# CHAPTER 24-17
# ADVERTISING ADJACENT TO HIGHWAYS

**24-17-01. Declaration of policy.**

It is hereby declared to be in the public interest reasonably to regulate advertising devices along the highways hereinafter specified while, at the same time, recognizing that both the convenience of travel and the interests of the economy as a whole require a reasonable freedom to advertise. It is the intention of the legislative assembly in this chapter to provide a statutory basis for the reasonable regulation, but not the prohibition, of outdoor advertising through zoning principles and standards consistent with the public policy relating to the areas adjacent to the state highway system pursuant to 23 U.S.C. 131 and 23 U.S.C. 319 and rules and regulations promulgated thereunder. It is further declared to be in the public interest to review all rights now acquired by the state of North Dakota for the use and benefit of the department of transportation pertaining to the right and control over the erection, location, or maintenance of billboards, signs, or any form of advertising adjacent to the state highway system, to determine and designate such areas adjacent to the state highway system as are necessary for the restoration, preservation, and enhancement of scenic beauty and to vacate to the owner such property rights acquired in areas not so determined and designated.

**24-17-02. Definitions.**

1. "Commissioner" shall mean the director of the department of transportation of this state or authorized agents as provided in section 24-02-01.3.
2. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
3. "Maintain" means to exist.
4. "Outdoor advertising" means a sign, display, or device of any kind or character including statuary, erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed for advertising purposes and shall include but not be limited to any card, cloth, paper, metal, painted, or wooden sign of any character placed for outdoor advertising purposes, on or affixed to the ground or any tree, wall, bush, rock, fence, building, structure, or thing, either privately or publicly owned. The terms "sign, display, or device" comprehend all forms of outdoor advertising and the use of one such term in this chapter includes all forms of outdoor advertising.
5. "Political sign" means a temporary sign erected on private property, which includes signs which solicit votes or support for, or in opposition to, any candidate or any political party under whose designation any candidate is seeking nomination or election. Political signs may also contain messages concerning any public question on the ballot in an election held under the laws of the state. Political signs do not include signs which have been issued a legal billboard permit by a city, county, or the state of North Dakota.
6. "State highway system" shall mean the state highway system as defined in subsection 45 of section 24-01-01.1.

**24-17-03. Outdoor advertising distance limitations.**

Subject to this chapter, after January 1, 1968, or any later date established by the Congress of the United States in relation to 23 U.S.C. 131, or waiver of that date pursuant to title 23 of the United States Code, no sign may be erected or maintained within six hundred sixty feet [201.17 meters] from the nearest edge of the right of way and visible from the main traveled way of any highway that is a part of the state highway system in this state except the following:

1. Official signs and notices and directional signs and notices, including signs and notices pertaining to natural wonders, scenic and historic attractions, and outdoor recreational areas subject to the national standards to be promulgated by the secretary of transportation.
2. Signs advertising the sale or lease of property upon which they are located.

3. Signs specifically advertising activities conducted, services rendered, goods sold, stored, produced, or mined, or the name of the enterprise that is located on property used for the purpose advertised or on property contiguous to the advertised activity which is under the same ownership, lease, rent, or control as the property with the advertised activity.
4. Signs in unzoned commercial or industrial areas, which now or hereafter qualify as such, pursuant to the agreement between the director and the secretary of transportation according to 23 U.S.C. 131.
5. Signs relocated by reason of the construction or reconstruction of the state highway system.
6. Official highway signs within interstate rights of way giving specific information for the traveling public pursuant to 23 U.S.C. 131(f) and the rules and regulations promulgated thereunder.
7. Signs calling attention to the location of buried utility lines.
8. Political signs temporarily installed on private property, providing the signs do not include any form of commercial advertising.

**24-17-03.1. Outdoor advertising beyond distance limitations.**

Subject to the provisions of this chapter, no sign may, after July 1, 1977, be erected or maintained beyond six hundred sixty feet [201.17 meters] from the nearest edge of the right of way, located outside of urban areas, visible from the main traveled way of the highway system, and erected with the purpose of their message being read from such main traveled way except the following:

1. Directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic, and historical attractions which are required or authorized by law.
2. Signs, displays, and devices advertising the sale or lease of property upon which they are located.
3. Signs, displays, and devices advertising activities conducted on the property on which they are located.

**24-17-04. Removal of signs.**

Repealed by S.L. 1983, ch. 311, § 10.

