

**"EFFECTIVE CONTROL" OF AUTOMOBILE GRAVEYARDS
AND OUTDOOR ADVERTISING**

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
To
THE GOVERNOR
And
THE GENERAL ASSEMBLY OF VIRGINIA**



HD 17, 1964

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
RICHMOND
1965

MEMBERS OF COUNCIL

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

CHARLES R. FENWICK

J. D. HAGOOD

EDWARD M. HUDGINS

CHARLES K. HUTCHENS

J. C. HUTCHESON

LEWIS A. McMURRAN, JR.

CHARLES D. PRICE

ARTHUR H. RICHARDSON

WILLIAM F. STONE

STAFF

JOHN B. BOATWRIGHT, JR.

WILDMAN S. KINCHELOE, JR.

G. M. Lapsley—Robert L. Masden—Frank R. Dunham—Mary R. Spain

**“EFFECTIVE CONTROL” OF AUTOMOBILE GRAVEYARDS
AND OUTDOOR ADVERTISING**

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

Richmond, Virginia, December 28, 1965.

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

The subject of highway beautification and the use of land along the highway in a manner which would tend to interfere with natural scenic beauty or create unsightly conditions has engaged the attention of the General Assembly of Virginia from time to time for more than a quarter of a century. Legislation relating to outdoor advertising in view of public highways has been on the books since 1938, and, since 1958, the operations of automobile salvage yards within sight of the highways has been subject to restrictions.

At the 1964 regular session of the General Assembly strong efforts were made to increase the restrictions upon both of these land uses, and as a result the General Assembly adopted two resolutions dealing with the subject. These were as follows:

SENATE JOINT RESOLUTION NO. 25

*Directing the Virginia Advisory Legislative Council to make a study
of matters relating to automobile graveyards.*

Whereas, automobile graveyards are spreading throughout the Commonwealth, and

Whereas, these unsightly accumulations of cars are a growing blight on the Virginia landscape, and

Whereas, the problem becomes more acute each year with the increase in the production of vehicles of all kinds, and

Whereas, existing legislation has not been effective in dealing with the problem; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to make a study and report on all matters relating to automobile graveyards, and shall include in such report recommendations for changes in legislation concerning the regulation and maintenance of automobile graveyards so as to preserve the scenic beauty of Virginia along its highways.

All agencies of the State shall assist the Council in its study, upon request. The Council shall conclude its study and make its report to the Governor and the General Assembly not later than October one, nineteen hundred sixty-five.

HOUSE JOINT RESOLUTION NO. 73

Directing the Virginia Advisory Legislative Council to study and report upon matters relating to the control and regulation of outdoor advertising.

Whereas, beautiful highways are one of the Commonwealth's greatest assets; and

Whereas, at the present time certain outdoor advertising within areas adjacent to such highways is marring such beauty; and

Whereas, it is felt that proper statutory regulation and control of outdoor advertising, along with strict enforcement thereof, can alleviate the situation; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council be, and it hereby is directed to study the statutes governing outdoor advertising in areas adjacent to highways, the enforcement of such statutes and all other matters incidental thereto and to recommend any necessary changes to make the outdoor advertising act more effectual.

All agencies of the State shall assist the Council, upon request, in its study. The Council shall complete its study and make a report containing its findings and recommendations, to the Governor and the General Assembly not later than September one, nineteen hundred sixty-five.

Because of the basic interrelation of these two resolutions, both dealing with restrictions on the use of lands bordering highways, the Council combined these two studies and selected Tom Frost, member of the House of Delegates and member of the Council, Warrenton, as Chairman, and Charles K. Hutchens, member of the House of Delegates and member of the Council, Newport News, as Vice-Chairman of a committee to make the initial study and report to it. Selected to serve with Messrs. Frost and Hutchens were the following: Russell M. Carneal, Williamsburg; William V. Daniel, Richmond; Lyman C. Harrell, Jr., Emporia; Mrs. Garland M. Harwood, Jr., Richmond; H. V. Kelly, Newport News; Gordon H. Lawhorn, Mechanicsville; Mrs. Harvey L. Lindsay, Norfolk; C. Harrison Mann, Jr., Arlington; Mrs. G. Edmond Massie, Jr., Richmond; Joseph A. Massie, Jr., Winchester; John L. Melnick, Arlington; Harold J. Neale, Richmond; Mrs. Raymond C. Power, Richmond; Leonard S. Trester, Madison; E. Walker Turner, Richmond; and S. H. Usry, Richmond.

