



LAWS OF ALASKA

1968

Source

HCSCSSB 144 am FCC

Chapter No.

233

AN ACT

Relating to highway beautification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 19 is amended by adding new chapters to read:

CHAPTER 22. LANDSCAPING AND SCENIC ENHANCEMENT.

Sec. 19.22.010. PURPOSE. The purpose of this chapter is to promote the safety, convenience and enjoyment of travel on and protection of the public investment in highways of the state, and to authorize the restoration, preservation, and enhancement of scenic beauty within and adjacent to highways of the state.

Sec. 19.22.020. AUTHORIZATION TO ACQUIRE AND IMPROVE.
(a) The department is authorized to acquire by purchase, exchange, gift, or condemnation land or any interest in land necessary for the restoration, preservation and enhancement of scenic beauty, within or adjacent to the rights of way of highways on the state highway system.

(b) The department is authorized to acquire and develop publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way reasonably necessary to accommodate the traveling public.

(c) The department is authorized to make improvements necessary to effectuate the purposes of sec. 10 of this chapter.

(d) The condemnation authority granted by this chapter may not be exercised beyond 660 feet from the right of way of the highway.

Sec. 19.22.030. DEFINITIONS. In this chapter

(1) "state highway system" means all highways located in this state which are or hereafter may be officially designated as state highways under the provisions of AS 19.10.020.

(2) "department" means the Department of Highways.

CHAPTER 27. JUNK YARDS.

Sec. 19.27.010. PURPOSE. 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 junk yards in areas adjacent to the interstate and primary systems within this state. The legislature finds and declares that junk yards which do not conform to the requirements of this chapter are public nuisances.

Sec. 19.27.020. LIMITATIONS OF JUNK YARDS. No person may establish, operate, or maintain a junk yard, any portion of which is within 1,000 feet of the nearest edge of the rights of way of any interstate or primary highways, except the following:

(1) those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the interstate and primary systems, or otherwise removed from sight;

(2) those located within areas which are zoned for industrial use under authority of law;

(3) those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the department;

(4) those which are not visible from the main-traveled way of the system.

Sec. 19.27.030. JUNK YARDS LAWFULLY IN EXISTENCE. A junk yard lawfully in existence on the effective date of this chapter, which is within 1,000 feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate or primary system, shall be screened, if feasible, so as not to be visible from the main-traveled way of the highways.

Sec. 19.27.040. REQUIREMENTS AS TO SCREENING. The department may promulgate regulations governing the location, planting, construction and maintenance, including the materials used in the screening or fencing required by this chapter.

Sec. 19.27.050. AUTHORITY TO ACQUIRE PROPERTY INTERESTS FOR REMOVAL OR SCREENING OF JUNK YARDS. When the department determines that the topography of the land

adjoining the highway will not permit adequate screening of those junk yards lawfully in existence as provided in sec. 30 of this chapter or the screening of the junk yards would not be economically feasible, the department may acquire by gift, purchase, exchange, or condemnation, property interests necessary to secure the removal of the junk yards, and the department shall pay just compensation to the owner for the property. When the department determines that it is in the best interests of the state, it may acquire lands, or interests in lands necessary to provide adequate screening of junk yards.

Sec. 19.27.060. VIOLATING JUNK YARD A NUISANCE. A junk yard which is in violation of a provision of this title or regulation promulgated under this title is a public nuisance.

Sec. 19.27.070. JUNK YARDS IN EXISTENCE ON DATE OF ENACTMENT. Notwithstanding a provision of this title, junk yards lawfully in existence on the effective date of this chapter which do not conform to the requirements of this chapter and which the department finds as a practical matter cannot be screened, may not be required to be removed until July 1, 1970.

Sec. 19.27.080. INJUNCTION. At the request of the department the attorney general may institute a civil action in superior court to abate a junk yard that is a nuisance as defined in this chapter. In the proceedings the court shall determine whether the junk yard is a nuisance as defined in this chapter and shall enter judgments or decrees it considers necessary to abate the nuisance. A civil action under this section shall be brought in the superior court in the judicial district in which the junk yard is located.

Sec. 19.27.090. INTERPRETATION. Nothing in this chapter may be construed to abrogate or affect the provisions of any law, ordinance, regulation, or resolution, which is more restrictive than the provisions of this chapter.

Sec. 19.27.100. AGREEMENTS WITH THE UNITED STATES. The department is authorized to enter into agreements in conformity with this title with the United States Secretary of Commerce as provided by Title 23, United States Code, relating to the control of junk yards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of the agreements.

Sec. 19.27.110. DEFINITIONS. In this chapter

(1) "junk yard" means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills;

(2) "junk" means used or scrap rope, rags, batteries, paper, trash, rubber debris or waste, junked,

dismantled, or wrecked automobiles, or parts thereof, or used or scrap iron, steel, cooper, brass and other ferrous or nonferrous metals;

(3) "automobile graveyard" means an establishment or place of business which is maintained, used, or operated primarily for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts;

(4) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of commerce, under the provisions of Title 23, United States Code, "Highways";

(5) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of commerce, under the provisions of Title 23, United States Code, "Highways";

(6) "department" means the Department of Highways.

