

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 352.04, Subdivision 2, as amended by Laws 1963, Chapter 383, Section 12, is amended to read:

Subd. 2. **State employees retirement association; deductions; employee contributions.** The employee contribution to the fund (a) by those employees whose state service is covered by the federal social security act shall be an amount equal to three percent of salary, and (b) by those employees whose state service is not covered by the federal social security act shall be an amount equal to six percent of salary. These contributions shall be made by deduction from salary in the manner provided in subdivision 4. No deduction shall be made from any salary in excess of ~~\$4,800~~ \$7,200 in any calendar year.

Sec. 2. *This act becomes effective July 1, 1965.*

Approved May 26, 1965.

CHAPTER 862—S. F. No. 1986

[Coded]

An act relating to advertising devices on lands along and adjacent to the trunk highway system; providing penalties, and appropriating money from the trunk highway fund.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[173.31] Highways; advertising devices; declaration of policy.** It is hereby found and declared that in the interest of and to promote the general welfare of the people and to conserve the natural beauty of areas adjacent to certain highways, it is necessary to reasonably zone and have regulations for and control of the erection or maintenance of advertising devices on lands adjacent to such highways. It is further declared that where in order to carry out the purposes aforesaid it is necessary that rights in property, personal or real, be acquired, such acquisition is for a public purpose and is necessary for a highway purpose.

Sec. 2. **[173.32] Definitions.** Subdivision 1. As used in sections 1 to 24 the terms defined in this section have the meanings given them.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Subd. 2. "Advertising device" means any billboard, sign, notice, poster, display, or other device visible to and primarily intended to advertise and inform or to attract or which does attract the attention of operators and occupants of motor vehicles on the trunk highway system and shall include any structure erected primarily for use in connection with the display of any such device and all lighting or other attachments used in connection therewith.

Subd. 3. "Trunk highway system" means all state trunk highways except those highways which form a part of the "national system of interstate and defense highways."

Subd. 4. "Scenic area" means an area within which control and regulation of the erection and maintenance of advertising devices may be exercised to the extent herein provided and such areas shall include only those established as such by the commissioner of highways after consultation with the scenic area board.

Subd. 5. "Scenic area board" means a board consisting of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Sec. 3. **[173.33] Permits within scenic areas.** Except as otherwise provided in sections 1 to 11, the erection or maintenance of any advertising device located within a scenic area without a written permit therefor granted by the commissioner of highways is prohibited.

Sec. 4. **[173.34] Board; scenic areas; federal funds.** Subdivision 1. There is hereby created a board to be known as the scenic area board. The board shall consist of the commissioner of highways, commissioner of business development, commissioner of conservation, and director of Minnesota historical society.

Subd. 2. The commissioner of highways, after consultation with the scenic area board, may establish scenic areas adjacent to the trunk highway system. Such scenic areas shall be located outside of the then existing boundaries of cities, villages, and boroughs, and shall not include areas then zoned for commercial or industrial purposes.

Subd. 3. The scenic area board may recommend that the commissioner of highways establish an area adjacent to a route of the trunk highway system as a scenic area when it deems such area to be of scenic interest. Such area may include in part, but shall not be limited to, areas containing national, state, or local parks, his-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

toric sites and monuments, and picnic, rest, or recreation areas maintained by the public.

Subd. 4. Any scenic area established under this section may extend such distance beyond the edge of right of way of the highway as the commissioner shall determine reasonably necessary for the fulfillment of the purposes and objectives of sections 1 through 11 of this act.

Subd. 5. The commissioner of highways has the authority to do all things necessary to obtain any federal moneys that may be available for the planning, establishing, and acquiring of scenic areas along trunk highways.

Sec. 5. **[173.35] Acquisition of property.** The commissioner of highways shall acquire all rights in property, personal or real, necessary to carry out the purposes of sections 1 to 11, by purchase, gift, or eminent domain proceedings. All costs of acquisition of such rights shall be necessary for a highway purpose. Nothing herein shall be construed to limit any right, power, or authority to regulate and control the erection or maintenance of advertising devices under the provisions of any other law of this state.

Sec. 6. **[173.36] Rules and regulations relating to permits.** Subdivision 1. The commissioner of highways may from time to time adopt, modify, amend, or repeal regulations governing the issuance of permits or renewals thereof for the erection and maintenance of advertising devices within scenic areas; provided that he shall not adopt, modify, amend or repeal any regulation that will impair any agreement with the federal government. The commissioner of highways may limit the application of any regulation adopted by him to exclude or include in whole or in part, specified areas within the scenic area based upon use, nature of the surrounding community, or such other factors as may make separate classification or regulation necessary or desirable.

Subd. 2. Such regulations shall be designed to the end that the state may receive any federal participation that may be available in the cost of acquiring the necessary easements for such scenic areas, and to effectuate the general purposes of sections 1 to 11 and the specific objectives of providing for traffic safety along the trunk highways in the vicinity of the scenic areas and of preserving and enhancing the natural scenic beauty or the aesthetic features of the highway and scenic areas adjacent thereto.

