
15 (10) through twenty-two (22), inclusive, of this Act and rules and  
16 regulations promulgated by the commission.

17 4. Official directional or other traffic control devices or signs. Ad-  
18 vertising devices and notices which shall include, but not be limited  
19 to, advertising devices and notices pertaining to natural wonders,  
20 scenic and historic attractions, recreational attractions and municipal  
21 recognition signs, which shall conform with rules and regulations  
22 promulgated by the commission, provided that such rules shall be  
23 consistent with national standards promulgated from time to time by  
24 the appropriate authority of the federal government, pursuant to  
25 Title twenty-three (23), section one hundred thirty-one (131), para-  
26 graph c of the United States Code.

27 5. Signs, displays, and devices giving specific information of inter-  
28 est to the traveling public, shall be erected by the commission and  
29 maintained within the right-of-way in such areas, and at appropriate  
30 distances from interchanges on the interstate system and freeway

31 primary highways as shall conform with the rules and regulations  
32 promulgated by the commission. Such rules shall be consistent with  
33 national standards promulgated from time to time by the appropriate  
34 authority of the federal government pursuant to Title twenty-three  
35 (23), section one hundred thirty-one (131), paragraph f of the  
36 United States Code. For purposes of sections ten (10) through  
37 twenty-two (22), inclusive, of this Act, "specific information of in-  
38 terest to the traveling public", means only information about public  
39 places for outdoor recreation, camping, lodging, eating, and gas and  
40 associated services which means the business shall be in continuous  
41 operation sixteen hours per day, seven days per week, with tele-  
42 phones and restroom facilities, motor fuel, oil, and water, including  
43 trade names.

44 Commercial vendors using informational signs shall furnish and  
45 maintain informational panels to the commission and the commercial  
46 vendor shall pay an annual fee of twenty-five dollars for each infor-  
47 mational panel to the commission for posting such informational  
48 panels. There is created in the office of the treasurer of state a fund  
49 to be known as the "highway beautification fund" and all funds  
50 received for the posting of informational panels shall be deposited in  
51 the "highway beautification fund". Information on gas and associ-  
52 ated services may include vehicle service and repair where the same  
53 is available.

1 SEC. 12. An advertising device shall not be constructed or recon-  
2 structed beyond the adjacent area in unincorporated areas of the state  
3 if it is visible from the main-traveled way of any interstate or pri-  
4 mary highway except for advertising devices permitted in section  
5 eleven (11), subsections one (1) and two (2) of this Act and municip-  
6 al recognition signs erected by any city or town. Any advertising  
7 device permitted beyond an adjacent area in unincorporated areas of  
8 the state shall be subject to the applicable permit provisions of sec-  
9 tion eighteen (18) of this Act.

1 SEC. 13. The commission shall control the erection and mainte-  
2 nance of advertising devices authorized by section eleven (11), sub-  
3 section three (3) of this Act in accord with the following criteria,  
4 except that in the case of bonus interstate highways the commission  
5 shall maintain the controls required under chapter three hundred  
6 six B (306B) of the Code or the controls required by sections ten  
7 (10) through twenty-two (22) of this Act, whichever controls are  
8 stricter:

9 1. Advertising devices located within the adjacent area of inter-  
10 state highways and freeway primary highways shall not be erected  
11 or maintained closer to another advertising device facing in the same  
12 direction than five hundred feet outside of cities and towns, and  
13 within two hundred fifty feet if inside of cities and towns. An adver-  
14 tising device may not be located within two hundred fifty feet of an  
15 interchange, or rest area. The measurement shall be from the nearest  
16 widening constructed for the purpose of acceleration or deceleration  
17 of traffic movement to or from the main-traveled way to the advertis-  
18 ing device.

19 2. Advertising devices located within the adjacent area of primary  
20 highways shall not be erected or maintained closer to another adver-

21 tising device facing in the same direction than one hundred feet if  
22 inside the corporate limits of a municipality. No advertising device,  
23 other than as excepted or permitted by subsections four (4), five  
24 (5), or six (6) of this section, shall be located within the triangular  
25 area formed by the line connecting two points each fifty feet back  
26 from the point where the street right-of-way lines of the main-  
27 traveled way and the intersecting street meet, or would meet, if  
28 extended.

