

## CHAPTER 883—S.F.No.2723

[Coded in Part]

*An act relating to advertising devices; the regulation and control thereof; prescribing penalties; appropriating money; amending Minnesota Statutes 1969, Sections 173.01; 173.02; 173.04; 173.06, Subdivision 2; 173.07; 173.08; 173.12; 173.13; 173.15; 173.16; 173.17; 173.21, and Chapter 173, by adding sections; repealing Minnesota Statutes 1969, Sections 173.19 and 173.31 to 173.54.*

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

Section 1. Minnesota Statutes 1969, Section 173.01, is amended to read:

**173.01 MINNESOTA OUTDOOR ADVERTISING CONTROL ACT; 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. 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 and effectively regulate and control the erection or maintenance of advertising devices on land adjacent to such highways. It is further declared that inasmuch as outdoor advertising is an integral part of the business and marketing function, an established segment of the national economy, and a legitimate commercial use of property adjacent to roads and highways, it should be allowed to operate where other business and commercial activities are conducted, and the regulation of outdoor advertising should occur by the application of reasonable regulatory standards consistent with customary use of outdoor advertising and zoning principles in this state which will properly and adequately carry out each and all of the purposes of this act; that the regulatory standards set forth in this act are consistent with customary use in this state. It is the intention hereby to comply with the policies declared by Congress in Title 23, United States Code, "Highways".~~

Sec. 2. Minnesota Statutes 1969, Section 173.02, is amended to read:

**173.02 DEFINITIONS.** Subdivision 1. ~~As used in sections 173.01 to 173.24 the terms defined in this section have the meanings given~~

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~~them.~~ For the purposes of this act, the terms defined in this section shall have the meanings herein given them.

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 interstate system of highways 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. "Interstate system of highways" means those state trunk highways included in or forming 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 economic development, commissioner of natural resources, and director of Minnesota historical society.~~

Subd. 6. Directional and other official signs and notices shall mean:

(a) "Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or non-profit historical societies may be considered official signs.

(b) "Public utility signs" mean warning signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(c) "Service club and religious notices" mean signs and notices, not exceeding eight square feet in advertising area, ~~unless a larger sign is in place as of May 30, 1967,~~ whose erection is authorized by law, relating to meetings and location of non-profit service clubs or charitable associations, or religious services.

(d) "Directional signs" means publicly owned signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies, publicly or

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privately owned natural phenomena, historic, cultural, education, and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(e) All definitions in this subdivision are intended to be in conformity with the national standards for directional and other official signs.

Subd. 7. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the commissioner of highways and approved by the appropriate authority of the federal government.

Subd. 8. "Adjacent area" means any area adjacent to the right of way of an interstate or trunk highway.

Subd. 9. "Business area" means any part of an adjacent area which is (a) zoned for business, industrial or commercial activities under the authority of any law of this state or any political subdivision thereof; or (b) not so zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

Subd. 10. "Primary highway" means any highway, other than an interstate highway, at any time officially designated as a part of the federal aid primary system by the commissioner of highways and approved by the appropriate authority of the federal government, and which shall include state trunk highways designated as such by Minnesota Statutes.

Subd. 11. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way to bring into being or establish but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of an outdoor advertising structure or device.

Subd. 12. "Advertising area" means that portion of the advertising face of an advertising device which includes the border and trim thereof, but excludes the base and apron supports and other structural members.

Subd. 13. "Maintain" means to allow to exist.

Subd. 14. "Unzoned commercial or industrial areas" means those areas which are not zoned by state or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of

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such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing, and landscaped areas of the commercial or industrial activity, not from the property lines of the activity, and shall be along or parallel to the edge of the pavement of the highway.

Subd. 15. "Commercial or industrial activity" for the purposes of unzoned commercial or industrial areas means an activity generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

(1) Outdoor advertising devices

(2) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, temporary wayside fresh produce stands.

(3) Transient or temporary activities.

(4) Activities not visible from the main traveled way.

(5) Activities more than 660 feet from the nearest edge of the right of way.

(6) Activities conducted in a building principally used as a residence.

(7) Railroad tracks and minor sidings.

