

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 302

SENATE BILL NO. 2311
(Wenstrom, Mutch)

COUNTY HIGHWAY SYSTEM DESIGNATION

AN ACT to amend and reenact sections 24-01-05 and 24-05-16 of the North Dakota Century Code, relating to the designation of a county highway system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-01-05. Designation of county system - Removal from state highway system. The commissioner may designate, from time to time, a those roads selected under section 24-05-16, as the county highway system not exceeding twenty-two thousand five hundred miles [36,210.24 kilometers] in length on which federal aid funds shall be expended as may be provided by such appropriations. In designating such system, he may remove from the state highway system those parts which are low in standard of improvement and type of traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the county road system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

SECTION 2. AMENDMENT. Section 24-05-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-05-16. County road system - Designation. The county road system shall not exceed twenty-two thousand five hundred miles [36,210.24 kilometers]. This system shall remain substantially unchanged until such system has been improved.

The county road system shall be the roads designated and selected by the boards of county commissioners, with the approval of the ~~the~~. The state highway commissioner shall be informed of the system

so designated. Any changes of the original designation which can be justified and based on new developments shall be initiated made by the board of county commissioners and shall require the approval of the state highway commissioner shall be notified of such changes. In designating and selecting roads on the county road system, the state highway commissioner and the boards of county commissioners of the several counties shall take into account such factors as the actual or potential traffic volumes, the conservation and development of the county's natural resources, the general economy of the communities, and the desirability of integrating such county roads into the general scheme of statewide network of county roads.

The original designation and selection of twenty-two thousand five hundred miles [36,210.24 kilometers] of the county road system as hereinabove provided shall be allocated as near as possible to the several counties of the state in the following proportions:

| County | Percent of Total 22,500 |
|---------------|----------------------------|
| Adams | 1.34 |
| Barnes | 2.56 |
| Benson | 1.97 |
| Billings | 0.62 |
| Bottineau | 2.55 |
| Bowman | 1.42 |
| Burke | 1.39 |
| Burleigh | 2.98 |
| Cass | 3.21 |
| Cavalier | 2.12 |
| Dickey | 1.96 |
| Divide | 1.94 |
| Dunn | 1.98 |
| Eddy | 1.03 |
| Emmons | 2.19 |
| Foster | 1.05 |
| Golden Valley | 0.80 |
| Grand Forks | 2.25 |
| Grant | 1.94 |
| Griggs | 1.09 |
| Hettinger | 1.63 |
| Kidder | 2.39 |
| LaMoure | 1.77 |
| Logan | 1.26 |
| McHenry | 2.84 |
| McIntosh | 1.65 |
| McKenzie | 1.64 |
| McLean | 3.22 |
| Mercer | 1.74 |
| Morton | 2.98 |
| Mountrail | 1.95 |
| Nelson | 1.37 |
| Oliver | 1.31 |
| Pembina | 1.46 |
| Pierce | 1.58 |

| | |
|----------------|--------|
| Ramsey | 1.64 |
| Ransom | 1.81 |
| Renville | 1.37 |
| Richland | 2.39 |
| Rolette | 1.29 |
| Sargent | 1.45 |
| Sheridan | 1.71 |
| Sioux | 0.74 |
| Slope | 1.41 |
| Stark | 1.83 |
| Steele | 1.30 |
| Stutsman | 3.63 |
| Towner | 1.70 |
| Traill | 1.66 |
| Walsh | 2.08 |
| Ward | 3.29 |
| Wells | 1.93 |
| Williams | 3.59 |
| Total | 100.00 |

When, in the opinion of the board of county commissioners ~~and the highway commissioner~~, the finances of the county permit, the county road system of such county may be extended beyond the limits herein fixed.