29 3. Advertising devices located within the adjacent area of primary  
30 highways shall not be erected or maintained closer to another adver-  
31 tising device facing in the same direction than three hundred feet  
32 if outside the corporate limits of a municipality. No advertising de-  
33 vice, other than those excepted or permitted by subsections four (4),  
34 five (5), or six (6) of this section, shall be located within the tri-  
35 angular area formed by a line connecting two points each one hun-  
36 dred feet back from the point where the street right-of-way lines of  
37 the main-traveled way and the intersecting street meet, or would  
38 meet, if extended.

39 4. The distance spacing measurements fixed by subsections two  
40 (2) and three (3) of this section shall not apply to advertising de-  
41 vices which are separated by a building in such a manner that only  
42 one advertising device located within the minimum spacing distance  
43 is visible from a highway at any one time.

44 5. Within a triangular area, as defined by subsections two (2) and  
45 three (3) of this section, occupied by a building or structure, no  
46 advertising device shall be erected or maintained closer to the inter-  
47 section than the building or structure itself, except that a wall adver-  
48 tising device may be attached to said building or structure not to  
49 protrude more than twelve inches.

50 6. Official advertising devices and advertising devices concerning  
51 the sale or lease of the property or activities conducted upon the  
52 property as specified in Title twenty-three (23), section one hundred  
53 thirty-one (131), paragraph c of the United States Code, shall not  
54 be taken into consideration in determining compliance with spac-  
55 ing requirements.

56 7. The minimum distance between two advertising devices facing  
57 the same direction shall apply without regard to the side of the  
58 highway on which the advertising devices may be located and shall  
59 be measured along the center line of the highway between points  
60 directly opposite the advertising devices.

61 8. Advertising devices shall not be erected, maintained, or illumi-  
62 nated:

63 a. In a manner to obscure or otherwise physically interfere with  
64 an official traffic sign, signal, or device, or to obstruct or physically  
65 interfere with any driver's view of approaching, merging, or inter-  
66 secting traffic.

67 b. Unless effectively shielded to prevent light from being directed  
68 at any portion of the traveled highway with such intensity or bril-  
69 liance as to cause glare or to impair the vision of the driver of any  
70 motor vehicle.

71 c. Which contain, include, or are illuminated by any flashing, inter-  
72 mittent, or moving light or lights, except those giving public service  
73 information such as, but not limited to time, date, temperature,  
74 weather, news and similar information.

75 d. Which imitate or resemble an official sign or signal or device  
 76 or which are erected or maintained within or closer than three hun-  
 77 dred feet from scenic areas, as defined and determined by the com-  
 78 mission, or which are located or maintained upon trees, or painted  
 79 or drawn upon rocks or natural features, or which are structurally  
 80 unsafe or in substantial disrepair.

81 e. Which exceed one thousand two hundred square feet in area or  
 82 in the case of back-to-back or V-type advertising device, with a  
 83 maximum of two facings per advertising device, seven hundred fifty  
 84 square feet in area, including border and trim but excluding base or  
 85 apron, support, and other structural members.

86 f. Which do not comply with all applicable state or local laws,  
 87 regulations and ordinances, including but not limited to zoning,  
 88 building, and sign codes as locally interpreted and applied and en-  
 89 forced, or which violate chapter three hundred nineteen (319) of  
 90 the Code; however, nothing in sections ten (10) through twenty-two  
 91 (22), inclusive, of this Act shall prevent or restrict county or local  
 92 zoning authorities from making a determination of customary use  
 93 concerning size, lighting, and spacing of advertising devices in zoned  
 94 commercial or industrial adjacent areas, and such determinations  
 95 will be accepted in lieu of the standards of sections ten (10) through  
 96 twenty-two (22), inclusive, of this Act. The provisions of sections  
 97 ten (10) through twenty-two (22), inclusive, of this Act shall not  
 98 prevent or restrict county or local zoning authorities within their  
 99 respective jurisdictions from establishing standards imposing con-  
 100 trols stricter than those required by sections ten (10) through  
 101 twenty-two (22), inclusive, of this Act.

