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IN THE HOUSE

BY THE COMMITTEE ON TRANSPORTATION, ROADS,
COMMERCE AND COMMUNICATIONS
HOUSE BILL NO. 107

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act to repeal Chapter 59, Session Laws of Alaska 1949, relating to the prohibition of outdoor advertising in Alaska; to regulate and license outdoor advertising in Alaska, prescribing administration, regulations and penalties."

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

Section 1. Chapter 59, Session Laws of Alaska 1949 is hereby repealed. Outdoor advertising shall henceforth be licensed and controlled as hereinafter provided.

Section 2. PURPOSE. This Act shall be known as the Outdoor Advertising Act. It is the purpose of the Legislature to provide for the licensing and regulation of outdoor advertising in Alaska, to protect the roads and highways of Alaska from obstructive outdoor advertising, to establish a new industry and provide for the collection of advertising fees for deposit in the general fund of the Territorial Treasury.

Section 3. DEFINITION. The term "advertising structure" refers to a structure of any kind or character erected or maintained for advertising purposes, upon which any poster, bill, printing, painting or other advertising of any kind whatsoever may be placed, including statutory, for purposes of advertising.

The term "sign" refers to any card, cloth, paper, metal, painted or wooden sign of any character, placed for advertising

1 purposes outdoors, on or to the ground or any tree, bush, wall,
2 rock, fence, building, structure or thing, either privately or
3 publically owned, other than an advertising structure.

4 The terms "advertising structure" and "sign" do not include:

5 (a) Official notices issued by any court or public
6 body or officer;

7 (b) Notices posted by any public officer in per-
8 formance of a public duty or by any person in giving a legal
9 notice;

10 (c) Directional, warning or informational signs or
11 structures required by or authorized by law or by federal,
12 territorial or divisional authority.

13 The term "advertising display" refers to advertising
14 structures and to signs.

15 The term "superintendent" refers to the Superintendent of
16 the Territorial Police Force.

17 Section 4. ADMINISTRATION. The Superintendent of the
18 Territorial Police Force may make orders and regulations for
19 the enforcement of this chapter and he may authorize his depart-
20 ments to enforce its provisions. He shall prescribe the form
21 of all applications, licenses, permits and other appurtenant
22 written matter, and may appoint an agent or representative in
23 each Judicial Division for the purpose of issuing the licenses
24 and permits and collecting fees therefor as provided in this
25 chapter.

26 The Superintendent may enforce the penalties for failure to
27 comply with the provisions of this chapter.

28 Section 5. APPLICATION OF CHAPTER. The provisions of
29 this chapter apply only to the placing of advertising displays

1 within view of the public highways located in any of Alaska
2 other than the territory within incorporated cities and towns.

3 With the exception of the provisions contained in Sections
4 6 and 7, nothing contained in this Chapter applies to any ad-
5 vertising display used exclusively:

6 (a) To advertise the sale or lease of the property
7 upon which such advertising display is placed.

8 (b) To designate the name of the owner or occupant
9 of the premises or to identify such premises.

10 (c) To advertise the business conducted or services
11 rendered or the goods produced or sold upon the property upon
12 which such advertising display is placed, if the display is
13 upon the same side of the highway and within 800 feet of the
14 entrance to the site at which the business is conducted or
15 services are rendered or goods are produced or sold.

16 Section 6. LICENSES, PERMITS AND FEES. No person, firm,
17 or corporation shall engage in or carry on the business or
18 occupation of outdoor advertising without first having paid the
19 license fee provided by this chapter. The fee is payable
20 annually in advance on the first day of July of each year to
21 the Superintendent or his authorized agent.

22 The fees for licenses and permits prescribed by this
23 chapter are in lieu of all other license and permit fees re-
24 quired by the laws of Alaska for the privilege of engaging in
25 the outdoor advertising business.

26 The license fee shall be fifty dollars (\$50.00) for an
27 original license, except that fees for original licenses issued
28 after the first day of July shall be apportioned and collected
29 on the basis of one-twelfth of the fee for each month or part

1 thereof remaining in the original fiscal year. Thereafter
2 license fees shall be based upon the gross earnings for the
3 preceding year as follows:

<u>Gross Earnings</u>	<u>Annual License</u>
4 From 0 to \$5,000.00	\$25.00 per year
5 \$5,001.00 to 9,000.00	50.00 per year
6 9,001.00 to 12,000.00	75.00 per year
7 12,001.00 to 15,000.00	100.00 per year
8 15,001.00 to 20,000.00	125.00 per year
9 20,001.00 to 30,000.00	150.00 per year
10 Over \$30,000.00	200.00 per year

11 No person, firm or corporation shall place any advertising
12 display within the areas affected by the provisions of this
13 chapter without first having secured a written permit.

14 The application for a permit shall set forth the name
15 and address of the applicant and shall contain construction
16 plans of the specific advertising display, a general description
17 of the property upon which it is proposed to place the adver-
18 tising display, and a diagram indicating the location of the
19 proposed advertising display in order that the property and
20 display location may be readily ascertained and identified.

