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1 IN THE HOUSE

2 HOUSE BILL NO. 369

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to provide for control of outdoor
7 advertising signs, displays and devices
8 adjacent to state highways; and providing
9 for an effective date."

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

11 * Section 1. AS 19.25.080 is amended by adding new sections
12 to read:

13 ARTICLE 3. OUTDOOR ADVERTISING

14 Sec. 19.25.140. PURPOSE. The purposes of secs. 140 -
15 230 of this chapter are

16 (1) to protect the public safety and the welfare
17 of persons using the highways of the state by having out-
18 door advertising signs, displays and devices along the
19 highways controlled;

20 (2) to prevent unreasonable distraction of
21 operators of motor vehicles, to prevent confusion with
22 regard to traffic lights, signs or signals or otherwise
23 interfere with the effectiveness of traffic regulations,
24 and to promote the safety, convenience and enjoyment of
25 travel on, and protection of the public investment in high-
26 ways within this state, to preserve and enhance the natural
27 scenic beauty or aesthetic features of the highways and
28 adjacent areas, and to attract tourists;

29 (3) to regulate outdoor advertising signs,

1 displays and devices in areas adjacent to the rights of way
2 of the state highway system in accordance with the provi-
3 sions of this chapter and the regulations promulgated by
4 the commissioner of highways as provided herein;

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

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

13 Sec. 19.25.150. LIMITATIONS OF OUTDOOR ADVERTISING
14 SIGNS, DISPLAYS AND DEVICES. (a) Outdoor advertising signs,
15 displays and devices which are visible from the main traveled
16 way of any highway of the state highway system in the state
17 and which are within 660 feet of the nearest edge of the
18 right of way of said highways are prohibited. The following
19 signs, displays and devices are permitted:

20 (1) directional and other official signs and
21 notices which signs and notices shall include, but not be
22 limited to, signs and notices pertaining to natural wonders,
23 scenic and historic attractions, which are required or
24 authorized by law. Directional, information, warning,
25 and regulatory signs shall be consistent with federal
26 standards for Interstate Highway Systems;

27 (2) outdoor advertising signs, displays and
28 devices advertising the sale or lease of property upon
29 which they are located;

1 (3) outdoor advertising signs, displays and
2 devices advertising activities conducted on the property
3 upon which they are located;

4 (4) outdoor advertising signs, displays and
5 devices located in areas which are zoned industrial or
6 commercial under authority of law or ordinance;

7 (5) outdoor advertising signs, displays and devices
8 located in unzoned commercial or industrial areas which areas
9 shall be determined from actual land uses and defined by
10 regulations to be promulgated by the commissioner of highways.

11 (b) Outdoor advertising signs, displays and devices
12 within the right of way of any highway of the state highway
13 system and which are not directional and other official signs
14 of the type permitted in (a)(1) of this section are pro-
15 hibited.

16 Sec. 19.25.160. REMOVAL OF NONCONFORMING ADVERTISING.
17 Any outdoor advertising sign, display or device which is
18 lawfully in existence and not within the right of way of
19 any highway on the state highway system on the effective date
20 of this enactment and which is not in conformity with the
21 provisions of secs. 140 - 220 of this chapter shall not be
22 required to be removed until July 1, 1970. Any other out-
23 door advertising sign, display or device lawfully erected
24 after the effective date of this enactment and which is not
25 within the right of way which does not conform to the provi-
26 sions of secs. 140 - 220 of this chapter shall not be re-
27 quired to be removed until the end of the fourth year after
28 it becomes nonconforming. The value of the outdoor adver-
29 tising sign, display or device shall be considered amortized

1 over the period of time between the effective date of this
2 enactment and July 1, 1970 or over the period of time it is
3 nonconforming. Amortization of the value of the outdoor
4 advertising signs, displays or devices will be in lieu of
5 payment of compensation provided in sec. 170 of this chapter.