102 g. The standards contained in this section pertaining to size,  
 103 lighting, and spacing shall not apply to advertising devices erected  
 104 or maintained within six hundred sixty feet of the right-of-way of  
 105 those portions of the interstate highway system exempted from  
 106 control under chapter three hundred six B (306B) of the Code by  
 107 authority of section three hundred six B point two (306B.2), sub-  
 108 section five (5) of the Code, nor to advertising devices erected and  
 109 maintained within adjacent areas along primary highways within  
 110 zoned and unzoned commercial and industrial areas, unless said  
 111 advertising devices were erected subsequent to the effective date of  
 112 sections ten (10) through twenty-two (22), inclusive, of this Act.

1 SEC. 14. Any advertising device lawfully in existence in an  
 2 adjacent area on the effective date of sections ten (10) through  
 3 twenty-two (22), inclusive, of this Act, which does not conform with  
 4 the provisions of sections ten (10) through twenty-two (22), inclu-  
 5 sive, of this Act, shall be required to be brought into conformity or  
 6 removed within six years after the effective date of sections ten (10)  
 7 through twenty-two (22), inclusive, of this Act. Any advertising  
 8 device lawfully erected after the effective date of sections ten (10)  
 9 through twenty-two (22), inclusive, of this Act which subsequently  
 10 becomes nonconforming, shall be required to be brought into con-  
 11 formity or removed within five years after the date the nonconform-  
 12 ity occurs. However, no advertising device shall be acquired or  
 13 be required to be removed pursuant to sections ten (10) through  
 14 twenty-two (22), inclusive, of this Act unless the commission has  
 15 received notification from the federal government that the federal



16 share of "just compensation" to be paid is immediately available to  
17 contribute to the cost of acquisition or removal; this requirement  
18 shall not apply to the acquisition or removal of advertising devices  
19 for which no federal share is payable.

1 SEC. 15. The commission shall acquire by purchase, gift, or con-  
2 demnation, and shall pay "just compensation" upon the removal of  
3 any of the following advertising devices which are not in conform-  
4 ity with the provisions of sections ten (10) through twenty-two  
5 (22), inclusive, of this Act:

6 1. Advertising devices lawfully in existence on the effective date  
7 of sections ten (10) through twenty-two (22), inclusive, of this Act.

8 2. Advertising devices lawfully in existence on land adjoining any  
9 highway made an interstate, freeway primary, or primary highways  
10 after the effective date of sections ten (10) through twenty-two (22),  
11 inclusive, of this Act.

12 3. Advertising devices lawfully erected on or after the effective  
13 date of sections ten (10) through twenty-two (22), inclusive, of this  
14 Act, but which subsequently become nonconforming.

15 4. Any advertising device erected on the mistaken or negligent  
16 advice of any official or employee of the state of Iowa as to the  
17 interpretation, effect, or operation of sections ten (10) through  
18 twenty-two (22), inclusive, of this Act, chapter three hundred six B  
19 (306B) of the Code, or rules and regulations promulgated by the  
20 commission.

1 SEC. 16. Compensation required by section fifteen (15) of this  
2 Act shall be paid for the following:

3 1. The taking from the owner of such advertising device of all  
4 right, title, leasehold, and interest in such advertising device.

5 2. The taking from the owner of real property on which an adver-  
6 tising device is located, of the right to erect and maintain such  
7 advertising devices upon that real property.

1 SEC. 17. The provisions of chapters four hundred seventy-one  
2 (471) and four hundred seventy-two (472) of the Code shall be appli-  
3 cable to any such condemnation commenced pursuant to sections ten  
4 (10) through twenty-two (22), inclusive, of this Act, and the com-  
5 mission may take immediate possession of and remove such adver-  
6 tising devices under the procedures of section four hundred seventy-  
7 two point twenty-five (472.25) of the Code.

1 SEC. 18. Within thirty days from the effective date of this Act,  
2 the owner of every advertising device regulated by the provisions  
3 of this Act, except signs and advertising devices excepted by sub-  
4 sections one (1), two (2), four (4) and five (5) of section eleven  
5 (11) of this Act, shall be required to make application to the com-  
6 mission for a permit.