The Committee assembled information concerning the statutes currently in effect and their efficacy, and proposals being made at the national level to deal with the same problems. It held a public hearing at which the views of those interested in these matters were solicited and received. It conferred with representatives of the federal Bureau of Public Roads who were informed concerning federal proposals dealing with these same subjects.

Following the adoption by the Congress of legislation dealing with these problems on a nationwide basis the Committee concluded its study and made its report. The Council has carefully reviewed the report of the Committee, and now submits the following conclusions and recommendations.

CONCLUSIONS AND RECOMMENDATIONS

1. The Council is of the opinion that the natural scenic beauty along the highways in the State of Virginia should be preserved and that unsightly conditions created by the unrestricted use of land along the highways for junk yards and automobile salvage yards should be eliminated. It is with these ends in view that we recommend the legislation which is a part of this report.

2. In view of the heavy penalties imposed by the federal legislation for non-compliance with the federal pattern of regulation of automobile graveyards and outdoor advertising, we feel that Virginia has no alternative at this time to the adoption of legislation which parallels that adopted by Congress.

3. Virginia has long had legislation which prohibited the erection of advertisements and advertising structures along certain parkways and near cemeteries, parks and playgrounds, and certain forests. This legislation should be made uniform with that recommended for Primary and Interstate Highways.

HISTORICAL BACKGROUND

The 1938 act regulating outdoor advertising was primarily a tax measure and fixed fees to be paid by those erecting and maintaining advertisements and advertising structures based on the size thereof. It did, however, prohibit signs within five hundred feet of the Blue Ridge Parkway, the Colonial National Parkway and the Mount Vernon Boulevard, as well as public cemeteries, public parks and playgrounds and national and State forests.

This remained the basic law until 1960, when legislation was adopted which virtually prohibited the posting of advertisements and the erection of outdoor advertising structures immediately adjacent to the Interstate Highway System.

The law relating to automobile salvage yards, commonly called "automobile graveyards," is of much more recent origin. It was adopted in 1958 and has remained virtually unchanged since. It prohibited the future establishment of an automobile graveyard within five hundred feet of a State highway and as to existing businesses, required the erection of a fence or hedge sufficient to conceal the automobile graveyard from the road. However, the statute contains an exemption which, we are advised, has virtually nullified its effectiveness.

During the year 1965 the Congress of the United States considered, and finally adopted, a statute which goes far beyond anything previously in effect in Virginia. While this statute is not effective of itself in Virginia, it contains such drastic penalties for states which fail to enact laws which "effectively control" outdoor advertising and automobile graveyards along both the Interstate highway system and the State primary system, that it is probable that no state can afford to fail to follow this pattern.

THE FEDERAL LAW

The Law Provides for Control of Outdoor Advertising

- control of outdoor advertising along the Interstate System and the primary system is to be achieved by January 1, 1968.
- effective control under this law means that
 - (1) on-premise advertising, (i.e., advertising activities on the premises on which the sign is located) is not subject to federal regulation.
 - (2) outdoor advertising in commercial or industrial areas, zoned or unzoned, is authorized, with criteria as to size, spacing, and lighting of signs to be agreed to by the states and the Secretary of Commerce, taking into account customary use.
 - (3) except for on-premise advertising and advertising in commercial or industrial areas, whether zoned or unzoned, billboards are prohibited within 660 feet of the edge of the right-of-way along the Interstate and primary systems.
- the exercise of zoning authority is left with the states and local governments.
- in any event, signs lawfully in existence as of September 1, 1965 are not required to be removed until July 1, 1970 even though they are in "control areas."
- just compensation is authorized to be paid to the owners of signs which have to be removed and to owners of property on which the signs are located.
- the compensation costs are to be shared between states and the federal government with the federal government paying 75 per cent.
- those states which entered into agreements to control outdoor advertising under the previous law would continue to receive the federal bonus payment if the states continue to maintain the control as required under those agreements or under the terms of the new legislation, whichever control is stricter.
- motels, restaurants, service stations and other businesses catering to the motoring public will be assisted by signs erected at appropriate places on the Interstate System giving specific information, including names and brands, of interest to the traveling public. These signs would be provided in consultation with the states and in conformity with standards issued by the Secretary.

