

CHAPTER 173

ADVERTISING DEVICES

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| 173.12 | Application. | 173.171 | Vegetation control; visibility; agreements. |
| 173.13 | Devices along interstate highways. | 173.20 | Conflicting provisions. |
| 173.17 | Removal of devices, time for removal; compensation. | 173.21 | Violations, penalties. |
| | | 173.25 | Availability of federal aid. |

173.12 APPLICATION.

Sections 173.01 and 173.02 and sections 173.13 to 173.231 shall apply to adjacent areas on interstate or primary highways.

History: *1Sp1981 c 4 art 1 s 85*

173.13 DEVICES ALONG INTERSTATE 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 transportation 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 173.231.

Subd. 3. No size limitation shall apply to any advertising device otherwise legally in place on June 8, 1971.

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 \$10.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be \$20.

(3) If the advertising area exceeds 300 square feet, the fee shall be \$40.

(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.

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 this chapter, 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 Laws 1971, Chapter 883 or refunded. There shall be no additional fee or permit required for change in advertising copy.

Subd. 7. A penalty of two times the annual fee 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 transportation 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 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 June 8, 1971, not complying with Laws 1971, Chapter 883, and not otherwise by Laws 1971, Chapter 883, permitted to stand may be removed by the commissioner upon 60 days prior written notice by certified 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.

History: 1981 c 294 s 2; 1Sp1981 c 4 art 1 s 86

173.17 REMOVAL OF DEVICES, TIME FOR REMOVAL; COMPENSATION.

It is hereby declared that where in order to carry out the provisions of this chapter 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 transportation 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 this chapter, and any rules or regulations promulgated pursuant thereto, provided that such advertising devices were in lawful existence on June 8, 1971. 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 Laws 1971, Chapter 883, no advertising device shall be required to be removed or relocated unless and until the commissioner of transportation 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 transportation; 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 Laws 1971, Chapter 883, and to receive any greater or additional amount under chapter 117.

(4) Notwithstanding any other provision of this chapter, including section 173.20, no advertising device which was lawfully erected shall be removed until all rights in the property, personal or real, have been acquired by purchase, gift, or eminent domain proceedings under chapter 117, whether or not the advertising device is removed pursuant to this chapter or any other statute, ordinance, or regulation of any political subdivision of the state or local zoning authority.

The Minnesota department of transportation with the assistance and cooperation of the department of economic development shall make recommendations to the standing committees on transportation of both houses of the legislature by February 1, 1982 for a comprehensive directional signing program.

History: 1981 c 294 s 1

173.171 VEGETATION CONTROL; VISIBILITY; AGREEMENTS.

The commissioner of the department of transportation may enter into agreements with the owners of advertising devices not prohibited under this chapter and lawfully erected and maintained in adjacent areas, or with the owners of the real property on which the advertising devices are located, providing for the control of vegetation on the right-of-way in the vicinity of the advertising devices to ensure their visibility from the highway. The agreements shall provide that:

(1) The cost of any vegetation control measures will be paid for by the owner of the advertising device or the owner of the real property on which it is located; and

(2) Any control measures will be carried out in a safe, workmanlike manner.

History: 1981 c 294 s 3

173.20 CONFLICTING PROVISIONS.

Nothing in sections 173.13 to 173.231 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.

History: 1Sp1981 c 4 art 1 s 87

173.21 VIOLATIONS, PENALTIES.

Any person who violates any provisions of sections 173.13 to 173.231 or any regulations issued or adopted thereunder after notice thereof upon conviction is guilty of a misdemeanor. In addition thereto, the commissioner of transportation 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.

History: 1Sp1981 c 4 art 1 s 88

173.25 AVAILABILITY OF FEDERAL AID.

The commissioner of transportation shall not expend money for the acquisition of advertising devices controlled under this chapter, except those for which acquisition proceedings were begun before June 8, 1979 or for which federal money has been appropriated by Congress and the federal share has been made available to the commissioner. No advertising device legal under Laws 1971, Chapter 883, shall be required to be removed or relocated until payment as provided in Laws 1971, Chapter 883, is tendered by the commissioner of transportation.

History: 1981 c 357 s 66