Approved March 17, 1983

CHAPTER 303

SENATE BILL NO. 2062
(Legislative Council)
(Legislative Audit and Fiscal Review Committee)

STATE MOTOR VEHICLE MANAGEMENT

AN ACT to create and enact a new section to chapter 24-02 and one new section to chapter 54-44 of the North Dakota Century Code, relating to the creation of a central management system for state motor vehicles, and the purchase of motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Central management system for all state-owned licensed motor vehicles. The commissioner shall establish within the department a central vehicle management system to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state subject to this section. The system shall provide a uniform method of recording and reporting the utilization, mileage, and other costs of operating those motor vehicles. The commissioner shall also establish a system whereby a recommendation can be made to the director of the office of management and budget concerning the acquisition and disposal of motor vehicles subject to this section. Every state agency, institution, department, board, bureau, and commission unless exempted by the commissioner must use the system. The board of higher education and institutions under its jurisdiction are not required to use the system. An appropriate charge based on actual costs will be made for such services. All revenue received by the commissioner under this section shall be remitted by the commissioner to the state treasurer to be deposited by the treasurer in the state highway fund.

Each entity required to use the system must submit records of the operation of each vehicle as directed by the commissioner. The commissioner is authorized, within the limits of legislative appropriation, to employ personnel necessary to carry out the duties prescribed by this section.

SECTION 2. A new section to chapter 54-44 of the North Dakota Century Code is hereby created and enacted to read as follows:

Purchase of state motor vehicles. The director of the office of management and budget shall adopt motor vehicle size, model, and accessory guidelines with respect to the acquisition of motor vehicles. A state agency, board, bureau, commission, department, or institution may not purchase a motor vehicle that does not conform to the guidelines.

Approved April 8, 1983

CHAPTER 304

SENATE BILL NO. 2285
(Lips)HIGHWAY CONTRACT PERFORMANCE
BOND CLAIMS

AN ACT to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to the method of filing claims under a highway contract performance bond; and to amend and reenact section 48-02-17 of the North Dakota Century Code, relating to when claims are barred against contractor and surety including public buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Claims against project - Notice of claim - When filed - Where filed. Any person who has furnished labor, materials, or supplies on a contract awarded under section 24-02-23, and who has not been paid in full at the time of final acceptance of the project by the department, shall have the right to file a claim against the contractor and the surety furnishing the performance bond.

Notice of the claim shall be given, in writing, to the contractor or the surety furnishing the performance bond and must provide a clear and concise statement of the labor, materials and supplies furnished, to whom it was furnished, and the monetary value thereof. The notice of the claim shall be made by registered mail postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or has a residence and posted within ninety days from the date on which the person completed the contribution giving rise to the claim.

SECTION 2. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Actions against contractor and surety - Time. Any person who has furnished labor, materials, or supplies and made a claim under section 1 of this Act, shall have the right to commence an action to recover the amount of his claim against the contractor or surety

within one year of the date of the final acceptance of the project by the department.

SECTION 3. AMENDMENT. Section 48-02-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-17. Claims - When barred as liens against contractor and surety. All claims for any labor, material, or supplies furnished for improvements, upon which suit is not commenced within one year after completion ~~of the claimant's contribution of labor, material, or supplies~~ and acceptance of the project, shall be barred as liens or claims against said contractor and his surety. No action upon any such claim so barred shall be maintained nor any right of setoff or counterclaim thereon enforced in any court in this state against the state or contractor or his surety. Nothing in this chapter in any manner shall bar the right of any person who has furnished labor, supplies, or material to any subcontractor to enforce the same against the subcontractor.

Approved March 17, 1983

CHAPTER 305

HOUSE BILL NO. 1453
(Peterson, Hjelle)