Sec. 3. Minnesota Statutes 1969, Section 173.04, is amended to read:

**173.04 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 economic development, commissioner of natural resources and director of Minnesota historical society a representative of the outdoor advertising industry, a representative of the motel, hotel and resort industry to be appointed by and serve at the sufferance of the governor.

Subd. 2. The commissioner of highways, after consultation with the scenic area board, may by rules and regulations issued pursuant to chapter 15 establish scenic areas adjacent to the interstate system of or primary highways. 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. Permits for legally existing advertising devices not in violation of Extra Session Laws 1967, Chapter 9 this chapter shall be

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granted until such devices are paid for, but no new advertising devices may be erected within the area after the scenic area has been established by rule and regulation. If the state or any local unit of government legitimately zones all or any part of a scenic area for commercial or industrial use in accordance with customary usage in the state, then such area or that part thereof shall cease to be a scenic area. A scenic area will exist when the rights thereto have been acquired by the state.

Subd. 3. The scenic area board may recommend that the commissioner of highways establish an area adjacent to a route of ~~the interstate system of an interstate or primary~~ highways 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, historic sites and monuments, and picnic, rest, or recreation areas maintained by the public.

The commissioner of highways may acquire scenic easements in such areas to preserve the natural scenic beauty of that area and its visibility from the highway, and the rights so acquired may require the removal, by the owner of the land, of any structure necessary to accomplish these purposes. Advertising devices shall be removed only in accordance with this chapter, and the commissioner shall not require the removal of residences, farm buildings or other buildings of a substantial nature. Whenever practicable, the scenic easements acquired herein shall provide that the land may be used for agricultural, horticultural, forest, grazing, residential, or other purposes not inconsistent with the scenic purposes for which the easement was acquired.

Subd. 4. Any scenic area established under this section may extend such distance beyond the edge of the right-of-way of ~~the interstate system of highways~~ an interstate or primary highway as the commissioner shall determine is reasonably necessary for the fulfillment of the purposes and objectives of sections 173.01 to 173.11.

Subd. 5. In establishing such scenic areas along ~~the interstate system~~ any interstate or primary highway, the commissioner of highways shall, whenever practicable, comply with federal law and federal rules and regulations relating to billboard control on ~~the interstate system~~ any interstate or primary highway, and is authorized to do all necessary acts and things, including, but not limited to, entering into binding agreements with the United States or any of its agencies or departments to the end that the objectives stated in Title 23, United States Code, Section 131, Section 319, or any other applicable federal statute, and the rules and regulations promulgated pursuant thereto, be accomplished in such scenic areas, and that federal participation in the cost of acquiring the necessary easements for such scenic areas be obtained in as many instances as possible.

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Subd. 6. 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 and scenic easements along ~~the interstate system of highways~~ any interstate or primary highway.

Sec. 4. Minnesota Statutes 1969, Section 173.06, Subdivision 2, is amended to read:

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 173.01 to 173.11~~ this act and the specific objectives of providing for traffic safety ~~along the interstate system of highways~~ any interstate or primary highway in the vicinity of scenic areas and of preserving and enhancing the natural scenic beauty or the aesthetic features of the highway and scenic areas adjacent thereto.

Sec. 5. Minnesota Statutes 1969, Section 173.07, is amended to read:

**173.07 APPLICATIONS FOR PERMITS; CONTENTS; RE-NEWALS.** Subdivision 1. Application for permits or renewals thereof for the placement and maintenance of advertising devices within scenic areas shall 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.

Subd. 2. 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~~ \$15. The permit or renewal thereof shall be revocable for any violation of sections 173.01 to 173.11 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. 6. Minnesota Statutes 1969, Section 173.08, is amended to read:

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~~173.08 Advertising devices restricted; prohibited.—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 173.01 to 173.11, 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 notices erected or maintained by the state or other public agency having jurisdiction;~~

~~(5) Service club and religious notices.~~

~~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 5 of this section.~~

Subdivision 1. ADVERTISING DEVICES RESTRICTED. No advertising device, excepting the advertising devices described and permitted under this act, shall be erected or maintained in an adjacent area, after the effective date of this act, except the following:

(a) directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the commissioner relative to their lighting, size, spacing and other requirements as may be appropriate to implement this act;

(b) Advertising devices advertising the sale or lease of property upon which they are located, provided that there shall not be more than one such sign, advertising the sale or lease of the same property, visible to traffic proceeding in any one direction on any one interstate or primary highway;

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(c) Advertising devices advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods, sold, stored, manufactured, processed or mined thereon, services rendered thereon, and entertainment provided thereon;

(d) Advertising devices stating the name and address of the owner, lessee or occupant of such property or information otherwise required or authorized by law to be posted or displayed thereon;

(e) Public utility signs;

(f) Service club and religious notices, except that a permit with a fee of \$2 shall be required.