Sec. 7. **[173.37] Applications for permits; contents; renewals.** Application for permits or renewals thereof for the placement and maintenance of advertising devices within scenic areas shall

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

be on forms prescribed by the commissioner and shall contain such information as he may require. No advertising device shall be placed without the consent of the owner or occupant of the land, and adequate proof of such consent shall be submitted to the commissioner at the time application is made for such permits or renewals. Each initial application shall be accompanied by a certified check in the amount of \$10, payable to the commissioner of highways, which will be returned to the applicant in the event the permit applied for is not issued. Each permit shall be valid for a period of three years. There shall be furnished with each permit an identifying number which shall be affixed by the permit holder to the advertising device in accordance with rules and regulations of the commissioner of highways. The commissioner of highways may renew each permit for additional one year periods upon the receipt of an application therefor made within 30 days of the expiration date of such permit together with the payment of an annual fee of \$5. The permit or renewal thereof shall be revocable for any violation of sections 1 to 11 or regulations adopted thereunder at any time by the commissioner of highways on 30 days written notice to the permit holder. All fees collected shall be paid into the trunk highway fund.

Sec. 8. [173.38] Excluded devices. The commissioner of highways by regulation may exclude from coverage advertising devices which he finds do not interfere with the purposes and objectives set forth in sections 1 to 11, including but not limited to:

(1) Advertising devices which are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or trade name of the business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

(4) Directional or other official signs and signals erected or maintained by the state or other public agency having jurisdiction.

It is the intent of the legislature that no fee shall be charged for any permit that the commissioner of highways may require for advertising devices specified in subclauses 1 through 4 of this section.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Sec. 9. [173.39] **Violations, remedies.** Any advertising device in place within a scenic area four months after the property rights for such area have been acquired which is in violation of sections 1 to 11 or any regulation issued or adopted thereunder, is hereby declared to be a public nuisance and may be abated in the manner prescribed by law for the abatement of public nuisances.

Sec. 10. [173.10] **Conflicting provisions.** Nothing in sections 1 to 11 shall be construed to abrogate or affect the provisions of any other law, municipal ordinance, regulation, or resolution which is more restrictive concerning advertising devices than are the provisions of such sections or of the regulations adopted hereunder.

Sec. 11. [173.41] **Violations, penalties.** Any person who is convicted of violating any provision of sections 1 to 11, or of violating any regulation issued or adopted after receiving notice thereof, is guilty of a misdemeanor.

Sec. 12. [173.42] **Application.** Section 1 and 2 and sections 13 to 24 shall apply to areas along or adjacent to the trunk highway system except scenic areas provided for in sections 1 to 11, and except existing boundaries of cities, villages and boroughs and areas, zoned for commercial or industrial purposes. Nothing in sections 13 to 24 shall be construed to limit any of the provisions of sections 1 to 11.

Sec. 13. [173.43] **Devices along trunk highway system.**
Subdivision 1. No advertising device shall be erected, placed, or maintained along the trunk highway system without a permit therefor obtained from the commissioner. Application for permit shall be made on forms provided by the commissioner. The application shall contain a signed statement of the applicant that the applicant has obtained the consent of the owner or occupant of the land to erect, place, or maintain a sign on the premises.

Subd. 2. The commissioner of highways may adopt, modify, amend, or repeal regulations governing the issuance of permits or renewals therefor for the erection and maintenance of advertising devices adjacent to the trunk highway system, provided that such regulations shall not be more restrictive than the provisions of sections 13 to 24.

Subd. 3. The commissioner of highways may limit the size of any advertising device to 400 square feet in area, but no such size limitation shall apply to require the reduction in size of any advertising device in place on the date of enactment of this act.

Subd. 4. The commissioner of highways may require that any advertising device which he reasonably finds is so located as to en-

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

danger traffic safety be set back from the edge of right-of-way up to the maximum of 50 feet.

Subd. 5. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be \$2;

(2) If the advertising area exceeds 50 square feet but does not exceed 200 square feet, the fee shall be \$5;

(3) If the advertising area exceeds 200 square feet, the fee shall be \$10.

Subd. 6. The provisions of this section shall be effective on July 1, 1966, and the provisions relating to permits and fees shall apply to then existing devices as well as devices that may be erected and maintained thereafter.

Subd. 7. Permits shall expire on the last day of December of each year. They may be renewed upon payment of the annual fee and without the filing of a new application. Fees for 1966 shall be prorated on a calendar year basis and thereafter shall not be prorated. There shall be no additional fee for change in advertising copy.

Subd. 8. A penalty of \$2 shall be charged upon failure to pay such fee for renewal on or before January 2 of each year.

Subd. 9. There shall be submitted, together with the fee for the annual renewal, a statement by the applicant that the owner or occupant of the property has consented to the continued use of his property for such advertising device.

Subd. 10. Permits are assignable. The commissioner of highways shall be notified in writing by the assignor of any such assignment.

