

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 205

H. B. No. 619
(Larson(16), Moquist)

LOCATION OF SIGNS PRECLUDING THE CULTIVATION OF RIGHT-OF-WAY

AN ACT

To require the highway department to place all new signs which preclude the cultivation of the right-of-way alongside of existing highway signs, right-of-way posts, and natural obstructions to require the relocation of all existing such signs when requested, wherever such are not already located alongside of existing highway signs and right-of-way posts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Location of Signs Precluding the Cultivation of Right-of-Way.) All signs erected by the highway department, after the effective date of this Act, which give notice of the prohibition against the cultivation of the right-of-way, shall be located as near as possible to right-of-way posts, or natural obstructions. All existing signs of such nature shall be relocated according to the provisions contained in this section, and when requested by the landowner and a more suitable site can be agreed upon by the landowner and the state highway department.

Approved February 22, 1967.

CHAPTER 206

H. B. No. 634

(Sanstead, Sandness, Knudson, Bier)

HIGHWAY ENGINEERING AND TECHNICIAN SCHOLARSHIPS

AN ACT

To authorize the establishment of highway engineering and technician scholarships at state institutions of higher learning, to authorize the expenditure of highway department operating funds therefor, and to repeal sections 24-02-07.1 and 24-02-07.2 of the North Dakota Century Code.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Engineering and Technician Scholarships Authorized.)

The state highway commissioner is hereby authorized to establish not over sixteen continuing scholarships for study in civil engineering, civil engineering technology, and industrial drafting and design technology at institutions of higher learning in this state. Expenditure of not over ten thousand dollars annually from highway operating funds is hereby authorized. No individual shall receive scholarship payments in any year exceeding eight hundred dollars nor a total exceeding twenty-four hundred dollars and an executed contract of employment shall be a prerequisite. Before any student shall receive the benefits authorized by this section he shall enter into a contract with the North Dakota state highway department, which shall provide that such student shall upon graduation accept employment with the North Dakota state highway department for a period of time at least equal to the time he received scholarship benefits, the salary to be in the amount equalling current salaries paid to civil engineering graduates. In the event such student shall be inducted into the armed forces before graduation, such education may then be completed upon his return to civil life, and in the event such induction into the armed services is made after graduation the employment contract shall not take effect until after such period of service in the armed forces has been completed. Leave of absence without pay will be granted to one whose induction occurs during the period of the life of such contract and the employment will be resumed for the balance of the contract period after such employee has been discharged from the service.

If such student fails to graduate with a degree in civil engineering, or fails to accept employment with the North Dakota state highway department as above provided, such

student shall repay the North Dakota state highway department, with interest at the rate of three percent per annum, all sums received by him in scholarship benefits under the contract herein provided, such repayment to be made within a period equal to the time he received such benefits. For the purpose of this section defenses of minority or statute of limitations are hereby removed as to any applicant granted a loan by the commissioner and such contracts shall in all respects be legal and binding. Salary increases to employees having received scholarships by virtue of this section shall be based on the same considerations as other engineers employed by the state highway department.

The commissioner, with the cooperation and concurrence of the board of higher education, shall prescribe rules for determining the selection of recipients, qualifications, and courses of study. Such rules may cover any areas as may be necessary to assure a source of qualified technically trained employees for the department.

§ 2. Repeal.) Sections 24-02-07.1 and 24-02-07.2 of the North Dakota Century Code are hereby repealed.

Approved March 14, 1967.

CHAPTER 207

S. B. No. 116
(Larson(17), Longmire)

HIGHWAY DEPARTMENT RECORDS

AN ACT

To amend and reenact subsection 3 of section 24-02-11 of the North Dakota Century Code, relating to the records required to be maintained by the highway department.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 3 of section 24-02-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The amount of road equipment and materials purchased and when and where and from whom purchased. Such book also shall show the price paid for each item. The original invoice or a photographic copy thereof shall form a part of the permanent files and records in said department.

Approved February 27, 1967.