The Law Provides for Control of Junkyards

- control of establishment and maintenance of junkyards along the Interstate and primary systems is to be achieved by January 1, 1968. The control area is 1,000 feet from the edge of the right-of-way.
- effective control may be obtained by screening through the use of plantings, fences or other appropriate means.
- junkyards which cannot be screened do not have to be removed until July 1, 1970.
- junkyards located in zoned or unzoned industrial areas do not have to be screened or removed as these are not subject to control.

- just compensation is authorized to be paid for the screening of junkyards where needed, and for the removal of junkyards where required, and the costs are to be shared by the states and federal government, with the federal government paying 75 per cent.

The Law Provides for Public Hearings before Standards, Rules and Regulations are Published

- the Secretary of Commerce is required to hold public hearing in each state before making conclusions on the standards, rules, and regulations covering outdoor advertising and junkyards.
- the Secretary is required to report to Congress in January 1967 on detailed cost estimates and on the standards and regulations to be applied in carrying out the Act.

The Law Provides for Reduction in Apportionments to States Which Have Not Made Provision for Effective Control

- federal-aid funds apportioned to any state on or after January 1, 1968 shall be reduced by 10 per cent if the state has not made provision for effective control of outdoor advertising or junkyards. However, the Secretary may waive reduction in apportionments if he determines such action to be in the public interest.

The Law Provides for Judicial Review

- before the Secretary may reduce a state's apportionment of highway funds by 10 per cent for failure to control billboards and junkyards, he is required to give the state at least 60 days notice and an opportunity for a hearing.
- if the decision on the 10 per cent reduction is adverse to the state, the state may appeal the matter to any federal District Court for that state, for full judicial review of the Secretary's decision.
- the decision of the District Court is subject to review by the Court of Appeals and then by the Supreme Court.
- while the court action is pending, the Secretary may not reapportion the 10 per cent amount withheld from the state in question but is required to hold this available for later apportionment or reapportionment in accordance with the final judgment of the courts.

The Law Provides for Landscaping and Scenic Enhancement

- the states would be allocated an amount equal to 3 per cent of apportioned federal-aid highway funds. This allocation would be used for landscape and roadside development, and for scenic preservation and enhancement. These funds may be used in areas adjacent to and within the right-of-way.
- this amount does *not* have to be matched by the states.
- in most cases the cost of landscaping right-of-way and providing roadside rest areas within the right-of-way will continue to be a part of the "cost of construction" on the highway project, as is the case under the present and long established law providing for matching funds.
- eminent domain authority will not be used to force a person to sell his dwelling for scenic strips adjacent to the right-of-way.

The Costs of This Beautification Program

- costs of this program will be from the general fund, not the Highway Trust Fund.
- the law authorizes appropriations of \$120 million for landscape and scenic enhancement for each of the fiscal years 1966 and 1967.
- the law authorizes appropriations of \$20 million each for control of billboards and junkyards for each of the fiscal years 1966 and 1967.

In view of the penalty provisions in the federal act, which would cost the Commonwealth of Virginia an estimated \$26,000,000 if legislation satisfactory to the Secretary of Commerce is not adopted, we cannot fail to recommend adoption of such a law. However, the federal statute contains so many discretionary provisions and exceptions and is subject to such doubts as to the constitutional powers of the State to act effectively under its provisions that we must issue a warning that, even if such a statute is enacted, we may not have reached a final solution to the problem.

If legislation paralleling the federal law is enacted, we will have the anomalous situation that our parkways, which were created largely to take advantage of the natural beauties of our scenery, will be in a worse position than the Interstate and Primary roads so far as restrictions on advertising is concerned. We accordingly recommend that the same distance—660 feet—be set as the area in which advertisements and advertisement structures will be banned along the Blue Ridge Parkway, the Colonial National Parkway or the Mount Vernon Boulevard, as well as any similar parkways which may be created in the future.