Sec. 19.27.120. PENALTY FOR VIOLATION. A person who violates this chapter, or a rule or regulation adopted under it, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000.

Sec. 19.27.130. ADDITIONAL REQUIREMENTS. The requirements imposed by this chapter relative to junk yards are in addition to the requirements of AS 08.60.050 - 08.60.100.

Sec. 19.27.140. SHORT TITLE. This chapter may be cited as the Junk Yard Control Act.

* Sec. 2. AS 19.25.080 is repealed and re-enacted to read:

Sec. 19.25.080. PURPOSE. The purposes of secs. 80 - 180 of this chapter are

(1) to protect the public safety and the welfare of persons using the highways of the state by having outdoor advertising signs, displays and devices along the highways controlled;

(2) to prevent unreasonable distraction of operators of motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or otherwise interfere with the effectiveness of traffic regulations, and to promote the safety, convenience and enjoyment of travel on, and protection of the public investment in highways in this state; to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas; and to attract tourists;

(3) to regulate outdoor advertising signs, displays and devices in areas adjacent to the rights of way of the interstate and primary systems within this state in accordance with this chapter and the regulations adopted under this chapter;

(4) to provide that outdoor advertising signs, displays and devices which are not in conformity with the requirements of this chapter are a public nuisance;

(5) to provide a statutory basis for regulation of outdoor advertising signs, displays and devices consistent with the public policy relating to areas adjacent to a highway of the interstate or primary systems declared by Congress in Title 23, United States Code, "Highways."

* Sec. 3. AS 19.25.110 is repealed and re-enacted to read:

Sec. 19.25.110. REMOVAL OF NONCONFORMING ADVERTISING. A sign, display or device which is lawfully in existence along the interstate system or the primary system on the effective date of this chapter and which is not in conformity with secs. 80 - 180 of this chapter may not be required to be removed until July 1, 1970. Any other sign, display or device lawfully erected after the effective date of this chapter which does not conform to the provisions of secs. 80 - 180 of this chapter may not be required to be removed until the end of the fifth year after it becomes nonconforming.

* Sec. 4. AS 19.25.130 is repealed and re-enacted to read:

Sec. 19.25.130. PENALTY FOR VIOLATION. A person who violates secs. 80 - 180 of this chapter, or a regulation adopted under them, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000.

* Sec. 5. AS 19.25 is amended by adding new sections to read:

Sec. 19.25.140. COMPENSATION FOR REMOVAL OF ADVERTISING. (a) The department is authorized to acquire by purchase, gift or condemnation, all advertising devices and any property rights pertaining thereto, when the advertising devices are required to be removed under sec. 110 of this chapter.

(b) Damages resulting from any taking in eminent domain shall be ascertained in the manner presently provided by law or in the manner the legislature may hereafter provide.

Sec. 19.25.150. UNLAWFUL ADVERTISING. An advertising sign, display or device which violates the provisions of this chapter is a public nuisance. The department shall give 30 days' notice, by certified mail, to the owner of the land on which the advertising sign, display or device is located, ordering its removal if it is prohibited by this chapter or ordering the owner to cause it to conform to regulations if it is authorized by this chapter. If the owner of the property fails to comply within 30 days as required in the notice, the department shall remove the

outdoor advertising sign, display or device at the expense of the owner of the land or the person who erected the sign, display or device.

Sec. 19.25.160. DEFINITIONS. In secs. 80 - 180 of this chapter

(1) "outdoor advertising" includes any outdoor sign, display or device used to advertise, attract attention or inform and which is visible to a person on the main-traveled way of a highway of the interstate or primary systems in this state, whether by printing, writing, painting, picture, light, drawing, or whether by the use of figures or objects, or a combination of these, or any other thing designed, intended or used to advertise, inform or attract attention;

(2) "interstate system" means that portion of the National System of Interstate and Defense Highways located in this state, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of commerce, under the provisions of Title 23, United States Code, "Highways";

(3) "primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the commissioner of highways, and approved by the secretary of commerce, under the provisions of Title 23, United States Code, "Highways";

(4) "department" means the Department of Highways.

Sec. 19.25.170. AGREEMENTS WITH THE UNITED STATES. The department is authorized to enter into agreements in conformity with the provisions of this title with the United States Secretary of Commerce as provided by Title 23, United States Code, relating to the control of outdoor advertising signs, displays and devices in areas adjacent to interstate and primary systems and to take action in the name of the state to comply with the terms of the agreements, and to promulgate required regulations.

Sec. 19.25.180. INTERPRETATION. Nothing in secs. 80 - 180 of this chapter shall be construed to abrogate or affect any law, ordinance, regulation or resolution which is more restrictive than the provisions of secs. 80 - 180 of this chapter.

* Sec. 6. AS 19.05.130(11) is repealed.