CONTRACTOR ARBITRATION DEMAND CONDITIONS

AN ACT to create and enact section 24-02-26.1 of the North Dakota Century Code, relating to conditions precedent to a contractor demanding arbitration on claims for extra compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Section 24-02-26.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-02-26.1. Condition precedent to contractor demand for arbitration - Claims for extra compensation. In addition to the provisions of section 24-02-30, full compliance by a contractor with the provisions of this section is a condition precedent to the contractor's right to demand arbitration. If the contractor believes the contractor is entitled to additional compensation for work or materials not covered in the contract or not ordered by the engineer as extra work or force account work in accordance with the contract specifications, the contractor shall, prior to beginning the work which the claim will be based upon, notify the engineer in writing of the intent to make claim for additional compensation. If the basis for the claim does not become apparent until the contractor has commenced work on the project and it is not feasible to stop the work, the contractor shall immediately notify the engineer that the work is continuing and that written notification of the intent to make claim will be submitted within ten calendar days. Failure of the contractor to give the notification required and to afford the engineer facilities and assistance in keeping strict account of actual costs will constitute a waiver of claim for additional compensation in connection with the work already performed. Notification of a claim, and the fact that the engineer has kept account of the costs involved, shall not be construed as proving or substantiating the validity or actual value of the claim.

The contractor shall make available to the department and allow the department to examine and copy all of the contractor's records, documents, worksheets, and other data which are pertinent to the justification of the claim and to the substantiation of all costs related to the claim.

Approved March 8, 1983

CHAPTER 306

HOUSE BILL NO. 1719
(Peterson, Kuchera)

HIGHWAY CONTRACT DISPUTE ARBITRATORS

AN ACT to amend and reenact section 24-02-27 of the North Dakota Century Code, relating to the selection of arbitrators in highway construction contract disputes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-27. Arbitration demand - District court may appoint arbitrators if parties fail. The party desiring arbitration shall make a written demand therefor and in such demand shall name the arbitrator by him selected. He also in such demand shall set forth all the controversies and claims which he desires to submit to arbitration and a concise statement of his claims with reference to each controversy. Such demand shall be served upon the opposite party, who, within ten days, shall name in writing the arbitrator on his part, and in connection therewith shall set forth in writing his contentions with reference to the claims set forth in the demand served upon him and any additional claims or controversies which he desires to submit to arbitration on his part, with a concise statement of his claims in connection therewith. If the party proceeded against shall fail or refuse to name an arbitrator, the moving party may apply ex parte to the judge of the district court of the county in which the improvement in the contract in question, or any part thereof, may be located, for the appointment of the two additional arbitrators, and if upon the appointment of an arbitrator by each of the parties, the two so appointed have been unable to agree upon a third arbitrator within five days, then either party to the controversy, upon five days' notice, may apply to such district court for the appointment of such third arbitrator.

All arbitrators shall be selected from an arbitration pool which shall consist of fifteen members. The members of the pool shall be appointed by the governor. The governor shall select members to the arbitration pool from lists submitted by the society of professional engineers, the association of general contractors, and the commissioner. The governor shall not select more than five names from any one of the lists submitted. Members of the arbitration pool shall serve a term of two years starting on July 1, 1983. If any vacancy occurs for any reason, the governor shall fill the vacancy for the unexpired term in the same manner as the original selection.

Approved March 4, 1983

CHAPTER 307

HOUSE BILL NO. 1584
(Peltier, G. Pomeroy, Gorder)

CONSTRUCTION NOTICE TO WATER RESOURCE DISTRICTS

AN ACT to provide for notice to water resource districts whenever a county or township plans to engage in construction activities involving bridges, culverts, or drains.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Notice to water resource districts. Whenever a county or township plans to construct or reconstruct a bridge, install or modify a culvert, or construct or reconstruct a drain in connection with a roadway or railway, the county or township must provide notice in any way to the water resource board of the water resource district in which is located the bridge, culvert, or drain. This notice must be given at least thirty days prior to the date construction or reconstruction is to begin. The water resource board may submit comments concerning the construction or reconstruction to the appropriate officials of the county or township. This Act does not apply in times of emergency, unexpected events, or acts of God.

Approved March 14, 1983

CHAPTER 308

SENATE BILL NO. 2265
(Wright)

ROAD MATERIALS SALE

AN ACT to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to sale by the state highway department of certain inventories to local governments and to provide a continuing appropriation for the disposition of the proceeds from these sales; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Two new sections to chapter 24-02 of the North Dakota Century Code are hereby created and enacted to read as follows:

Casual sale of road materials to local governmental units. The department may sell road materials in small quantities on an occasional basis to local governmental units, when the local governmental units are unable to economically procure those quantities of road materials from the private sector.