7 The application for a permit shall be on a form provided by the  
8 commission and shall contain the name and address of the owner of  
9 the advertising device and the name and address of the owner of the  
10 real property on which it is located; the date of its erection; a  
11 description of its location; its dimensions; and such other infor-  
12 mation required by the commission, together with a permit fee as  
13 provided in this section.

14 After the effective date of this Act, no new advertising device for  
15 which an application for a permit is required may be erected without  
16 first obtaining a permit from the commission, except in the case of  
17 advertising devices lawfully in existence in areas adjacent to any  
18 highway made an interstate, freeway primary, or primary highway  
19 after the effective date of this Act. The owner shall be required to  
20 make application for a permit as provided for in this section within  
21 thirty days after the date the said highway acquired said design-  
22 nation.

23 Upon receipt of an application containing all the required infor-  
24 mation in due form and properly executed together with the fee  
25 required, the commission shall issue a permit to be affixed to the  
26 advertising device if the advertising device will not violate any pro-  
27 vision of sections ten (10) through twenty-two (22), inclusive, of  
28 this Act, or any rule or regulation promulgated by the commission,  
29 provided that in the case of advertising devices to be acquired pur-  
30 suant to section fifteen (15) of this Act a provisional permit shall be  
31 issued.

32 The fee for both types of permits shall be five dollars for the  
33 initial fee and three dollars for each annual renewal. The fees col-  
34 lected for the above permits shall be credited to a special account  
35 entitled the "highway beautification fund" and all salaries and ex-  
36 penses incurred in administering this Act shall be paid from this  
37 fund or from specific appropriations for this purpose, except that  
38 surveillance of, and removal of, advertising devices performed by  
39 regular maintenance personnel are not to be charged against the  
40 account.

1 SEC. 19. Any advertising device erected or maintained after the  
2 effective date of sections ten (10) through twenty-two (22), inclusive,  
3 of this Act, in violation of sections ten (10) through twenty-two (22),  
4 inclusive, of this Act, or the rules and regulations promulgated by  
5 the commission, is a public nuisance and may be removed by the com-  
6 mission upon thirty days' notice, by certified mail, to the owner of  
7 the advertising device and to the owner of the land on which the  
8 advertising device is located. The notice shall require such owners  
9 to remove the advertising device if it is prohibited, or to cause it to  
10 conform to sections ten (10) through twenty-two (22), inclusive, of  
11 this Act or rules and regulations promulgated by the commission if  
12 it is not prohibited.

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

19 2. The cost of removal, including any fees and costs or expenses  
20 as may arise out of any action brought by the commission to insure  
21 peaceful entry and removal, shall be assessed against the owner of  
22 the advertising device. Should the owner of the advertising device  
23 fail to promptly pay such fees, costs, or expenses, the commission  
24 shall proceed to advertise and sell the advertising device for pur-  
25 poses of collecting the same. Any balance from the total receipts of  
26 the sale after deducting all fees, costs, and expenses, including those

27 of the sale, shall be paid to the owner of the advertising device;  
28 however, if in the opinion of the commission the proceeds of the  
29 sale will not be sufficient to justify the expense involved, the advertis-  
30 ing device may be used, scrapped, dismantled, or otherwise destroyed  
31 or disposed of by the commission as it sees fit.

1     SEC. 20. The commission shall enter into agreements with the  
2 duly constituted federal authorities in order to secure for the state all  
3 bonus federal funds allotted and appropriations to the state and to  
4 avoid loss or reduction, under Title twenty-three (23), section one  
5 hundred thirty-one (131), of the United States Code, of federal aid  
6 funds apportioned or to be apportioned to the state under Title  
7 twenty-three (23), section one hundred four (104) of the United  
8 States Code. The commission may accept funds from whatever  
9 source, including any allotment of funds by the United States, or  
10 any of its departments or agencies, appropriated to carry out the  
11 purposes of Title twenty-three (23), section one hundred thirty-one  
12 (131) of the United States Code. The commission shall take such  
13 steps as may be necessary to obtain from the United States or any  
14 of its departments or agencies, funds allotted and appropriated for  
15 the purpose of paying the federal share of just compensation to be  
16 paid to advertising device owners and owners of the real property  
17 under the terms of this Act and Title twenty-three (23), section one  
18 hundred thirty-one (131), paragraph g of the United States Code.  
19 All moneys received pursuant to the provisions of this Act shall be  
20 deposited in the "highway beautification fund".