The Council desires to record its appreciation to the members of the Committee for their services, and to all the other interested persons who assisted in the completion of this study.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

CHARLES R. FENWICK

J. D. HAGOOD

EDWARD M. HUDGINS

CHARLES K. HUTCHENS

J. C. HUTCHESON

LEWIS A. McMURRAN, JR.

CHARLES D. PRICE

ARTHUR H. RICHARDSON

WILLIAM F. STONE

A *BILL* to amend and reenact § 33-279.3, as amended, of the Code of Virginia, relating to the regulation of junkyards; the screening of certain junkyards; authorizing removal of certain junkyards by the State Highway Commissioner; and providing penalties for violation.

Be it enacted by the General Assembly of Virginia:

1. That § 33-279.3, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 33-279.3. * (a) *For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the highways within this State.*

(b) *For the purpose of this section the following definitions shall apply:*

(1) *“Junk” shall mean old or scrap 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” shall mean any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.*

(3) *“Junkyard” shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.*

(4) *“Interstate System” shall mean the system presently defined in subsection (d) of § 103 of Title 23, United States Code.*

(5) *“Federal-aid primary highway” shall mean any highway within that portion of the State Highway System as established and maintained under Article 2, Chapter 1, Title 33 of this Code, including extensions of such system within municipalities, which has been approved by the Secretary of Commerce pursuant to subsection (b) of § 103 of Title 23, United States Code.*

(6) *“Visible” shall mean capable of being seen without visual aid by a person of normal visual acuity.*

(c) *No junkyard shall be established, operated or maintained, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any Interstate or federal-aid primary highway or within five hundred feet of the nearest edge of the right-of-way of any other highway, except the following:*

(1) *Junkyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway, or otherwise removed from sight.*

(2) *Junkyards which are located in areas which are zoned for industrial use under authority of State law or in unzoned industrial areas as determined by the State Highway Commission.*

(3) Junkyards which are not visible from the main-traveled way of the highway.

(d) Any junkyard lawfully in existence on the effective date of this act which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled way of any Interstate or federal-aid primary highway, and not located within an industrial area, shall be screened, if feasible, by the State Highway Commissioner at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to be visible from the main-traveled way of such highways.

The State Highway Commissioner is hereby authorized to acquire by purchase, gift or the power of eminent domain such lands or interests in lands as may be necessary to provide adequate screening of such junkyards.

(e) When the State Highway Commissioner determines that the topography of the land adjoining the highway will not permit adequate screening of such junkyards or the screening of such junkyards would not be economically feasible, the State Highway Commissioner shall acquire by gift, purchase or the power of eminent domain, such interests in lands as may be necessary to secure the relocation, removal, or disposal of the junkyards, and pay for the costs of relocation, removal, or disposal, thereof.

(f) Any junkyard which is lawfully in existence on the effective date of this act and which cannot be made to conform to the act shall be removed on or before July one, nineteen hundred seventy, and after that date any junkyard which does not conform to this act is declared to be a public and private nuisance and may be forthwith removed, obliterated or abated by the Commissioner or his representatives. The Commissioner may collect the cost of such removal, obliteration or abatement from the person owning or operating such junkyard.

(g) The State Highway Commission is authorized to enter into agreements with the Secretary of Commerce of the United States as provided in 23 U.S.C. § 136, with respect to control of junkyards.

A BILL to amend and reenact §§ 33-298, 33-317 and 33-317.1, as amended, of the Code of Virginia, relating to Outdoor Advertising.

Be it enacted by the General Assembly of Virginia :

1. That §§ 33-298, 33-317 and 33-317.1, as amended, of the Code of Virginia be amended and reenacted as follows :

§ 33-298. *(a) In order to promote the safety, convenience and enjoyment of travel on and protection of the public investment in highways within this State, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, the General Assembly declares it to be the policy of this State that the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within this State shall be regulated in accordance with the terms of this act and regulations promulgated by the State Highway Commission pursuant thereto.*

(b) The following terms, wherever used or referred to in this article, shall have the following meanings unless a different meaning clearly appears from the context :

(1) "Advertisement" means any writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished or dealt in by any person or for any political party or for the candidacy of any individual for any nomination of office; the term shall also include any part of an advertisement recognizable as such ;

