

Introduced: 2/23/67
Referred: State Affairs

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 144

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to highway beautification; and pro-
7 viding for an effective date."

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

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

10 CHAPTER 22.

11 LANDSCAPING AND SCENIC ENHANCEMENT.

12 Sec. 19.22.010. PURPOSE. The purpose of this chapter is to
13 promote the safety, convenience and enjoyment of travel on and protec-
14 tion of the public investment in highways of the state, and to authorize
15 the restoration, preservation, and enhancement of scenic beauty within
16 and adjacent to highways of the state.

17 Sec. 19.22.020. AUTHORIZATION TO ACQUIRE AND IMPROVE. (a) The
18 commissioner of highways is authorized to acquire by purchase, exchange,
19 gift, or condemnation land or any interest in land necessary for the
20 restoration, preservation and enhancement of scenic beauty, within or
21 adjacent to the right of way of highways on the state highway system
22 including the acquisition, construction and maintenance of rest and
23 recreation areas and sanitary and other facilities to accommodate the
24 traveling public.

25 (b) The commissioner of highways is authorized to make improve-
26 ments necessary to effectuate the purposes of sec. 10 of this chapter.

27 Sec. 19.22.030. DEFINITIONS. In this chapter "state highway
28 system" means all highways located in this state which are or hereafter
29 may be officially designated as state highways under the provisions of

1 AS 19.10.020.

2 CHAPTER 27. JUNK YARDS.

3 Sec. 19.27.010. PURPOSE. For the purpose of promoting the public
4 safety, health, welfare, convenience and enjoyment of public travel,
5 to protect the public investment in public highways, and to preserve
6 and enhance the scenic beauty of lands bordering public highways, it
7 is declared to be in the public interest to regulate and restrict junk
8 yards in areas adjacent to the interstate and primary systems within
9 this state. The legislature finds and declares that junk yards which
10 do not conform to the requirements of this chapter are public nuisances.

11 Sec. 19.27.020. LICENSE REQUIRED. Outdoor junk yards which are
12 within 1,000 feet of the nearest edge of the right of way of a highway
13 on the interstate and primary systems are prohibited unless licensed
14 under this chapter. The department shall have the sole authority to
15 issue a license and shall charge a fee of \$500, payable annually in
16 advance. All licenses issued under this section expire on June 30
17 following the date of issuance. A license may be renewed from year to
18 year upon paying to the department the sum of \$100 for renewal. The
19 owner or operator of a junk yard may obtain a license or renewal by
20 applying to the department, complying with the requirements of this
21 chapter and the regulations promulgated under it, and paying the
22 appropriate fee.

23 Sec. 19.27.030. RESTRICTIONS AS TO LOCATIONS. No license shall
24 be granted junk yards within 1,000 feet of the nearest edge of the
25 right of way of a highway on the interstate or primary systems except

26 (1) those which are screened by natural objects, plantings,
27 fences, or other appropriate means which make them invisible from the
28 main-traveled way of the system;

29 (2) those located within areas which are zoned for industrial

1 use under authority of law, charter or ordinance;

2 (3) those located within unzoned industrial areas, which
3 areas shall be determined from actual land uses and defined by regu-
4 lations to be promulgated by the commissioner of highways;

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

7 (5) those in existence on the effective date of this chapter
8 which are visible from the main-traveled way of the system and which
9 the department finds as a practical matter cannot be screened and which
10 are not removed as provided by secs. 40 and 60 of this chapter, provided
11 no license authorizing a junk yard may extend beyond June 30, 1970 and
12 all licenses granted junk yards under sec. 20 of this chapter shall
13 expire on June 30, 1970.

14 **Sec. 19.27.040. JUNK YARDS LAWFULLY IN EXISTENCE.** Junk yards
15 lawfully in existence on the effective date of this chapter, those
16 lawfully along a highway made a part of the interstate or primary
17 system on or after the effective date of this chapter and before Jan-
18 uary 1, 1968, and those lawfully established on or after January 1,
19 1968, which are within 1,000 feet of the nearest edge of the right of
20 way and which at that time do not conform to sec. 30(1) or (4) of this
21 chapter shall be screened, if feasible, by the department at locations
22 on the highway right of way or in areas acquired for those purposes
23 outside the right of way to make them invisible from the main-traveled
24 way of the highways, or they shall be removed.

25 **Sec. 19.27.050. REQUIREMENT AS TO SCREENING.** The department may
26 promulgate rules and regulations to effectuate the purposes of this
27 chapter.