21 If the applicant for a permit is engaged in the outdoor
22 advertising business, the application shall contain the number
23 of the license issued therefor.

24 To help defray the costs in enforcing the provisions of
25 this chapter, a permit fee for each advertising structure or
26 sign shall be assessed at the rate of five dollars (\$5.00) for
27 an original permit and for each annual renewal thereof, except
28 that where the applicant has placed or maintained any such sign

1 in violation of the provisions of this Act the fee for any
2 issuance of the first permit thereafter shall be ten dollars
3 (\$10.00).

4 The issuance of a permit for the placing of an advertising
5 structure includes the right to change the advertising copy
6 thereon without obtaining any additional permit for the remainder
7 of the year in which the permit is issued and without payment of
8 any additional permit fee.

9 Each permit shall carry an identification number. No
10 person, firm or corporation shall place any advertising display
11 unless there is securely fastened upon the front thereof a metal
12 or plastic permit number plate, at least three inches in length
13 and two inches in width bearing the permit number of the adver-
14 tising display to which it is assigned and the year for which
15 the permit is issued; the color of permit number plates shall
16 be changed from year to year. No advertising structure may be
17 maintained unless the name of the person or company owning or
18 maintaining it is plainly displayed thereon. The placing of
19 any advertising display without having affixed thereto the
20 name of the person or company and the permit number plate is
21 prima facie evidence that the advertising display has been
22 placed and is being maintained in violation of the provisions of
23 this chapter and any such display shall be subject to removal
24 as provided in Section 8.

25 Section 7. REGULATIONS. No advertising display shall be
26 placed in any of the following locations, under any of the
27 following conditions, or if the advertising structure or sign
28 is of the following nature:

29 (a) If not built to withstand a wind pressure of

1 twenty (20) pounds per square foot of exposed surface and if
2 not maintained in a safe condition.

3 (b) If within the right of way of any highway or
4 within a distance of 300 feet from the point of intersection of
5 highways or of highway and railroad.

6 (c) If placed in such a manner as to prevent any
7 traveler from obtaining a clear view of approaching vehicles
8 for a distance of 1500 feet along the highway.

9 (d) If simulating, imitating or likely to be mistaken
10 for any directional, warning, or informational sign, by use of
11 any red, blinking or intermittently flashing light likely to be
12 mistaken as a danger signal, or by use of such words as "stop",
13 "slow down", or "danger".

14 (e) If any illumination thereon shall be of such
15 brilliance and so positioned as to blind or dazzle the vision of
16 travelers on highways.

17 (f) If located so as to obstruct the view of the
18 highway user from any unusual or outstanding scenery.

19 (g) If located in residential or community areas.

20 No person, firm or corporation shall display, cause or
21 permit to be displayed upon any advertising structure or sign,
22 any words of an obscene, indecent, immoral or scandalous char-
23 acter or any illustration likely to offend public morals or
24 decency.

25 Section 8. CRIMES AND PENALTIES. It is unlawful for any
26 person, firm or corporation to place or maintain any advertising
27 display or cause same to be placed or maintained without the
28 lawful permission of the owner or lessee of the property upon
29 which the advertising display is located.

1 All advertising displays which are placed or which exist
2 in violation of the provisions of this chapter are public
3 nuisances and may be removed as hereinafter provided.

4 The Superintendent may revoke any license or permit for
5 failure to comply with the provisions of this chapter and may
6 remove and destroy any advertising display placed or maintained
7 in violation of this chapter after ten day's written notice
8 posted on such structure or sign and a copy forwarded by mail
9 to the display owner at his last known address.

10 Notwithstanding any other provision of this chapter, the
11 Superintendent or his authorized agents may summarily and with-
12 out notice remove and destroy any advertising display placed in
13 violation of the safety and construction provisions or in
14 violation of Section 7 (g) of this Act pertaining to the nature
15 of the copy thereon.

16 For the purpose of removing or destroying any advertising
17 display placed in violation of the provisions of this chapter,
18 the Superintendent or his authorized agent may enter upon
19 private property without incurring any liability therefor.

20 Every person as principal, agent or employee, violating
21 any of the provisions of this chapter is guilty of a misdemeanor.

22 The remedies provided in this chapter for the removal of
23 illegal advertising displays are cumulative and not exclusive
24 of any other remedies provided by law.

25 Section 9. REVENUE DEPOSITED IN GENERAL FUND; ANNUAL
26 REPORT. All license and permit fees collected by the Superin-
27 tendent and his authorized agents or any fines imposed and
28 recovered in accordance with the provisions of this chapter
29 shall be forwarded to the Territorial Treasurer monthly, de-

1 posited in the General Fund of the Territory and accounted for
2 by the Superintendent in the manner provided by law.

3 The Superintendent shall prepare an annual report of all
4 revenues and expenditures pertaining to the administration of
5 this chapter.

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