CHAPTER 208

S. B. No. 138

(Lips)

HIGHWAY LETTING BIDS

AN ACT

To amend and reenact section 24-02-20 of the 1965 Supplement to the North Dakota Century Code, relating to proposal guarantees for bidders at highway lettings to eliminate the requirement that certified or cashier's checks be drawn only on North Dakota banks.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-02-20 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-20. Bids, Where Opened — Requirements — Bonds or Checks of Three Lowest Bidders Retained.) All bids shall be opened at the time and place specified in the advertised request for bids. Each bid shall be accompanied by a certified or cashier's check of the bidder on a solvent bank, in an amount equal to five percent of his bid, to be forfeited to the state highway fund should the bidder fail to effect a contract within ten days after notice of an award or by a bidder's bond in a sum equal to ten percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid be accepted and the contract awarded to him, he, within ten days after notice of award, will execute and effect a contract in accordance with the terms of his bid and a contractor's bond as required by law and the regulations and determinations of the department.

All bonds or checks, except those of the responsible bidders submitting the three lowest and best bids, shall be returned to the bidders promptly upon opening such bids. The bond or check of the responsible bidder submitting the lowest and best bid may be cashed or retained until the contract has been awarded and executed properly. The bonds or checks of the responsible bidders submitting the second and third lowest and best bids may be returned to the bidders when the department has determined to whom the contract is to be awarded.

Approved February 24, 1967.

CHAPTER 209

H. B. No. 660
(Hilleboe)

HIGHWAY DEPARTMENT BUILDING LIMITATIONS

AN ACT

To amend and reenact section 24-02-39 of the North Dakota Century Code, relating to highway department building limitations.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-02-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-39. Highway Department—Building Limitation.) The state highway department shall not construct or cause to be constructed any building costing in excess of eighteen thousand dollars unless the department has received a specific appropriation from the legislative assembly for such purpose.

Approved February 24, 1967.

CHAPTER 210

H. B. No. 825
(Diehl, Halcrow, Dornacker, Jenkins, Kingsbury)

SECTION LINE ROADS

AN ACT

To amend and reenact section 24-07-03 of the 1965 Supplement to the North Dakota Century Code, relating to the closing of section line roads.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 24-07-03 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-07-03. Section Lines Considered Public Roads—Closing Same Under Certain Conditions.) In all townships in this state outside the limits of incorporated cities and villages, the congressional section lines shall be considered public roads, to be opened to the width of two rods on each side of

such section lines, where the same have not been opened already upon the order of the board having jurisdiction, without any survey being had, except where it may be necessary on account of variations caused by natural obstacles, subject, however, to all the provisions of this chapter in relation to assessments of damages.

The county commissioners, if petitioned by the adjoining landowners, are authorized to close section line roads or portions thereof which are intersected by interstate highways causing such section line road to be a dead end, providing the closing of such dead end section line road does not deprive adjacent landowner access to his property. After such section line roads are closed, they may be leveled and farmed by the adjacent landowners or tenants; provided, however, that if drainage is interfered with due to the farming operations, alternate means of drainage must be provided for by the landowners or tenants farming such lands.

Approved March 3, 1967.

CHAPTER 211

H. B. No. 645

(Wilkie, Erickson(4), Boustead, Kingsbury)

OBSTRUCTION OF HIGHWAYS

AN ACT

To amend and reenact subsection 2 of section 24-12-02 of the North Dakota Century Code, relating to the obstruction of highways and to authorize any official having jurisdiction over a highway to order work or improvement thereon.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 2 of section 24-12-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Willfully and knowingly obstruct or plow up, or cause to be obstructed or plowed up, any public highway or right-of-way, except by order of the officials having jurisdiction over such highway for the purpose of working or improving the same; or

Approved February 22, 1967.

CHAPTER 212

H. B. No. 679

(Hilleboe, Haugland, Peterson(5), Wells)

ESTABLISHMENT OF JUNKYARDS ADJACENT TO HIGHWAYS

AN ACT

Restricting the establishment of junkyards within one thousand feet of the nearest edge of the right-of-way on the state highway system and for the screening of any and all junkyards which are allowed to remain in existence with the approval of the highway commissioner, and for the removal of such junkyards when in the judgment of the highway commissioner the intent of this Act is not subserved and authority for the commissioner to acquire by gift, purchase, exchange or condemnation, lands used for junkyards, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) The legislature of the state of North Dakota hereby finds and declares that the establishment and use and maintenance of junkyards in areas adjacent to the North Dakota state highway system should be controlled in order to protect the public health, welfare, morals, to conserve the public investment in such highways, to promote the safety and recreational value of public highways, and to preserve natural beauty.