28 **Sec. 19.27.060. AUTHORITY TO ACQUIRE PROPERTY INTERESTS FOR**
29 **REMOVAL OR SCREENING OF JUNK YARDS.** When the department determines

1 that the topography of the land adjoining the highway will not permit
2 adequate screening of those junk yards lawfully in existence as provided
3 in sec. 40 of this chapter or the screening of the junk yards would not
4 be economically feasible, the department may acquire by gift, purchase,
5 exchange, or condemnation, property interests necessary to secure the
6 relocation, removal, or disposal of the junk yards, and the department
7 shall pay just compensation to the owner for the relocation, removal,
8 or disposal of the property. When the department determines that it is
9 in the best interest of the state, it may, on behalf of the state,
10 acquire lands, or interests in lands necessary to provide adequate
11 screening of junk yards.

12 **Sec. 19.27.070. UNLICENSED OR VIOLATING JUNK YARD A NUISANCE.** A
13 junk yard which is not licensed under this chapter or which is in vio-
14 lation of a provision of this chapter or regulation promulgated under
15 this chapter is a public nuisance.

16 **Sec. 19.27.080. JUNK YARDS IN EXISTENCE ON DATE OF ENACTMENT.**
17 Notwithstanding a provision of this chapter, junk yards lawfully in
18 existence on the effective date of this chapter which do not conform
19 to the requirements of this chapter and which the department finds as
20 a practical matter cannot be screened, shall not be required to be
21 removed until July 1, 1970, and the owner of the junk yard shall obtain
22 a license under the provisions of sec. 20 of this chapter.

23 **Sec. 19.27.090. INJUNCTION.** At the request of the department
24 the attorney general may institute a civil action in superior court to
25 abate a junk yard that is a nuisance as defined in this chapter. In
26 the proceedings the court shall determine whether the junk yard is a
27 nuisance as defined in this chapter and shall enter judgments or decrees
28 it considers necessary to abate the nuisance. A civil action under
29 this section shall be brought in the superior court in the judicial

1 district in which the junk yard is located.

2 Sec. 19.27.100. INTERPRETATION. Nothing in this chapter shall
3 be construed to abrogate or affect the provisions of any law, ordinance,
4 regulation, or resolution, which is more restrictive than the provisions
5 of this chapter.

6 Sec. 19.27.110. AGREEMENTS WITH THE UNITED STATES. The department
7 is authorized to enter into agreements with the United States Secretary
8 of Commerce as provided by Title 23, United States Code, relating to the
9 control of junk yards in areas adjacent to the interstate and primary
10 systems, and to take action in the name of the state to comply with the
11 terms of the agreements.

12 Sec. 19.27.120. DEFINITIONS. In this chapter

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

18 (2) "junk" means old or scrap copper, brass, rope, rags,
19 batteries, paper, trash, rubber debris, waste or junked, dismantled,
20 or wrecked automobiles, or other equipment, appliances or implements,
21 or parts thereof, iron, steel, and other old or scrap ferrous or non-
22 ferrous material;

23 (3) "automobile graveyard" means an establishment or place
24 which is maintained, used, or operated, for storing, keeping, dumping,
25 buying, or selling wrecked, scrapped, ruined, or dismantled motor
26 vehicles or motor vehicle parts;

27 (4) "interstate system" means that portion of the National
28 System of Interstate and Defense Highways located in this state, as
29 officially designated, or as may hereafter be so designated, by the

1 commissioner of highways, and approved by the Secretary of Commerce,
2 under the provisions of Title 23, United States Code, "Highways";

3 (5) "primary system" means that portion of connected main
4 highways, as officially designated, or as may hereafter be so desig-
5 nated, by the commissioner of highways, and approved by the Secretary
6 of Commerce, under the provisions of Title 23, United States Code,
7 "Highways";

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

9 Sec. 19.27.130. PENALTY FOR VIOLATION. A person who violates
10 this chapter, or a rule or regulation adopted under it, is guilty of
11 a misdemeanor and upon conviction is punishable by a fine of not less
12 than \$50 nor more than \$1,000.

13 Sec. 19.27.140. ADDITIONAL REQUIREMENTS. The requirements imposed
14 by this chapter relative to junk yards are in addition to the require-
15 ments of AS 08.60.050 - 08.60.100.

16 Sec. 19.27.150. SHORT TITLE. This chapter may be cited as the
17 Junk Yard Control Act.

18 * Sec. 2. AS 19.25 is amended by adding new sections to read:

19 ARTICLE 3. OUTDOOR ADVERTISING.

20 Sec. 19.25.140. PURPOSE. The purposes of secs. 140 - 230 of
21 this chapter are:

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

25 (2) to prevent unreasonable distraction of operators of
26 motor vehicles; to prevent confusion with regard to traffic lights,
27 signs or signals or otherwise interfere with the effectiveness of
28 traffic regulations, and to promote the safety, convenience and enjoy-
29 ment of travel on, and protection of the public investment in highways