1     SEC. 21. The commission may establish or enter into agreements  
2 with private persons, firms, or corporations for the establishment of  
3 information centers in rest areas on the interstate, freeway primary,  
4 and primary highways, subject to the approval of the appropriate  
5 authority of the federal government.

1     SEC. 22. Section three hundred six B point five (306B.5), Code  
2 1971, is amended to read as follows:

3     **306B.5 Nuisance declared.** Any advertising device erected adja-  
4 cent to any interstate system after May 21, 1965, which violates the  
5 provisions of this chapter or fails to comply with the rules and regu-  
6 lations promulgated by the state highway commission is a public  
7 nuisance. The state highway commission shall give thirty days'  
8 notice, by certified mail, to the owner of the device and to the owner  
9 of the land on which said device is located to remove such advertis-  
10 ing device if it is a prohibited device or cause it to conform to rules  
11 and regulations if it is an authorized device. If the landowner or  
12 owner of the device fails to act within thirty days as required in the  
13 notice, the state highway commission may file a petition in the dis-  
14 trict court of the county where such advertising device is located to  
15 abate the nuisance. If the court finds that a violation exists as  
16 alleged in the petition, the court shall enter an order of abatement  
17 against the person or persons erecting or maintaining such advertis-  
18 ing device and against the person or persons owning the land on  
19 which such advertising device is located. *If the landowner or owner*  
20 *of the sign fails to act within the time required in the order of abate-*  
21 *ment, the state highway commission may give thirty days' notice*

22 to the landowner or owner of the sign and at the end of thirty days  
 23 the commission may enter upon the land and remove the sign. Such  
 24 entry after notice, shall not be deemed a trespass and the commission  
 25 may be aided by injunction to abate the nuisance and to insure peace-  
 26 ful entry. The cost of removal, including any fees and costs or ex-  
 27 penses as may arise out of any action brought by the commission  
 28 to insure peaceful entry and removal, shall be assessed against the  
 29 owner of the sign. Should the owner of the sign fail to promptly  
 30 pay such fees, costs or expenses, the commission shall proceed to ad-  
 31 vertise and sell the sign for purposes of collecting the same. Any  
 32 balance from the total receipts of the sale after deducting the fees,  
 33 costs and expenses, including those of the sale, shall be paid to the  
 34 owner of the sign; however, if in the opinion of the commission, the  
 35 proceeds of the sale will not be sufficient to justify the expense in-  
 36 volved, the sign may be used, scrapped, dismantled, or otherwise  
 37 destroyed or disposed of by the commission as it sees fit.

Approved March 29, 1972.

## CHAPTER 1069

### INSTITUTIONAL AND PARK ROADS

H. F. 1292

AN ACT to increase the allocation for construction of state institutional roads and state park roads.

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

1 SECTION 1. Section three hundred twelve point two (312.2), sub-  
 2 section five (5), Code 1971, is amended to read as follows:  
 3 5. The treasurer of state shall before making the above allotments  
 4 credit annually to the highway grade crossing safety fund the sum of  
 5 two hundred forty thousand dollars, credit annually to the primary  
 6 road fund the sum of one million *four hundred thousand* dollars for  
 7 carrying out subsection 12 of section 307.5, the last paragraph of sec-  
 8 tion 313.4 and section 307.10, and credit annually to the primary road  
 9 fund the sum of five hundred thousand dollars to be used for paying  
 10 expenses incurred by the secondary and urban road departments of  
 11 the commission other than expenses incurred for extensions of pri-  
 12 mary roads in cities and towns. All unobligated funds provided by  
 13 this subsection at the end of each year shall revert to the road use  
 14 tax fund.

Approved March 24, 1972.