(g) Advertising devices of which the advertising copy or the name of the owner thereof is in no part visible from the traveled way of the aforesaid highways;

(h) Advertising devices which are located, or which are to be located, in business areas and which comply, or will comply when erected, with the provisions of this act.

Subd. 2. ADVERTISING DEVICES PROHIBITED. No advertising device shall be erected or maintained:

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

(2) Within 100 feet of a church or school.

Sec. 7. Minnesota Statutes 1969, Section 173.12, is amended to read:

173.12 APPLICATION. Sections 173.01 and 173.02 and sections 173.13 to 173.24 shall apply to ~~areas along or adjacent to the interstate system of highways except scenic areas provided for in sections 173.01 to 173.11, and except within boundaries of cities, villages and boroughs and areas zoned for commercial or industrial purposes. Nothing in sections 173.13 to 173.24 shall be construed to limit any of the provisions of sections 173.01 to 173.11 adjacent areas on interstate or primary highways.~~

Sec. 8. Minnesota Statutes 1969, Section 173.13, is amended to read:

173.13 DEVICES ALONG INTERSTATE HIGHWAYS. Subdivision 1. ~~No advertising device shall be erected, placed, or maintained along the interstate system of highways without a permit therefor obtained from the commissioner. Application for permit shall be made on forms provided by the commissioner. The application shall~~

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~~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 interstate system of highways, provided that such regulations shall not be more restrictive than the provisions of sections 173.13 to 173.24.~~

~~Subd. 3. The commissioner of highways may limit the size of any advertising device to 650 square feet in area, but no such size limitation shall apply to require the reduction in size of any advertising device in place on May 26, 1965.~~

~~Subd. 4. 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 300 square feet, the fee shall be \$5;~~

~~(3) If the advertising area exceeds 300 square feet, the fee shall be \$8;~~

~~(4) No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.~~

~~Subd. 5. 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. 6. Permits shall expire on the last day of June 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. 7. A penalty of \$2 shall be charged upon failure to pay such fee for renewal on or before July 10 of each year.~~

~~Subd. 8. 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.~~

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~~Subd. 9. Permits are assignable. The commissioner of highways shall be notified in writing by the assignor of any such assignment.~~

~~Subd. 10. 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 173.13 to 173.24 or any regulation 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.~~

Subdivision 1. No advertising device shall be erected or maintained in any adjacent area without a permit therefor being first obtained from the commissioner, except that permit systems of legitimate local zoning authorities shall take precedence inside a business area.

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 interstate and primary system of highways, provided that such regulations shall not be more restrictive than the provisions of sections 173.13 to 173.24.

Subd. 3. No size limitation shall apply to any advertising device otherwise legally in place on the effective date of this act.

Subd. 4. 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 \$5.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$10.

(3) If the advertising area exceeds 300 square feet, the fee shall be \$20.

(4) No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.

Subd. 5. The provisions of this section shall be effective on July 1, 1971, and the provisions relating to permits and fees shall apply to then legally existing devices as well as devices that may be erected and maintained thereafter.

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Subd. 6. Permits shall expire on the last day of June of each year. They may be renewed upon payment of the annual fee and filing of a renewal application form to be provided by the commissioner, but without the filing of a new permit application. There shall be proration of the fee for the year in which the permit is first obtained, and the portion of any fees for a permit on any advertising device paid under Minnesota Statutes, Chapter 173, allocable to the period July 1, 1971, through December 31, 1971, shall be deemed to have been paid upon and shall apply to payment of the fees required by this act or refunded. There shall be no additional fee or permit required for change in advertising copy.

Subd. 7. A penalty of \$2 shall be charged upon failure to pay the annual permit fee for renewal on or before August 1 of each year.

Subd. 8. 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. 9. The commissioner of highways shall be notified in writing by the assignor of any such assignment.