(2) "Advertising structure" means any rigid or semirigid material, with or without any advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be posted or displayed ;

(3) "Business of outdoor advertising" means the erection, use or maintenance of advertising structures or the posting or display of outdoor advertisements by any person who receives profit gained from rentals or any other compensation from any other person for the use or maintenance of such advertising structures or the posting or display of such advertisements, except reasonable compensation for materials and labor used or furnished in the actual erection of advertising structures or the actual posting of advertisements ;

(4) "Highway" means every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this State ;

(5) "Municipalities" means cities and incorporated towns ;

(6) "Person" includes an individual, partnership, association or corporation ;

(7) "Post" means post, display, print, paint, burn, nail, paste or otherwise attach ;

(8) "Real property" includes any property physically attached or annexed to real property in any manner whatsoever ;

(9) "Town" means an incorporated town ;

(10) “Historic place, *museum* or shrine” includes only places that are maintained wholly at public expense or by a nonprofit organization;

(11) * “*Information Center*” means an area or site established and maintained at rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the State Highway Commission may consider desirable;

(12) * “*Rest Area*” means an area or site established and maintained within or adjacent to the right-of-way or under public supervision or control, for the convenience of the traveling public;

(13) “Centerline of the highway” means a line equidistant from the edges of the median separating the main-traveled ways of a * divided highway, or the centerline of the main-traveled way of a nondivided * highway;

(14) “Interchange” means a grade separated intersection with one turning roadways for travel between intersection legs, or an intersection at grade, where two or more highways join or cross;

(15) “Legible” means capable of being read without visual aid by a person of normal visual acuity;

(16) “Maintain” means to allow to exist;

(17) “Main-traveled way” means the traveled way of a * highway on which through traffic is carried. In the case of a divided * highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas;

(17a) “National System of Interstate and Defense Highways” and “Interstate System” mean the system presently defined in subsection (d) of Section 103 of Title 23, United States Code;

(18) * *Federal-aid primary highway means any highway within that portion of the State Highway System as established and maintained under Article 2, Chapter 1, Title 33 of this Code, including extensions of such system within municipalities, which has been approved by the Secretary of Commerce pursuant to subsection (b) of § 103 of Title 23, United States Code.*

(19) “Scenic Area” means any public park, area of particular scenic beauty or historical significance designated as a scenic area by the State Highway Commission;

(20) “Sign” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any * highway;

(21) “Trade Name” shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services;

(22) “Traveled Way” means the portion of a roadway for the movement of vehicles, exclusive of shoulders;

(23) “Turning roadway” means a connecting roadway for traffic turning between two intersection legs of an interchange;

“Visible” means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity;

(25) "Distance from edge of a right-of-way" shall be the horizontal distance measured along a line normal or perpendicular to the centerline of the highway:

* * *

§ 33-317. No advertisement or advertising structure shall be erected, maintained or operated:

(1) Within * *six hundred sixty feet of the nearest edge of the right-of-way* of the Blue Ridge Parkway, the Colonial National Parkway *, the Mount Vernon Boulevard, *or any other parkway within this State* or within * *six hundred sixty feet of any public cemetery, public park reservation, public playground, national forest or State forest, outside the limits of any municipality; provided, however, that any advertising structure which is lawfully in place on the effective date of this act and which does not conform to the six hundred sixty foot distance requirement may be maintained for the life of such advertisement or advertising structure;* or

(2) Which involves motion or rotation of any part of the structure or displays intermittent lights within one hundred feet of the nearest edge of the pavement of any highway; or

(3) Which uses the words "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway, or which is a copy or imitation of official highway signs; or

(5) Which, within visible distance of any highway, advertises any county, city, town, village, historic place or shrine without the consent, in writing, of such county, city, town or village or of the owner of such historic place or shrine; or

(6) Which is mobile and is designed to and effectively does distract the attention of passing motorists on any highway by flashing lights, loud and blatant noises or movable objects; or

(7) Which involve red, green or amber lights or reflectorized material and which resemble traffic signal lights or traffic control signs and is within visible distance of any highway; or

