

## CHAPTER 39

### ADVERTISING DEVICES NEAR HIGHWAYS

S.F. 548

AN ACT relating to the regulation of advertising devices near certain highways.

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

Section 1. [Section 306B.1, subsection 1](#), Code 2021, is amended to read as follows:

1. “Advertising device” ~~includes means~~ any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or to give information in the nature of advertising ~~inform~~, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and having the capacity of being which is visible from the traveled portion of any highway of the interstate system in this state.

Sec. 2. [Section 306B.1, subsection 4](#), Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

4. “Remuneration” means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

Sec. 3. [Section 306B.2](#), Code 2021, is amended to read as follows:

#### **306B.2 Advertising prohibited — exceptions.**

~~No~~ An advertising device shall not be erected or maintained within six hundred sixty feet of the edge of the right-of-way of the interstate system except the following:

1. Directional or other official signs or notices that are erected by public officers or agencies and required or authorized by law.

2. Advertising devices in compliance with national policy and rules promulgated by the department which indicate the sale or lease of the property upon which such devices are located or which advertise activities being conducted on the property where the devices are located providing said rules promulgated by the said department shall not be more restrictive than required to conform to the national standards as set forth in Tit. 23, United States Code.

3. Advertising devices in compliance with national policy and rules promulgated by the department which are designed to give information in the specific interest of the traveling public.

4. Advertising devices that are located in areas zoned and used for commercial or industrial purposes under authority of law, regulation, or ordinance of this state or a political subdivision of this state. For purposes of [this subsection section](#), “areas zoned and used for commercial or industrial purposes” means an area zoned for commercial or industrial purposes in accordance with [chapter 414](#), in the case of city zoning, or in accordance with [chapter 335](#), in the case of county zoning, in which one or more commercial or industrial activities, as defined under the city or county zoning ordinance, are located.

Sec. 4. [Section 306C.10, subsections 2 and 3](#), Code 2021, are amended to read as follows:

2. “Advertising device” ~~includes means~~ 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, ~~inform~~, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and having the capacity of being which is visible from the traveled portion of any 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](#).

Sec. 5. [Section 306C.10](#), Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. “Remuneration” means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

Sec. 6. [Section 306C.10, subsection 18](#), Code 2021, is amended by striking the subsection.

Sec. 7. [Section 306C.11, subsections 1 and 2](#), Code 2021, are amended by striking the subsections.

Sec. 8. [Section 306C.11, subsection 3](#), paragraph b, subparagraph (3), Code 2021, is amended by striking the subparagraph.

Sec. 9. [Section 306C.11, subsections 4 and 6](#), Code 2021, are amended by striking the subsections.

Sec. 10. [Section 306C.12](#), Code 2021, is amended to read as follows:

**306C.12 None visible from highway.**

An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if it is visible from the main-traveled way of any primary highway ~~except for advertising devices permitted in [section 306C.11, subsections 1 and 2](#)~~. Any advertising device permitted beyond an adjacent area in unincorporated areas of the state shall be subject to the applicable permit provisions of [section 306C.18](#).

Sec. 11. [Section 306C.13, subsections 2 and 3](#), Code 2021, are amended to read as follows:

2. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than one hundred feet to another advertising device facing in the same direction ~~than one hundred feet~~ if inside the corporate limits of a municipality. ~~No An~~ advertising device, ~~other than as excepted or permitted by [subsection 4, 5, or 6](#)~~, shall not be located within the triangular area formed by the line connecting two points each fifty feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

3. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than three hundred feet to another advertising device facing in the same direction ~~than three hundred feet~~ if outside the corporate limits of a municipality. ~~No An~~ advertising device, ~~other than those excepted or permitted by [subsection 4, 5, or 6](#)~~, shall not be located within the triangular area formed by a line connecting two points each one hundred feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

Sec. 12. [Section 306C.13, subsection 6](#), Code 2021, is amended by striking the subsection.

Sec. 13. [Section 306C.13, subsection 8](#), paragraphs c and g, Code 2021, are amended to read as follows:

c. Which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, ~~except those giving public service information such as, but not limited to time, date, temperature, weather, news and similar information.~~

g. The standards contained in [this section](#) pertaining to size, lighting, and spacing shall not apply to advertising devices erected or maintained within six hundred sixty feet of the right-of-way of those portions of the interstate highway system exempted from control under [chapter 306B](#) by authority of [section 306B.2, subsection 4](#), nor to advertising devices erected and maintained within adjacent areas along noninterstate primary highways within zoned and unzoned commercial and industrial areas, unless said advertising devices were erected subsequent to July 1, 1972.

Sec. 14. [Section 306C.18](#), unnumbered paragraph 1, Code 2021, is amended to read as follows:

The owner of every advertising device regulated by ~~this chapter, except signs and advertising devices excepted by [section 306C.11, subsections 1, 2, and 5, and official signs erected by public officers or agencies, subsection 3](#)~~, shall be required to make application to the department for a permit.

Sec. 15. REPEAL. [Sections 306B.3](#) and [306C.23](#), Code 2021, are repealed.

Approved April 12, 2021