**24-17-05. Compensation for removal of signs.**

The director is directed to acquire by purchase, gift, condemnation, or exchange, signs lawfully erected which do not conform to this chapter or the rules established by the director. Owners of advertising structures, signs, displays, or devices acquired by the director pursuant to this section, and the owners of the land upon which such displays are located must be paid just compensation for the reasonable damages, if any, suffered by the reason of such removal.

Just compensation must be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected and maintained under state law, provided that federal matching funds are appropriated, allotted, and made available to this state under title 23, United States Code, for the purpose of providing just compensation for the removal of such signs, displays, or devices. A municipality, county or local zoning authority, or political subdivision may not remove or cause to be removed any advertising structures, except such structures that encroach upon the right of way, without paying compensation in accordance with this section.

**24-17-06. Highway corridor board - Members.**

Repealed by S.L. 1983, ch. 311, § 10.

**24-17-07. Organization of the board.**

Repealed by S.L. 1983, ch. 311, § 10.

**24-17-08. Compensation of board members.**

Repealed by S.L. 1983, ch. 311, § 10.

**24-17-08.1. Agreement between board and secretary of transportation ratified.**

The agreement between the board and the secretary of transportation, dated January 31, 1972, is hereby ratified on behalf of the director who shall succeed to the board's obligations, duties, and authority under said agreement.

**24-17-09. Duties and powers of the director.**

1. The director is authorized:
   a. To designate tracts of land adjacent to the state highway system which are necessary for the restoration, preservation, and enhancement of scenic beauty.
   b. To regulate the erection, construction, or placing of any sign, display, or device within six hundred sixty feet [201.17 meters] of the nearest edge of the right of way and to adopt standards relating to size, lighting, and spacing thereof in conformity with 23 U.S.C. 131, provided the rules are not more restrictive than those provided thereunder.
   c. To establish permits authorizing the erection, construction, placement, replacement, repair, and maintenance of any outdoor sign, display, or device, which is within six hundred sixty feet [201.17 meters] of the nearest edge of the right of way and visible from any place on the main traveled way of the state highway system; to establish a fee schedule for such permits and to prescribe rules for the issuance thereof.
   d. To determine unzoned commercial or unzoned industrial areas along the state highway system by agreement with the secretary of transportation of the United States pursuant to 23 U.S.C. 131.
   e. The director may designate which tracts of land are necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the state highway system. The director shall acquire, improve, and maintain said tracts of land the director deems necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the state highway system, and said tracts of land may be beyond six hundred sixty feet [201.17 meters] of the nearest edge of the right of way.
2. The interest in any land directed to be acquired and maintained under this section may be a fee simple or any lesser interest, as determined by the director to be reasonably necessary to accomplish the purposes of this section. The acquisition may be by gift, purchase, exchange, or, subject to section 32-15-01, condemnation under the right and power of eminent domain in the same manner that the director may acquire right of way for construction, reconstruction, widening, alteration, changing, locating, relocating, aligning, realigning, or maintaining a state highway.

**24-17-10. Rules.**

The director may adopt the rules necessary to accomplish the purpose of this chapter and to comply with 23 U.S.C. 131, pursuant to chapter 28-32.

**24-17-11. Unlawful advertising.**

Any advertising sign which violates the provisions of this chapter or the rules adopted by the director is hereby declared to be illegal. The director shall give thirty days' notice, by certified mail, to the owner thereof to remove the same if it is a prohibited sign, or cause it to conform to rules promulgated by the director if it is an authorized sign. If the owner fails to act within thirty days as required in the notice, or if the director is unable to ascertain the ownership of the sign, then such sign must be deemed abandoned and the director may remove such sign, and to this end the director may enter upon private property for the purpose of removing such sign without liability for the director's actions.

**24-17-12. Enforcement.**

The director shall enforce the provisions of this chapter and the rules adopted by the director through the remedy of injunction or other appropriate legal proceedings, and may not act except through such proceedings, except as set forth in section 24-17-11. Neither the director nor any other agency nor political subdivision of this state may, by plantings, obstruct the view or in any other way interfere with the effectiveness of any sign legally in place under the provisions of this chapter and the rules adopted by the director.

**24-17-13. Hearings.**

Repealed by S.L. 1981, ch. 336, § 24.

**24-17-14. Publication of resolutions, rules or regulations.**

Repealed by S.L. 1981, ch. 336, § 24.

**24-17-15. Appeals to district court - Application of chapter 28-32.**

Any person or persons, jointly and severally, aggrieved by a decision of the director under this chapter may appeal therefrom to the district court pursuant to chapter 28-32.