§ 2. **Definitions.)**

1. "Junk"—the term junk shall mean old or scrap paper, copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
2. "Automobile graveyard"—the term automobile graveyard shall mean any establishment or place of business or location which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, abandoned, ruined or dismantled motor vehicles, motor vehicle parts or machinery of all types.
3. "Junkyard"—the term junkyard shall mean a business establishment or a place which is maintained, operated, or used for placing, storing, keeping, buying, or selling junk, or for the maintenance, use or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

4. "Commissioner"—the term commissioner shall include the North Dakota state highway commissioner or his authorized agents.
5. "Highway"—the term highway shall mean any highway as defined in section 24-01-01.2(42).

§ 3.) No junkyards, auto graveyards or scrap metal processing facilities may be established and maintained within one thousand feet of the nearest edge of the right-of-way of a highway on the state highway system unless permission has been granted by the commissioner. Junkyards established in violation of this Act are hereby declared to be a public nuisance and the commissioner may enter upon private property for the purpose of abating such nuisances without liability for such action.

§ 4.) Junkyards lawfully in existence prior to December 3, 1965, which are or may be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway system shall be allowed to remain within one thousand feet of the nearest edge of the right-of-way of any state highway; provided, however, that the owners of the junkyards which are not effectively screened shall take all the steps ordered by the highway commissioner to effectively screen them. When ordered by the commissioner to screen junkyards lawfully in existence prior to December 3, 1965, the owners shall be fully reimbursed for the costs expended pursuant to the commissioner's order and design. Should the commissioner determine that the effective screening of any junkyard could best be done by state forces or by an independent contractor, he may use state forces or may let a contract for the screening in the same manner that contracts are let pursuant to this title for construction and reconstruction of the state highway system and the commissioner shall have the right to enter upon private property for the purpose of screening said junkyards without liability on his part.

§ 5.) The commissioner may order the removal of any junkyards which cannot be effectively screened within the meaning of this chapter or any junkyard which in the judgment of the commissioner does not subserve the legislative intent as specified in section 1 of this Act.

§ 6.) Any junkyard which is within one thousand feet of the nearest edge of the right-of-way and visible from any highway of the state highway system which was lawfully in existence on December 3, 1965, may be maintained in existence until December 3, 1970, unless required to be removed prior thereto by order of the commissioner.

§ 7.) Owners of junkyards lawfully in existence on December 3, 1965, which are required to be removed prior to December 3, 1970, by order of the commissioner pursuant to this chapter, shall be paid just compensation for the reasonable damages, if any, suffered by reason of such removal between the date of removal and December 3, 1970. Just compensation shall not include any relocation or removal costs as specified in section 32-15-22.1 of the North Dakota Century Code; however, costs of removal may be determined to be an element of compensation within the meaning of this Act.

§ 8.) The commissioner may, if he deems it necessary to carry out the intent of this Act, acquire lands used as junkyards by gift, purchase, exchange or condemnation in fee simple, or such lesser interest as he shall deem necessary, and in the acquisition of said lands by condemnation the commissioner shall use the procedure used for acquiring right-of-way for the improvement, construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning or maintaining a state highway.

§ 9.) The commissioner may promulgate and enforce regulations for the maintenance of and establishment of junkyards consistent with the national policy set forth in section 136 of title 23, United States Code, and the national standards promulgated thereunder by the secretary of transportation.

§ 10.) The administrative order promulgated on December 3, 1965, by the commissioner prohibiting the establishment of junkyards within one thousand feet from the nearest edge of the right-of-way along highways on the state highway system unless his permission is obtained is hereby enacted into law with full force and effect of law, from its issuance on December 3, 1965, the same as if said order was enacted into law by the legislature to take effect as of that date.

§ 11.) Notwithstanding any other provision of this Act, junkyards, auto graveyards and scrap metal processing facilities may be operated within areas adjacent to highways which are within one thousand feet of the nearest edge of the right-of-way and which are zoned under the authority of state law or which are not zoned under the authority of state law, but are used for industrial activities as determined by the commissioner.

§ 12.) Any person who shall permit a junkyard, as defined in this Act, to be established on his property in violation of this Act shall be guilty of a misdemeanor.

§ 13.) **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1967.