

Original sponsor: Judiciary Committee

Offered: 2/23/68  
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 144

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to highway beautification; and provid-  
7 ing 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. LANDSCAPING AND SCENIC ENHANCEMENT.

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

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

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

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

27 Sec. 19.22.030. DEFINITIONS. In this chapter

28 (1) "state highway system" means all highways located in this  
29 state which are or hereafter may be officially designated as state

1 highways under the provisions of AS 19.10.020.

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

3 CHAPTER 27. JUNK YARDS.

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

12 Sec. 19.27.020. LIMITATIONS OF JUNKYARDS. No person shall estab-  
13 lish, operate, or maintain a junk yard, any portion of which is within  
14 1,000 feet of the nearest edge of the rights-of-way of any interstate  
15 or primary highways, except the following

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

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

22 (3) those located within unzoned industrial areas, which  
23 areas shall be determined from actual land uses and defined by regula-  
24 tions to be promulgated by the department;

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

27 Sec. 19.27.030. JUNK YARDS LAWFULLY IN EXISTENCE. A junk yard  
28 lawfully in existence on the effective date of this chapter, which is  
29 within 1,000 feet of the nearest edge of the right-of-way and visible

1 from the main-traveled way of any highway on the interstate or primary  
2 system, shall be screened, if feasible, by the department as locations  
3 on the highway right-of-way or in areas acquired for such purposes  
4 outside the right-of-way so as not to be visible from the main-traveled  
5 way of such highways.

6 Sec. 19.27.040. REQUIREMENTS AS TO SCREENING. The department  
7 may promulgate regulations governing the location, planting, construc-  
8 tion and maintenance, including the materials used in the screening or  
9 fencing required by this chapter.

10 Sec. 19.27.050. AUTHORITY TO ACQUIRE PROPERTY INTERESTS FOR  
11 REMOVAL OR SCREENING OF JUNK YARDS. When the department determines that  
12 the topography of the land adjoining the highway will not permit  
13 adequate screening of those junk yards lawfully in existence as pro-  
14 vided in sec. 30 of this chapter or the screening of the junk yards  
15 would not be economically feasible, the department may acquire by  
16 gift, purchase, exchange, or condemnation, property interests necessary  
17 to secure the relocation, removal, or disposal of the junk yards, and  
18 the department shall pay just compensation to the owner for the reloca-  
19 tion, removal, or disposal of the property. When the department  
20 determines that it is in the best interests of the state, it may acquire  
21 lands, or interests in lands necessary to provide adequate screening of  
22 junk yards.

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

26 Sec. 19.20.070. JUNK YARDS IN EXISTENCE ON DATE OF ENACTMENT.  
27 Notwithstanding a provision of this chapter, junk yards lawfully in  
28 existence on the effective date of this chapter which do not conform  
29 to the requirements of this chapter and which the department finds as

1 a practical matter cannot be screened, shall not be required to be  
2 removed until July 1, 1970.

3 Sec. 19.20.080. INJUNCTION. At the request of the department  
4 the attorney general may institute a civil action in superior court to  
5 abate a junk yard that is a nuisance as defined in this chapter. In  
6 the proceedings the court shall determine whether the junk yard is a  
7 nuisance as defined in this chapter and shall enter judgments or  
8 decrees it considers necessary to abate the nuisance. A civil action  
9 under this section shall be brought in the superior court in the  
10 judicial district in which the junk yard is located.

11 Sec. 19.27.090. INTERPRETATION. Nothing in this chapter shall be  
12 construed to abrogate or affect the provisions of any law, ordinance,  
13 regulation, or resolution, which is more restrictive than the provi-  
14 sions of this chapter.

15 Sec. 19.27.100. AGREEMENTS WITH THE UNITED STATES. The depart-  
16 ment is authorized to enter into agreements with the United States  
17 Secretary of Commerce as provided by Title 23, United States Code,  
18 relating to the control of junk yards in areas adjacent to the inter-  
19 state and primary systems, and to take action in the name of the state  
20 to comply with the terms of the agreements.

21 Sec. 19.27.110. DEFINITIONS. In this chapter

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

26 (2) "junk" means old or scrap copper, brass, rope, rags,  
27 batteries, paper, trash, rubber debris, waste, or junked, dismantled,  
28 or wrecked automobiles, or parts thereof, iron, steel, and other old  
29 or scrap ferrous or nonferrous material;

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

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

10 (5) "primary system" means that portion of connected main  
11 highways, as officially designated, or as may hereafter be so designated  
12 by the commissioner of highways, and approved by the Secretary of Com-  
13 merce, under the provisions of Title 23, United States Code, "Highways";

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

15 Sec. 19.27.120. PENALTY FOR VIOLATION. A person who violates this  
16 chapter, or a rule or regulation adopted under it, is guilty of a mis-  
17 demeanor and upon conviction is punishable by a fine of not less than  
18 \$50 nor more than \$1,000.