1 in this state; to preserve and enhance the natural scenic beauty or
2 aesthetic features of the highways and adjacent areas; and to attract
3 tourists;

4 (3) to regulate outdoor advertising signs, displays and
5 devices in areas adjacent to the rights of way of the state highway
6 system in accordance with this chapter and the regulations adopted
7 under this chapter;

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

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

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

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

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

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

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

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

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

14 Sec. 19.25.160. REMOVAL OF NONCONFORMING ADVERTISING. An outdoor
15 advertising sign, display or device which is lawfully in existence and
16 not in the right of way of a highway on the state highway system on
17 the effective date of this chapter and which is not in conformity with
18 secs. 140 - 220 of this chapter shall not be required to be removed
19 until July 1, 1970. Any other outdoor advertising sign, display or
20 device lawfully erected after the effective date of this chapter which
21 is not in the right of way and which does not conform to the provisions
22 of secs. 140 - 220 of this chapter shall not be required to be removed
23 until the end of the fourth year after it becomes nonconforming. The
24 value of the outdoor advertising sign, display or device shall be con-
25 sidered amortized over the period of time between the effective date
26 of this chapter and July 1, 1970, or over the period of time it is
27 nonconforming. Amortization of the value of the outdoor advertising
28 signs, displays or devices will be in lieu of payment of compensation
29 provided in sec. 170 of this chapter.

1 **Sec. 19.25.170. COMPENSATION FOR REMOVAL OF ADVERTISING.** (a) The
2 department is authorized to acquire by purchase, gift, or condemnation,
3 and to pay just compensation upon removal of the following outdoor
4 advertising signs, displays and devices:

5 (1) those lawfully in existence on the effective date of
6 this chapter;

7 (2) those lawfully on a highway made a part of the state
8 highway system on or after the effective date of this chapter and before
9 January 1, 1968; and

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

11 (b) Compensation is authorized to be paid only for the following:

12 (1) the taking from the owner of an outdoor advertising sign,
13 display, or device of all right, title, leasehold, and interest in a
14 sign, display, or device; and

15 (2) the taking from the owner of the real property on which
16 the outdoor advertising sign, display, or device is located of the
17 right to erect and maintain an outdoor advertising sign, display or
18 device on the property.

19 (c) Notwithstanding the provisions of (a) and (b) of this section,
20 the department may not acquire in any manner signs referred to in (a)
21 and (b) of this section which are in the right of way and no compensa-
22 tion shall be paid for the signs. The signs shall be removed under
23 sec. 180 of this chapter.

24 **Sec. 19.25.180. UNLAWFUL ADVERTISING.** An outdoor advertising
25 sign, display or device which violates the provisions of this chapter
26 is a public nuisance. The department shall give 30 days' notice to
27 the owner of the land on which an advertising sign, display or device
28 is located by certified mail, addressed to his last known address,
29 ordering its removal if it is prohibited by this chapter or ordering

1 the owner to cause it to conform to regulations if it is authorized by
2 this chapter. If the owner of the property fails to comply within 30
3 days as required in the notice, the department shall remove the outdoor
4 advertising sign, display or device at the expense of the owner of the
5 land. The cost of removing outdoor advertising shall be assessed
6 against and collected from the owner and the party who erected or
7 installed it. This liability is joint and several.

8 Sec. 19.25.190. PENALTY FOR VIOLATION. A person who violates
9 secs. 150 - 180 of this chapter, or a rule or regulation adopted under
10 it, is guilty of a misdemeanor and upon conviction is punishable by a
11 fine of not less than \$50 nor more than \$1,000.

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

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

21 (2) "state highway system" means all highways located in
22 this state which are or hereafter may be officially designated as
23 state highways under AS 19.10.020;

24 (3) "department" means the Department of Highways.

25 Sec. 19.25.210. AGREEMENTS WITH THE UNITED STATES. The depart-
26 ment is authorized to enter into agreements with the United States
27 Secretary of Commerce as provided by Title 23, United States Code,
28 relating to the control of outdoor advertising signs, displays and
29 devices in areas adjacent to interstate and primary systems and to

1 take action in the name of the state to comply with the terms of the
2 agreements, and to promulgate required regulations.

3 Sec. 19.25.220. INTERPRETATION. Nothing in secs. 140 - 210 of
4 this chapter shall be construed to abrogate or affect any law, ordi-
5 nance, regulation or resolution which is more restrictive than the
6 provisions of secs. 140 - 210 of this chapter.

7 * Sec. 3. AS 19.25.080 - 19.25.130 and 19.05.130(11) are repealed.

8 * Sec. 4. AS 19.27.090 and 19.27.130 take effect on July 1, 1967. The
9 remaining sections of this Act take effect on the day after its passage and
10 approval or on the day it becomes law without approval.

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