

# MINNESOTA STATUTES 1967

1985

ADVERTISING DEVICES 173.02

## CHAPTER 173

### ADVERTISING DEVICES

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#### INTERSTATE HIGHWAYS

**173.01 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.

[1965 c 828 s 1]

**173.02 DEFINITIONS.** Subdivision 1. As used in sections 173.01 to 173.24 the terms defined in this section have the meanings 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 conservation, 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 cus-

tomarily 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 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.

[1965 c 828 s 2; 1967 c 299 s 9; Ex1967 c 9 s 1, 2]

**173.03 PERMITS WITHIN SCENIC AREAS.** Except as otherwise provided in sections 173.01 to 173.11, 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.

[1965 c 828 s 3]

**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 conservation, and director of Minnesota historical society.

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 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 existing advertising devices not in violation of Extra Session Laws 1967, Chapter 9 shall be 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. 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 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 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, the commissioner of highways shall, whenever practicable, comply with federal law and federal rules and regulations relating to billboard control on the interstate system, 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.

Subd. 6. The commissioner of highways has the authority to do all things

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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.

[1965 c 828 s 4; 1967 c 299 s 9; Ex1967 c 9 s 3-7]

**173.05 ACQUISITION OF PROPERTY.** The commissioner of highways shall acquire all rights in property, personal or real, necessary to carry out the purposes of sections 173.01 to 173.11, 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.

[1965 c 828 s 5]

**173.06 RULES AND REGULATIONS RELATING TO PERMITS.** Subdivision 1. The commissioner of highways shall adopt and may 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 173.01 to 173.11 and the specific objectives of providing for traffic safety along the interstate system of highways 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.

[1965 c 828 s 6; Ex1967 c 9 s 8]

**173.07 APPLICATIONS FOR PERMITS; CONTENTS; RENEWALS.** 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. 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 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.

[1965 c 828 s 7]

**173.08 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 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.

[1965 c 828 s 8; *Ex*1967 c 9 s 9]

**173.09 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 173.01 to 173.11 or any regulation issued or adopted thereunder, is hereby declared to be a public nuisance, illegal and nonconforming and may be abated in the manner prescribed by law for the abatement of public nuisances, or the commissioner may enter upon the land and remove the sign.

[1965 c 828 s 9; *Ex*1967 c 9 s 10]

**173.10 CONFLICTING PROVISIONS.** Nothing in sections 173.01 to 173.11 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.

[1965 c 828 s 10]

**173.11 VIOLATIONS, PENALTIES.** Any person who is convicted of violating any provision of sections 173.01 to 173.11, or of violating any regulation issued or adopted thereunder after receiving notice thereof, is guilty of a misdemeanor.

[1965 c 828 s 11]

**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.

[1965 c 828 s 12]

**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 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.

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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 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.

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.

[1965 c 828 s 13; Ex1967 c 9 s 11-14]

**173.14 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.

[1965 c 828 s 14]

**173.15 PROHIBITED DEVICES.** No advertising device shall be in place:

(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 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;

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

[1965 c 828 s 15; Ex1967 c 9 s 15]

**173.16 PROHIBITED LOCATIONS.** 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;

(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,

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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.

[1965 c 828 s 16; Ex1967 c 9 s 15A]

**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.

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.

[1965 c 828 s 17; Ex1967 c 9 s 16]

**173.18 ADJUSTMENTS BETWEEN OWNERS AS TO SPACING.** If two or more advertising devices erected before May 26, 1965 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 July 1, 1969.

[1965 c 828 s 18]

**173.19 EXEMPTIONS.** The following advertising devices are exempt from the provisions of sections 173.13 to 173.24:

(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

(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, except that a permit, without a fee therefor, shall be required.

Spacing requirements, as set forth in section 173.16 are not applicable between exempt advertising devices and non-exempt advertising devices.

[1965 c 828 s 19; Ex1967 c 9 s 17]

**173.20 CONFLICTING PROVISIONS.** Nothing in sections 173.13 to 173.24 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 173.13 to 173.24 hereof or of the regulations adopted thereunder.

[1965 c 828 s 20]

**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.

[1965 c 828 s 21]

**173.22 DISPOSITION OF FEES.** All fees collected under sections 173.01 to 173.24 shall be paid into the trunk highway fund.

[1965 c 828 s 22]

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**173.23 APPROPRIATION.** There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of sections 173.01 to 173.24.

[1965 c 828 s 23]

**173.24 EFFECTIVE DATE.** Except as otherwise specifically provided herein, sections 173.01 to 173.24 shall be effective as of May 26, 1965.

[1965 c 828 s 24]

## TRUNK HIGHWAYS

**173.31 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.

[1965 c 862 s 1]

**173.32 DEFINITIONS.** Subdivision 1. As used in sections 173.31 to 173.54 the terms defined in this section have the meanings 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 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 economic development, commissioner of conservation, 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 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.

[1965 c 862 s 2; 1967 c 299 s 9; Ex1967 c 9 s 18, 19]

**173.33 PERMITS WITHIN SCENIC AREAS.** Except as otherwise provided in sections 173.31 to 173.41, 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.

[1965 c 862 s 3]

**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 economic development, commissioner of conservation, and director of Minnesota historical society.