(8) Within fifteen feet of the nearest edge of the pavement of any highway; or

(9) At any public road intersection in such manner as would obstruct the clear vision in either direction between a point on the center line of the side road twenty feet from the nearest edge of the pavement of the main road and points on the main road four hundred feet distant, measured along the nearest edge of the pavement of the main road; or

(10) At any grade intersection of a public road and a railroad in such manner as would obstruct the clear vision in either direction within triangular areas formed by (a) a point at the center of the railroad-public road intersection, (b) a point on the public road four hundred feet from the center of the railroad-public road intersection as measured along the center of the public road, and (c) a point on the railroad five hundred feet from the center of the railroad-public road intersection as measured along the center of the railroad; or

(11) At or near any curve in a road in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point not more than four hundred feet apart, as measured between each point from the nearest edge of the pavement; or

(12) Which advertises activities which are illegal under State or federal laws or regulations in effect at the location of such sign or advertisement or at the location of such activities; or

(13) Which is obsolete or inconsistent with this act or regulations adopted by the State Highway Commission pursuant to this act.

§ 33-317.1. (a) Notwithstanding the territorial limitation set out in § 33-300, no sign or * advertisement which is visible * from the main-traveled way of * any Interstate or federal-aid primary * highway shall be erected, maintained, or displayed within * six hundred sixty feet of the nearest edge of the right-of-way of any highway within either system, except as provided in subsections (b) and (c).

(b) The following signs may be erected *, maintained * and displayed within six hundred sixty feet of any Interstate or federal-aid primary highway:

Class 1—Official Signs.—Directional * and other official signs * and notices *, which signs and notices shall include, but not be limited to, signs and notices pertaining to the availability of food, lodging, *vehicle service and tourist information, natural wonders, scenic areas, museums and historic attractions, as authorized or required by law. The State Highway Commission shall determine the type, lighting, size, location *, number and other requirements of signs of this class *.

Class 2—On Premise Signs.—Signs not prohibited by other parts of this article which are consistent with the applicable provisions of this section and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located; provided, that

(1) Not more than one sign advertising the sale or lease of the same property may be erected or maintained in such manner as to be visible to traffic proceeding in any one direction on any one interstate highway;

(2) Not more than one sign, visible to traffic proceeding in any one direction on any one interstate highway and advertising activities being conducted upon the real property where the sign is located, may be erected or maintained more than fifty feet from the advertised activity, and no such sign may be located more than two hundred fifty feet from the center of the advertised activity; and

(3) No sign, except one which is not more than fifty feet from the advertised activity, that displays any trade name which refers to or identifies any service rendered or product sold shall be erected or maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

Class 3— * Other Signs.—Any signs or advertisements which are located within areas adjacent to any Interstate or federal-aid primary highway which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as determined by the State Highway Commission from actual land uses. The State Highway Commission shall determine the size, lighting and spacing of signs of this class.

(c) * In order to provide information in the specific interest of the traveling public, the State Highway Commission is hereby authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at rest areas, and to establish information centers at rest areas for the purpose of informing the public of places

of interest within the State and providing such other information as may be considered desirable.

(d) * Any signs or advertisements lawfully in existence along any Interstate or federal-aid primary highway on the effective date of this act and which are not in conformity with the provisions contained herein shall not be required to be removed until July one, nineteen hundred seventy. Any other signs or advertisements lawfully erected which do not conform to this act shall not be required to be removed until the end of the fourth year after they become nonconforming.

(e) * The State Highway Commissioner is authorized to acquire by purchase, gift or the power of eminent domain and to pay just compensation upon the removal of the following signs or advertisements:

(1) Those lawfully in existence on October twenty-two, nineteen hundred sixty-five.

(2) Those lawfully on any highway made a part of the Interstate System or approved by the Secretary of Commerce pursuant to subsection (b) of § 103 of Title 23, United States Code, on or after October twenty-two, nineteen hundred sixty-five, and before January one, nineteen hundred sixty-eight; and

(3) Those lawfully erected on or after January one, nineteen hundred sixty-eight.

Such compensation is authorized to be paid only for the taking from the owner of such sign or advertisement of all right, title, leasehold and interest in such sign or advertisement, and the taking from the owner of the real property on which the sign or advertisement is located, of the right to erect and maintain such sign or advertisement thereon.

2. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