Subd. 10. The commissioner may revoke any permit granted herein for cause upon 30 days written notice of such hearing to the permittee. Such notice and hearing and all regulations with respect thereto shall be in accordance with Minnesota Statutes, Chapter 15. The commissioner within 10 days after hearing shall notify the permittee what he must do to retain the permit and the permittee shall have 30 days therefrom in which to comply with the order of the commissioner.

Subd. 11. Advertising devices erected or maintained after the effective date of this act not complying with this act and not otherwise by this act permitted to stand may be removed by the commissioner upon 60 days prior written notice by certified or registered mail to the owner thereof and to the owner of the real property on which such advertising device is located, provided that no notice shall be required to be given to the owner of an advertising device whose name is not stated upon the advertising device or the structure on which it is displayed, unless the name of such owner is otherwise reasonably known to the commissioner. The period of such notice shall be computed from the date of mailing.

Sec. 9. Minnesota Statutes 1969, Section 173.15, is amended to read:

**173.15 PROHIBITED DEVICES.** After the effective date of this act no advertising device shall be in place erected or maintained :

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(1) Which purports to be or resembles an official traffic control device, sign, or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet;

(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 any right-of-way of the interstate system of highways, except as otherwise provided by law or allowed by the commissioner;

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

(6) On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on public utility poles;

(7) Which has distracting flashing or moving lights so designed or lighted as to be a traffic hazard;

(8) To which access can be obtained only from the highway an interstate main traveled way but excluding frontage roads adjacent thereto ;

(9) Which are structurally unsafe, in disrepair, or are abandoned.

Sec. 10. Minnesota Statutes 1969, Section 173.16, is amended to read:

**173.16 ADVERTISING DEVICES LOCATED IN BUSINESS AREAS.** ~~From and after May 26, 1965, no advertising device shall be erected:~~

~~(1) Which would prevent any traveler on any highway of the interstate system of highways 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 500 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;~~

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

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

(5) ~~Which is closer than 3000 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 200 miles of such devices are permitted to be erected and maintained as close as 1300 feet to any other advertising device on the same side of such highway. Subdivision 1, EFFECTIVE. After the effective date of this act advertising devices in a business area shall comply with the standards stated in this section.~~

**Subd. 2. REGULATIONS AS TO SIZE; WITHIN CORPORATE LIMITS; OUTSIDE CORPORATE LIMITS.** (1) In a business area within a corporate limit the maximum area of a sign face, whether a single sign face or each face of two back to back or V-type signs, shall not exceed 1,000 square feet including border and trim, but excluding base and apron supports and other structural members, except as provided under subdivision 5 of this section. The maximum size limitation stated in this subdivision shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction, but not more than two displays to each facing and such sign structure shall be considered as one sign.

(2) In a business area outside corporate limits the maximum area of a sign face, whether a single sign face or each face of two back to back or V-type signs, shall not exceed 750 square feet including border and trim, but excluding base and apron supports and other structural members, except as provided under subdivision 5 of this section. The maximum size limitation stated in this subdivision shall apply to each side of a sign structure and signs may be placed back to back, side by side, or in a V-type construction, but not more than two displays to each facing and such sign structure shall be considered as one sign.

**Subd. 3. LIGHTING.** (1) Advertising devices shall not be erected which contain, include or are illuminated by any flashing light or lights, except those giving public service information such as, without limiting the generality of the foregoing, time, date, temperature, weather or news;

(2) Advertising devices shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway, of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle; or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(3) Outdoor advertising devices shall not be erected or maintained which shall be so illuminated that they interfere with the effectiveness of or obscure any official traffic sign, device or signal.

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Subd. 4. SPACING. (1) Advertising devices shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with the drivers' view of approaching, merging or intersecting traffic for a distance of 500 feet.

(2) No advertising device shall be erected closer to any other such advertising device on the same side of the same highway facing traffic proceeding in the same direction than (a) 500 feet on any interstate highway or fully controlled freeway in a zoned or unzoned commercial or industrial area within or outside an incorporated city, village or borough, (b) 300 feet on a primary highway in a zoned commercial or industrial area outside an incorporated city, village or borough, (c) 400 feet on a primary highway in an unzoned commercial or industrial area outside an incorporated city, village or borough, (d) 100 feet on a primary highway inside an incorporated city, village or borough; provided, however, that this provision shall not prevent the erection of double-faced, back-to-back, or V-type advertising devices with a maximum of two signs per facing; provided further, however, that such spacing requirements shall not apply as between any off-premise advertising device permitted under the provisions of this act.