Deposit of sale proceeds - Continuing appropriation. The proceeds from any sale of road materials made under section 1 of this Act must be deposited in the state highway department fund. An amount not to exceed the total sum of the sales under section 1 of this Act, but not to exceed two hundred thousand dollars a year, may be withdrawn upon voucher of the department for purchasing road materials. All moneys deposited in the fund pursuant to this section are hereby appropriated to the department for the purposes of this section.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 13, 1983

CHAPTER 309

HOUSE BILL NO. 1298
(Lloyd)

RESPONSIBILITY FOR POSTING BRIDGE SIGNS

AN ACT to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to posting of signs on certain bridges by county commissioners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-08-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. Supervision and Bridges - Supervision, repairs of bridge, bids, signs - Liability. Any

1. Each bridge built under the provisions of section 24-08-01 shall be is under the supervision of the board of county commissioners, and the county shall pay the cost of rebuilding or repairing the same shall be paid by the county these bridges. Where
2. If the cost of rebuilding or repairing a bridge would exceed the sum of thirty thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota state highway department, the county commissioners shall advertise for bids and award the contract pursuant to section 24-08-01. When If a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by the delay from advertising for bids and awaiting the contract pursuant to section 24-08-01, the county commissioners may promptly contract for the rebuilding or repair of the bridge without advertising for bids, regardless of the cost.
3. The board of county commissioners at least every four years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. in ease

4. If any bridge on the county road system shall be is deemed unsafe for public use by the board of commissioners, it immediately shall take steps to close the same bridge and prevent the its use thereof by the public. In case
5. If any bridge on the county road system shall be is deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of the bridge stating that the bridge is unsafe for loads beyond that weight, by January 1, 1985, load limit signs which must comply with the standards for uniform traffic control devices prescribed by the highway commissioner under section 39-13-07.
6. The county shall is not be immune from claims or suits for damages arising out of negligent failure to perform the inspection, signing, and repair duties required by this section.

Approved March 3, 1983

CHAPTER 310

HOUSE BILL NO. 1154
(Committee on Transportation)
(At the request of the Attorney General)

ROAD BLOCK REQUIREMENTS

AN ACT to amend and reenact section 24-15-03 of the North Dakota Century Code, relating to minimum requirements for temporary roadblocks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-15-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-15-03. Minimum requirements. For the purpose of warning and protecting the traveling public, the minimum requirements to be met by such officers establishing temporary roadblocks are:

1. The temporary roadblock must be established at a point on the highway clearly visible at a distance of not less than three hundred feet [91.44 meters] in either direction.
2. At the point of the temporary roadblock, a sign shall be placed on the center line of the highway, displaying the word "STOP" in letters visible in the headlights of an automobile approaching at a distance of two hundred feet [60.96 meters] in both directions either in daytime or darkness.
3. At a point of the temporary roadblock, at least one red light must be placed at the side of the highway point of the temporary roadblock which shall display an intermittent or flashing beam of light, clearly visible to the oncoming traffic at a distance of not less than three hundred feet [91.44 meters] under normal atmospheric conditions. The intermittent or flashing beam of light may be provided by lighting which is part of the equipment of a class A authorized emergency vehicle.
4. At a distance of not less than five hundred feet [152.4 meters] from the point of the temporary roadblock, warning signs must be placed at the side of the highway containing wording of sufficient size and reflectorized to warn the oncoming traffic that a "POLICE STOP" lies ahead.