6 Sec. 19.25.170. COMPENSATION FOR REMOVAL OF
7 ADVERTISING. (a) The commissioner of highways is author-
8 ized to acquire by purchase, gift, or condemnation, and to
9 pay just compensation upon removal of the following outdoor
10 advertising signs, displays and devices

11 (1) those lawfully in existence on the effective
12 date of this enactment;

13 (2) those lawfully on any highways made a part
14 of the state highway system on or after the effective date
15 of this Act and before January 1, 1968; and

16 (3) those lawfully erected on or after January 1,
17 1968.

18 (b) Compensation is authorized to be paid only for
19 the following

20 (1) the taking from the owner of such outdoor
21 advertising sign, display, or device of all right, title,
22 leasehold, and interest in such sign, display, or device;
23 and

24 (2) the taking from the owner of the real pro-
25 perty on which the outdoor advertising sign, display, or
26 device is located of the right to erect and maintain such
27 outdoor advertising sign, display or device thereon.

28 (c) Notwithstanding the provisions of (a) and (b) of
29 this section, the commissioner of highways shall not

1 acquire in any way signs referred to in (a) and (b) of this
2 section which are within the right of way and no compensa-
3 tion shall be paid for such signs. Such signs shall be
4 removed under the provisions of sec. 180 of this chapter.

5 Sec. 19.25.180. UNLAWFUL ADVERTISING. Any outdoor
6 advertising sign, display or device which violates the pro-
7 visions of this chapter is a public nuisance. The commis-
8 sioner of highways shall give 30 days notice to the owner
9 of the land on which such advertising sign, display or
10 device is located by certified mail, addressed to his last
11 known address, ordering its removal if it is prohibited by
12 this chapter or ordering the owner to cause it to conform
13 to regulations if it is authorized by this chapter. If the
14 owner of the property fails to comply within 30 days as
15 required in the notice, the commissioner of highways shall
16 remove the outdoor advertising sign, display or device at
17 the expense of the owner of the land. The cost of removing
18 outdoor advertising shall be assessed against and collected
19 from the owner and the party who erected or installed it.
20 This liability is joint and several.

21 Sec. 19.25.190. PENALTY FOR VIOLATION OF ARTICLE,
22 ORDER OR REGULATION. A person who violates secs. 150 - 180
23 of this chapter, or a rule or regulation adopted under it,
24 shall be guilty of a misdemeanor, and upon conviction, shall
25 be punishable by a fine of not less than \$50 nor more than
26 \$1,000.

27 Sec. 19.25.200. DEFINITIONS. In secs. 140 - 220 of
28 this chapter

29 (1) "outdoor advertising signs, displays and

1 devices" includes any outdoor sign, display or device used
2 to advertise, attract attention or inform and which is
3 visible to a person on the main traveled way of any highway
4 of the interstate or primary systems in this state, whether
5 by printing, writing, painting, picture, light, drawing,
6 or whether by the use of figures or objects, or a combina-
7 tion of these, or any other thing designed, intended or
8 used to advertise, inform or attract attention;

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

13 Sec. 19.25.210. AGREEMENTS WITH THE UNITED STATES.

14 The commissioner of highways is hereby authorized to enter
15 into agreements with United States Secretary of Commerce as
16 provided by Title 23, United States Code, relating to the
17 control of outdoor advertising signs, displays and devices
18 in areas adjacent to interstate and primary systems and to
19 take action in the name of the state to comply with the
20 terms of such agreements.

21 Sec. 19.25.220. INTERPRETATION. Nothing in secs. 140 -
22 210 of this chapter shall be construed to abrogate or affect
23 the provisions of any law, ordinance, regulation or resolu-
24 tion which is more restrictive than the provisions of secs.
25 140 - 210 of this chapter.

26 * Sec. 2. AS 19.25.080 - 19.25.130 and 19.05.130(11) are
27 repealed.

28 * Sec. 3. This Act takes effect on the day after its passage
29 and approval or on the day it becomes law without such approval.