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 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 existing advertising devices not in violation of Extra Session Laws 1967, Chapter 9 shall be 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. 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 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, 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 right of way of the highway as the commissioner shall determine reasonably necessary for the fulfillment of the purposes and objectives of sections 173.31 to 173.41.

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 and scenic easements along trunk highways.

[1965 c 862 s 4; 1967 c 299 s 9; Ex1967 c 9 s 20-23]

**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 173.31 to 173.41, 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.

[1965 c 862 s 5]

**173.36 RULES AND REGULATIONS RELATING TO PERMITS.** Subdivision 1. The commissioner of highways shall adopt and may 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 173.31 to 173.41 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.

[1965 c 862 s 6; Ex1967 c 9 s 24]

**173.37 APPLICATIONS FOR PERMITS; CONTENTS; RENEWALS.** Ap-



plication 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. 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 173.31 to 173.41 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.

[1965 c 862 s 7]

**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 173.31 to 173.41, including but 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 sub-clauses 1 through 5.

[1965 c 862 s 8; Ex1967 c 9 s 25]

**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 173.31 to 173.41 or any regulation issued or adopted thereunder, is hereby declared to be a public nuisance, illegal and non-conforming and may be abated in the manner prescribed by law for the abatement of public nuisances, or the commissioner may enter upon the land and remove the sign.

[1965 c 862 s 9; Ex1967 c 9 s 26]

**173.40 CONFLICTING PROVISIONS.** Nothing in sections 173.31 to 173.41 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.

[1965 c 862 s 10]

**173.41 VIOLATIONS, PENALTIES.** Any person who is convicted of violating any provision of sections 173.31 to 173.41, or of violating any regulation issued or adopted after receiving notice thereof, is guilty of a misdemeanor.

[1965 c 862 s 11]

**173.42 APPLICATION.** Sections 173.31 and 173.32 and sections 173.43 to 173.54 shall apply to areas along or adjacent to the trunk highway system except scenic areas provided for in sections 173.31 to 173.41, and except within boundaries of cities, villages and boroughs and areas zoned for commercial or industrial pur-

poses. Nothing in sections 173.43 to 173.54 shall be construed to limit any of the provisions of sections 173.31 to 173.41.

[1965 c 862 s 12; Ex1967 c 9 s 27]

**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 173.43 to 173.54.

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 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 endanger 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 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. 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 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. 8. A penalty of \$2 shall be charged upon failure to pay such fee for renewal on or before July 10 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 173.43 to 173.54 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.

[1965 c 862 s 13; Ex1967 c 9 s 28-31]

**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.

[1965 c 862 s 14]

**173.45 PROHIBITED DEVICES.** No advertising device shall be in place:

(1) Which purports to be or resembles an official traffic control device, sign,

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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 flashing or moving lights so designed or lighted as to be a traffic hazard;

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

[1965 c 862 s 15; Ex1967 c 9 s 32]

**173.46 PROHIBITED LOCATIONS.** From and after May 26, 1965, no advertising device shall be erected or maintained:

(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;

(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 1700 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 800 feet to any other advertising device on the same side of such highway.

(6) Which is positioned or located in any lake, stream or drainage channel, or below the flood water level of any lake, stream or drainage channel where the advertising device might be deluged by flood waters and swept under or against the supporting elements of any highway structure crossing the lake, stream or drainage channel.

Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways. Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.

[1965 c 862 s 16; Ex1967 c 9 s 33]

**173.47 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 173.46 with respect to distance, spacing or location shall be removed by its owner on or before July 1, 1969.

Subd. 2. **Enforcement.** Notwithstanding the provisions of section 173.51, any advertising device which is

(1) erected or maintained contrary to the provisions of section 173.45 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.

[1965 c 862 s 17; Ex1967 c 9 s 34]

**173.48 ADJUSTMENTS BETWEEN OWNERS AS TO SPACING.** If two or more advertising devices erected before May 26, 1965 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 July 1, 1969.

[1965 c 862 s 18; Ex1967 c 9 s 35]

**173.49 EXEMPTIONS.** The following advertising devices are exempt from the provisions of sections 173.43 to 173.54:

(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

(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, except that a permit, without a fee therefor, shall be required.

Spacing requirements, as set forth in section 173.46 are not applicable between exempt advertising devices and non-exempt advertising devices.

[1965 c 862 s 19; Ex1967 c 9 s 36]

**173.50 CONFLICTING PROVISIONS.** Nothing in sections 173.43 to 173.54 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 173.43 to 173.54 or of the regulations adopted thereunder.

[1965 c 862 s 20]

**173.51 VIOLATIONS, PENALTIES.** Any person who violates any provisions of sections 173.43 to 173.54 or any regulations issued or adopted thereunder after notice thereof upon conviction is guilty of a misdemeanor.

[1965 c 862 s 21]

**173.52 DISPOSITION OF FEES.** All fees collected under sections 173.31 to 173.54 shall be paid into the trunk highway fund.

[1965 c 862 s 22]

**173.53 APPROPRIATION.** There is appropriated out of the trunk highway fund a sum of money sufficient to carry out the provisions of sections 173.31 to 173.54.

[1965 c 862 s 23]

**173.54 EFFECTIVE DATE.** Except as otherwise specifically provided herein, sections 173.31 to 173.54 shall be effective as of May 26, 1965.

[1965 c 862 s 24]