(3) The above spacing between advertising devices does not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

(4) On interstate highways or fully controlled access freeways outside of incorporated cities, villages or boroughs, no advertising device may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet shall be measured along such highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

(5) On primary highways outside of incorporated cities, villages or boroughs, no advertising device may be located closer than 300 feet from the intersection of any primary 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.

Subd. 5. LOCAL CONTROL. (1) Whenever a bona fide county or local zoning authority has made a legitimate determination of customary usage and in the judgment of the commissioner, reasonably provides for size, lighting and spacing control of advertising devices, such determination shall be accepted in lieu of the provisions

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of this chapter in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

(2) All county and local zoning authorities shall give notice to the commissioner of highways of the establishment or revision of any commercial and industrial zones pursuant to subdivision 1 of this section. Notice shall be by registered mail sent to the office of the commissioner of highways in St. Paul, Minnesota, within 15 days after the effective date of the zoning change or establishment.

Sec. 11. Minnesota Statutes 1969, Section 173.17, is amended to read:

173.17 REMOVAL OF DEVICES.—Subdivision 1. TIME FOR REMOVAL.—Any advertising device lawfully erected before May 26, 1965 and not conforming to the provisions of section 173.16 with respect to distance, spacing or location shall be removed by its owner on or before July 1, 1969. It is hereby declared that where in order to carry out the provisions of this section it is necessary that property rights be acquired, such acquisition is for a public purpose and is necessary for a highway purpose. The commissioner of highways is authorized to acquire by purchase, gift or condemnation all advertising devices and all property rights pertaining thereto which are prohibited under the provisions of section 173.16, and any rules or regulations promulgated pursuant thereto, provided that such advertising devices were in lawful existence on the effective date of this act. In any such acquisition, purchase or condemnation, just compensation shall be paid for:

(1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display or device; and

(2) The taking from the owner of the real property on which such advertising device is located immediately prior to its removal or relocation, the right to erect and maintain thereon advertising devices, and full compensation therefor, including severance damage and damage to the remainder of the outdoor advertising plant regardless of whether it is located on property contiguous to or a part of that on which such sign is located, shall be included in the amounts paid to the respective owners. Provided, however, that no compensation shall be paid for severance damage and damage to the remainder of the outdoor advertising plant unless federal laws, or rules and regulations promulgated by the United States Department of Transportation provide for federal participation in the cost of such severance damage and damage to the remainder of the outdoor advertising plant.

(3) Compensation required herein shall be paid to the person or persons entitled thereto. Notwithstanding any other provisions of

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this act, no advertising device shall be required to be removed or relocated unless and until the commissioner of highways shall tender payment to the owner of the advertising device and the owner of real property upon which the same is located, in cash or check drawn on the state treasury, of 100 percent of the amount of just compensation required herein, as determined by the commissioner of highways; provided that the acceptance of said tendered amount by the person or persons to be compensated shall be without prejudice to his or their further rights to have just compensation finally determined in accordance with the provisions of this act and to receive any greater or additional amount under Minnesota Statutes, Chapter 117.

~~Subd. 2. Enforcement. Notwithstanding the provisions of section 173.21, any advertising device which is~~

~~(1) erected or maintained contrary to the provisions of section 173.15 or any regulations issued or adopted thereunder, or an order of the commissioner with respect thereto; or~~

~~(2) for which no permit has been obtained; or~~

~~(3) for which the permit has been revoked; or~~

~~(4) which is abandoned~~

~~is hereby declared to be a public nuisance, illegal and non-conforming, and the commissioner may enter upon the land where the sign is located and may remove or destroy such sign after a hearing as provided by law and after 30 days notice to the owner and permittee thereof, if known. No compensation shall be paid for any sign so removed or destroyed, and the commissioner may collect the cost of removal or destruction from the person erecting or maintaining such advertising device.~~

Sec. 12. Minnesota Statutes 1969, Chapter 173, is amended by adding a section to read:

[173.185] AGREEMENTS AND REGULATIONS. Subdivision 1. The commissioner of highways shall comply with federal law and federal rules and regulations relating to billboard control on the interstate and primary systems, and is authorized to do all necessary acts and things, including, but not limited to, entering into binding agreements with the United States or any of its agencies or departments to the end that the objectives stated in Title 23, United States Code, Section 131, Section 319, or any other applicable federal statute, and the rules and regulations promulgated pursuant thereto, be accomplished on the interstate and primary systems of highways.

