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1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST

2 HOUSE CS FOR 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."

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

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

9 CHAPTER 22. LANDSCAPING AND SCENIC ENHANCEMENT.

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

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

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

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

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

28 Sec. 19.22.030. DEFINITIONS. In this chapter

29 (1) "state highway system" means all highways located in this

1 state which are or hereafter may be officially designated as state
2 highways under the provisions of AS 19.10.020.

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

4 CHAPTER 27. JUNK YARDS.

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

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

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

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

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

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

28 Sec. 19.27.030. JUNK YARDS LAWFULLY IN EXISTENCE. A junk yard
29 lawfully in existence on the effective date of this chapter, which is

1 within 1,000 feet of the nearest edge of the right-of-way and visible
2 from the main-traveled way of any highway on the interstate or primary
3 system, shall be screened, if feasible, so as not to be visible from
4 the main-traveled way of such highways.

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

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

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

24 Sec. 19.20.070. JUNK YARDS IN EXISTENCE ON DATE OF ENACTMENT.
25 Notwithstanding a provision of this title, junk yards lawfully in ex-
26 istence on the effective date of this chapter which do not conform to
27 the requirements of this chapter and which the department finds as a
28 practical matter cannot be screened, shall not be required to be re-
29 moved until July 1, 1970.

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

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

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

19 Sec. 19.27.110. DEFINITIONS. In this chapter

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

24 (2) "junk" means used or scrap rope, rags, batteries, paper,
25 trash, rubber debris or waste, junked, dismantled, or wrecked auto-
26 mobiles, or parts thereof, or used or scrap iron, steel, copper, brass
27 and other ferrous or nonferrous metals;

28 (3) "automobile graveyard" means an establishment or place
29 of business which is maintained, used, or operated primarily for

1 storing, keeping, buying, or selling wrecked, scrapped, ruined, or dis-
2 mantled motor vehicles or motor vehicle parts;

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

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

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

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

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

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

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

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

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

28 (2) to prevent unreasonable distraction of operators of
29 motor vehicles; to prevent confusion with regard to traffic lights,

1 signs or signals or otherwise interfere with the effectiveness of
2 traffic regulations, and to promote the safety, convenience and enjoy-
3 ment of travel on, and protection of the public investment in highways
4 in this state; to preserve and enhance the natural scenic beauty or
5 aesthetic features of the highways and adjacent areas; and to attract
6 tourists;

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

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

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

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

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

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

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

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

6 Sec. 19.25.140. COMPENSATION FOR REMOVAL OF ADVERTISING. (a)
7 The department is authorized to acquire by purchase, gift or condemna-
8 tion, all advertising devices and any property rights pertaining there-
9 to, when the advertising devices are required to be removed under sec.
10 110 of this chapter.

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

14 Sec. 19.25.150. UNLAWFUL ADVERTISING. An advertising sign, dis-
15 play or device which violates the provisions of this chapter is a
16 public nuisance. The department shall give 30 days' notice, by certi-
17 fied mail, to the owner of the land on which such advertising sign,
18 display or device is located, ordering its removal if it is prohibited
19 by this chapter or ordering the owner to cause it to conform to regula-
20 tions if it is authorized by this chapter. If the owner of the
21 property fails to comply within 30 days as required in the notice, the
22 department shall remove the outdoor advertising sign, display or
23 device at the expense of the owner of the land or the person who
24 erected the sign, display or device.

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

26 (1) "outdoor advertising" includes any outdoor sign, display
27 or device used to advertise, attract attention or inform and which is
28 visible to a person on the main-traveled way of a highway of the
29

1 interstate or primary systems in this state, whether by printing,
2 writing, painting, picture, light, drawing, or whether by the use of
3 figures or objects, or a combination of these, or any other thing de-
4 signed, intended or used to advertise, inform or attract attention;

5 (2) "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 (3) "primary system" means that portion of connected main
11 highways, as officially designated, or as may hereafter be so
12 designated, by the commissioner of highways, and approved by the
13 secretary of commerce, under the provisions of Title 23, United States
14 Code, "Highways";

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

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

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

28 • Sec. 6. AS 19.05.130(11) is repealed.
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