Approved March 3, 1983

CHAPTER 311

HOUSE BILL NO. 1431
(Martinson)

OUTDOOR ADVERTISING

AN ACT to create and enact a new section to chapter 24-17 of the North Dakota Century Code, relating to ratifying the agreement between the highway corridor board and the secretary of transportation; to amend and reenact sections 24-17-02, 24-17-03, 24-17-05, 24-17-09, 24-17-10, 24-17-11, 24-17-12, and 24-17-15 of the North Dakota Century Code, relating to the regulation of outdoor advertising and transferring the duties of the highway corridor board to the highway commissioner; and to repeal sections 24-17-04, 24-17-06, 24-17-07, and 24-17-08 of the North Dakota Century Code, relating to the duties and authority of the highway corridor board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-17-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-02. Definitions.

1. "Commissioner" shall mean the North Dakota state highway commissioner or his authorized agents.
2. "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.

3. "State highway system" shall mean the state highway system as defined in subsection 42 of section 24-01-01.1.
4. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
5. "Maintain" means to exist.
- 6- ~~"Board" shall mean the highway corridor board.~~

SECTION 2. A new section to chapter 24-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

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 commissioner who shall succeed to the board's obligations, duties, and authority under said agreement.

SECTION 3. AMENDMENT. Section 24-17-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-03. Limitations of outdoor advertising within six hundred sixty feet [201.17 meters]. Subject to the provisions of this chapter, no sign shall, after January 1, 1968, or any later date established by the Congress of the United States in relation to title 23, United States Code, section 131, or waiver thereof pursuant to said title 23, be erected or maintained within six hundred and sixty feet [201.17 meters] from the nearest edge of the right of way and visible from the main traveled way of any highway which is a part of the state highway system in this state except the following:

1. Official signs and notices, directional signs and notices, which shall include, but not be limited to, 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 on the property and which are within fifty feet [15.24 meters] of the area used for the purpose advertised and upon which they are located.
- 4- ~~Signs in areas which are now or hereafter zoned industrial, commercial, or the like by the board as provided in this chapter.~~

- 5- 4. Signs in unzoned commercial or industrial areas, which now or hereafter qualify as such, pursuant to the agreement between the board commissioner and the secretary of transportation according to title 23, United States Code, section 131.
- 6- 5. Signs relocated by reason of the construction or reconstruction of the state highway system.
- 7- 6. Official highway signs within interstate rights of way giving specific information for the traveling public pursuant to title 23, United States Code, section 131(f) and the rules and regulations promulgated thereunder.
- 8- 7. Signs calling attention to the location of buried utility lines.

SECTION 4. AMENDMENT. Section 24-17-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-05. **Compensation for removal of signs.** The commissioner is directed to acquire by purchase, gift, condemnation, or exchange, signs lawfully erected which do not conform to this chapter or the regulations established by the board commissioner. Owners of advertising structures, signs, displays, or devices acquired by the commissioner pursuant to this section, and the owners of the land upon which such displays are located shall be paid just compensation for the reasonable damages, if any, suffered by the reason of such removal.

Just compensation shall 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. ~~Should any outdoor advertising sign, display, or device which was erected upon the issuance of an outdoor advertising permit pursuant to the interim policy of the commissioner or the board be determined to have been erected and maintained under state law for purposes of compensation as provided herein, then payment not to exceed the value of such sign at the expiration date of the existing permit, or at the date the removal is initiated, whichever is earlier, shall be deemed just compensation as required under the provisions of this section.~~ No municipalities, county or local zoning authorities, or political subdivision shall 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.

SECTION 5. AMENDMENT. Section 24-17-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-17-09. Duties and powers of the board commissioner. The board shall perform the following functions commissioner is authorized:

- 1- For the purpose of promoting the public health, safety, welfare, convenience, enjoyment and recreational value of the public highways, to protect the public investment in the state highway system and to preserve the natural beauty of lands bordering on the state highway system, the board may establish one or more zoning districts in the areas lying within six hundred and sixty feet [201.17 meters] of the nearest edge of the right of way of any highway which is a part of the state highway system and shall enact suitable regulations to carry out the purposes of this chapter. These regulations shall be uniform in each district, but the regulations in one district may differ from those in other districts. No regulation or restriction, however, shall prohibit or prevent the use of land or buildings for farming or any of the normal incidents of farming.
- 2- These regulations shall be made in accordance with the comprehensive plan and design for any and all of the following purposes:
 - a- To protect and guide the development of nonurban areas.
 - b- To regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories and size of buildings and structures, percentage of lot that may be occupied, size of courts, yards and other open spaces, the density of the population, and the location and use of buildings, structures, and the land for trade, industry, residence, or other purposes adjacent to highways outside of municipalities.
- e- 1. To designate tracts of land adjacent to the state highway system which are necessary for the restoration, preservation and enhancement of scenic beauty.
- d- 2. To regulate the erection, construction or placing of any sign, display or device within six hundred and 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 section 131 of title 23, United States Code, provided said regulations are not more restrictive than those provided thereunder.
- e- 3. To establish permits authorizing the erection, construction, placement, replacement, repair and maintenance of any outdoor sign, display, or device, which is within six hundred and 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 regulations for the issuance thereof by the commissioner.

- ~~f- 4.~~ To determine unzoned commercial or unzoned industrial areas along the state highway system by agreement between the board and with the secretary of transportation of the United States pursuant to title 23, United States Code, section 131.
- 3- The board shall review all rights now acquired by the state of North Dakota for the use and benefit of the state highway department pertaining to the right and control over the erection, location or maintenance of billboards, signs or any form of advertising within six hundred and sixty feet [201.17 meters] from the nearest edge of the right of way of the state highway system, and should the board determine that such rights previously acquired are not necessary to accomplish the purpose of this chapter then such rights shall be vacated pursuant to section 24-01-28.
- ~~4- 5.~~ The board shall commissioner may designate which tracts of land are necessary for the restoration, preservation and enhancement of scenic beauty adjacent to the state highway system. Said board shall accurately describe such areas and file such designation with the North Dakota state highway department. The commissioner shall acquire, improve and maintain said tracts of land the board he 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 and sixty feet [201.17 meters] of the nearest edge of the right of way.

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 board commissioner to be reasonably necessary to accomplish the purposes of this section. Such acquisition may be by gift, purchase, exchange or condemnation under the right and power of eminent domain in the same manner that the commissioner may acquire right of way for construction, reconstruction, widening, alteration, changing, locating, relocating, aligning, realigning or maintaining a state highway.

SECTION 6. AMENDMENT. Section 24-17-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-10. Rules and regulations. All determinations, The commissioner shall have the authority to adopt the rules, and regulations, and promulgations by the board shall be adopted

necessary to accomplish the purpose of this chapter and to comply with title 23, United States Code, section 131, pursuant to chapter 28-32.

SECTION 7. AMENDMENT. Section 24-17-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-11. Unlawful advertising. Any advertising sign which violates the provisions of this chapter or the regulations adopted by the board commissioner is hereby declared to be illegal. The commissioner 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 regulations promulgated by the board commissioner if it is an authorized sign. If the owner fails to act within thirty days as required in the notice, or if the commissioner is unable to ascertain the ownership of the sign, then such sign shall be deemed abandoned and the commissioner may remove such sign, and to this end he may enter upon private property for the purpose of removing such sign without liability for his actions.

SECTION 8. AMENDMENT. Section 24-17-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-17-12. Enforcement. The commissioner shall enforce the provisions of this chapter and the regulations adopted by the board commissioner through the remedy of injunction or other appropriate legal proceedings, and shall not act except through such proceedings, except as set forth in section 24-17-11. Neither the commissioner nor any other agency nor political subdivision of this state shall, by plantings, obstruct the view or in any other way interfere with the effectiveness of any sign legally in place under the provisions of the this chapter and the regulations adopted by the board commissioner.

SECTION 9. AMENDMENT. Section 24-17-15 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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 board commissioner under this chapter may appeal therefrom to the district court pursuant to chapter 28-32.

SECTION 10. REPEAL. Sections 24-17-04, 24-17-07, and 24-17-08 of the North Dakota Century Code, and section 24-17-06 of the 1981 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 15, 1983