Subd. 2. The commissioner of highways is authorized to promulgate rules and regulations governing the erection and mainte-

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nance of outdoor advertising devices as may be necessary to carry out the policy of the state declared in this chapter.

Sec. 13. Minnesota Statutes 1969, Section 173.21, is amended to read:

**173.21 VIOLATIONS, PENALTIES.** Any person who violates any provisions of sections 173.13 to 173.24 or any regulations issued or adopted thereunder after notice thereof upon conviction is guilty of a misdemeanor. In addition thereto, the commissioner of highways may seek injunctive relief in the district court of the county in which the nonconforming advertising device is located and require that either the advertising device conform or be removed.

Sec. 14. Minnesota Statutes 1969, Chapter 173, is amended by adding a section to read:

**[173.25] AVAILABILITY OF FEDERAL AID FUNDS.** The commissioner of highways shall not be required to expend funds for the acquisition of advertising devices controlled under this chapter until federal funds are made available to the commissioner for the purpose of carrying out the provisions of this chapter. No advertising device legal under this act shall be required to be removed or relocated until payment as provided in this act is tendered by the commissioner of highways. This section shall not apply to the removal of signs for which no federal share is payable.

Sec. 15. Minnesota Statutes 1969, Chapter 173, is amended by adding a section to read:

**[173.26] EXEMPTION.** Notwithstanding any other provision of this act, each advertising device in existence in a business area on the effective date of this act and which fails to comply with the provisions of this act only as to size, lighting or spacing, may remain in place.

Sec. 16. The invalidity of any provision of this act shall not affect the validity of the remainder of the act.

Sec. 17. **APPROPRIATION; FEES.** There is annually appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of this act. All fees collected under this act shall be paid into the trunk highway funds.

Sec. 18. Minnesota Statutes 1969, Chapter 173, is amended by adding a section to read:

**[173.27] CITATION.** This act may be cited as the "Minnesota Outdoor Advertising Control Act".

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

Sec. 19. Except as otherwise specifically provided herein, the provisions of this act shall be effective as of the date of enactment of this act.

Sec. 20. Minnesota Statutes 1969, Sections 173.19, 173.31, 173.32, 173.33, 173.34, 173.35, 173.36, 173.37, 173.38, 173.39, 173.40, 173.41, 173.42, 173.43, 173.44, 173.45, 173.46, 173.47, 173.48, 173.49, 173.50, 173.51, 173.52, 173.53 and 173.54 are repealed.

Approved June 7, 1971.

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## CHAPTER 884—S.F.No.2752

[Coded]

*An act relating to pollution control and natural resources; requiring submission by certain persons, corporations and associations of all proposals for the exercise of the power of eminent domain to the commissioner of natural resources for review, comment and recommendations relative to the effect of such proposals on the environment; and denying, under certain circumstances, the exercise of the power of eminent domain by certain persons, corporations and associations.*

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

**Section 1. [117.49] CRUDE OIL PIPELINE COMPANIES; EMINENT DOMAIN; APPROVAL OF PROCEEDINGS BY COMMISSIONER OF NATURAL RESOURCES.** In the event that the right to exercise the power of eminent domain in accordance with Minnesota Statutes, Chapter 117, is granted by law to any person, corporation or association qualified to do business in the state of Minnesota engaged in or preparing to engage in the business of transporting crude petroleum, oil, their related products and derivatives including liquefied hydrocarbons by pipeline as a common carrier, the right shall not be exercised by such person, corporation, or association until the plans of the project for which the exercise of the power of eminent domain is proposed shall have first been submitted to and approved by the commissioner of natural resources. The plans shall be submitted in sufficient detail so that the commissioner can make a determination as to the impact that the proposed project will have on the environment. The commissioner of natural resources shall make a comprehensive review of such plans and make detailed comments on the effect that such project, if pursued, would

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