Subd. 11. The commissioner of highways may revoke any permit granted herein after hearing upon 30 days written notice of such hearing to the permittee. A permit may be revoked upon determination by the commissioner after hearing that the advertising device under permit is not in a reasonable state of repair or that it violates any of the provisions of sections 13 to 24 or regulations adopted thereunder. The commissioner, within ten days after hearing, shall notify the permittee what he must do to retain his permit and the permittee shall have 30 days therefrom in which to comply with the order of the commissioner of highways.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Sec. 14. [173.44] **Permit identification number.** Every permit issued by the commissioner of highways shall be assigned an identification number. The commissioner shall also issue with each permit an identifying number which shall be attached to the advertising device in a conspicuous place by the permittee in accordance with rules and regulations of the commissioner. The permittee shall also have his name plainly marked on each advertising device.

Sec. 15. [173.45] **Prohibited devices.** From and after the date of enactment of this act, no advertising device shall be in place:

(1) Which purports to be or resembles an official traffic control device or railroad sign or signal or which hides from view or interferes in any material degree with the effectiveness of any traffic control device or railroad sign or signal;

(2) Which prominently displays the word "stop" or "danger";

(3) Which contains statements, words, or pictures of an obscene, indecent; or immoral character, or such as would offend public morals or decency;

(4) On the right-of-way of any trunk highway;

(5) On private land without the consent of the owner or occupant thereof;

(6) On trees, shrubs, or on public utility poles;

(7) Which has flashing or moving lights;

(8) To which access can be obtained only from the highway.

Sec. 16. [173.46] **Prohibited locations.** From and after the date of enactment of this act, no advertising device shall be erected:

(1) Which would prevent any traveler on any trunk highway from obtaining a clear view of approaching vehicles on the same highway for a distance of 500 feet along the highway;

(2) Which would be closer than 300 feet from the intersection of any trunk highway at grade with another highway, or with a railroad; provided, that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself;

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(3) In or within 500 feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas;

(4) Within 100 feet of a church or school;

(5) Which is closer than 3200 feet to any other advertising device on the same side of such highway; provided that advertising devices, advertising communities, industries, or other activities being conducted within 100 miles of such devices are permitted to be erected and maintained as close as 800 feet to any other advertising device on the same side of such highway.

Sec. 17. [173.47] Removal of devices, time. Any advertising device lawfully erected before the date of enactment of this act, and not conforming to the provisions of section 16 with respect to distance, spacing, or location, shall be removed by its owner on or before July 1, 1969.

Sec. 18. [173.48] Adjustments between owners as to spacing. If two or more advertising devices erected before the date of enactment of this act are in violation of the spacing requirements as herein provided, the commissioner of highways shall notify the owners of such devices and give such owners full opportunity to be heard. He shall thereafter make a finding as to the date of erection of each of the devices. The device or devices last erected shall be deemed nonconforming and shall be removed by the owner or owners not later than January 1, 1969.

Sec. 19. [173.49] Exemptions. The following advertising devices are exempt from the provisions of sections 13 to 24;

(1) Advertising devices which are erected or are to be erected or maintained on property for the purposes of setting forth or indicating:

(a) The name and address of the owner, lessee, or occupant of such property;

(b) The name or type of business or profession conducted on such property; or

(c) Information required or authorized by law to be posted or displayed thereon.

(2) Advertising devices of which the advertising copy is in no part visible from any traveled portion of the aforesaid highways;

(3) Advertising devices indicating the sale or lease of the property upon which they are placed; and

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(4) Directional or other official signs and signals erected or maintained by the state or other public agency having jurisdiction.

Spacing requirements, as set forth in section 16 are not applicable between exempt advertising devices and non-exempt advertising devices.

Sec. 20. [173.50] **Conflicting provisions.** Nothing in sections 13 to 24 shall be construed to abrogate or affect the provisions of any other law, municipal ordinance, regulation, or resolution which is more restrictive concerning advertising than the provisions of said sections 13 to 24 hereof or of the regulations adopted thereunder.

Sec. 21. [173.51] **Violations, penalties.** Any person who violates any provisions of sections 13 to 24 or any regulations issued or adopted thereunder after notice thereof upon conviction is guilty of a misdemeanor.

Sec. 22. [173.52] **Disposition of fees.** All fees collected under sections 1 to 24 shall be paid into the trunk highway fund.

Sec. 23. [173.53] **Appropriation.** There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of sections 1 to 24.

Sec. 24. [173.54] **Effective date.** Except as otherwise specifically provided herein, sections 1 to 24 shall be effective as of the date of enactment of this act.

Approved May 26, 1965.

CHAPTER 863—S. F. No. 2017

An act relating to the organization and operations of the state government; and appropriating money to the department of highways and for other purposes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **State government; appropriations; highways.** The sums hereinafter set forth and designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the trunk highway fund in the state treasury to the department of highways for the purposes specified in the following sections of the act, to be available for the fiscal year indicated for each purpose. The figures "1966" and "1967" wherever used herein

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.