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

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

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

25 **ARTICLE 3. OUTDOOR ADVERTISING.**

26 Sec. 19.25.140. PURPOSE. The purposes of secs. 140 - 220 of this  
27 chapter are

28 (1) to protect the public safety and the welfare of persons  
29 using the highways of the state by having outdoor advertising signs,

1 displays and devices along the highways controlled;

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

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

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

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

22 Sec. 19.25.150. LIMITATIONS OF OUTDOOR ADVERTISING SIGNS, DISPLAYS  
23 AND DEVICES. No outdoor advertising shall be erected or maintained  
24 within 660 feet of the nearest edge of the right-of-way and visible  
25 from the main-traveled way of the interstate or primary highways in  
26 this state except the following

27 (1) directional and other official signs and notices which  
28 include, but are not limited to, signs and notices pertaining to  
29 natural wonders, scenic and historic attractions, which are required

1 or authorized by law, and which conform to federal standards for  
2 interstate and primary systems;

3 (2) signs, displays and devices advertising the sale or  
4 lease of property upon which they are located;

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

7 (4) signs, displays and devices located in areas which are  
8 zoned industrial or commercial under authority of law or ordinance;

9 (5) signs, displays and devices located in unzoned com-  
10 mercial or industrial areas which areas shall be determined from actual  
11 land uses and defined by regulations to be promulgated by the depart-  
12 ment;

13 Sec. 19.25.160. REMOVAL OF NONCONFORMING ADVERTISING. A sign,  
14 display or device which is lawfully in existence along the interstate  
15 system or the primary system on the effective date of this chapter  
16 and which is not in conformity with secs. 140 - 220 of this chapter  
17 shall not be required to be removed until July 1, 1970. Any other  
18 sign, display or device lawfully erected after the effective date of  
19 this chapter which does not conform to the provisions of secs. 140 -  
20 220 of this chapter shall not be required to be removed until the end  
21 of the fifth year after it becomes nonconforming.

22 Sec. 19.25.170. COMPENSATION FOR REMOVAL OF ADVERTISING. (a)  
23 The department is authorized to acquire by purchase, gift or condemna-  
24 tion, all advertising devices and any property rights pertaining thereto,  
25 when the advertising devices are required to be removed under sec. 160  
26 of this chapter.

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

1           Sec. 19.25.180. UNLAWFUL ADVERTISING. An advertising sign,  
2 display or device which violates the provisions of this chapter is a  
3 public nuisance. The department shall give 30 days' notice, by certi-  
4 fied mail, to the owner of the land on which such advertising sign,  
5 display or device is located, ordering its removal if it is prohibited  
6 by this chapter or ordering the owner to cause it to conform to regula-  
7 tions if it is authorized by this chapter. If the owner of the  
8 property fails to comply within 30 days as required in the notice, the  
9 department shall remove the outdoor advertising sign, display or de-  
10 vice at the expense of the owner of the land.

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

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

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

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

28           (3) "primary system" means that portion of connected  
29 main highways, as officially designated, or as may hereafter be so

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

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

5 Sec. 19.25.210. AGREEMENTS WITH THE UNITED STATES. The depart-  
6 ment is authorized to enter into agreements with the United States  
7 Secretary of Commerce as provided by Title 23, United States Code,  
8 relating to the control of outdoor advertising signs, displays and  
9 devices in areas adjacent to interstate and primary systems and to take  
10 action in the name of the state to comply with the terms of the agree-  
11 ments, and to promulgate required regulations.

12 Sec. 19.25.220. INTERPRETATION. Nothing in secs. 140 - 210 of  
13 this chapter shall be construed to abrogate or affect any law, ordinance,  
14 regulation or resolution which is more restrictive than the provisions  
15 of secs. 140 - 210 of this chapter.

16 \* Sec. 3. AS 19.25.080, 19.25.090, 19.25.110 - 19.25.130 and 19.05.130(11)  
17 are repealed.

18 \* Sec. 4. AS 19.27.090 and 19.27.130 take effect on July 1, 1968. The  
19 remaining sections of this Act take effect on the day after its passage and  
20 approval or on the day it becomes law without approval.  
21  
22  
23  
24  
25  
26  
27  
28  
29