

HOUSE BILL NO. 299

INTRODUCED BY G. CUSTER

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A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" RELATED TO THE PLACEMENT OF OUTDOOR ADVERTISING; AND AMENDING SECTION 75-15-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 75-15-103, MCA, is amended to read:

**"75-15-103. Definitions.** As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities are considered commercial or industrial:

- (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;
- (b) transient or temporary activities;
- (c) activities not visible from the main-traveled way;
- (d) activities conducted in a building principally used as a residence;
- (e) railroad tracks and minor sidings;
- (f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area that is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, regulations, or enabling state legislation, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim zoning district or interim regulation adopted as an emergency measure pursuant to 76-2-206 are not covered by this definition.

(3) "Commission" means the transportation commission of Montana.

(4) "Department" means the department of transportation.

(5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing other information that the

1 commission may consider desirable.

2 (6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled  
3 off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal,  
4 state, county, city, or other route.

5 (7) "Interstate system" means that portion of the national system of interstate and defense highways  
6 located within this state as officially designated or as may be designated by the commission and approved by the  
7 secretary pursuant to the provisions of Title 23, United States Code, "Highways".

8 (8) "Maintain" means to allow to exist, subject to the provisions of this part.

9 (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a  
10 state suitable for use.

11 (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,  
12 message, plaque, poster, billboard, or other structure that is designed, intended, or used to advertise or inform  
13 and that is visible from any place on the main-traveled way of the interstate or primary systems.

14 (11) "Primary system" means that portion of connected main highways as officially designated or as may  
15 be designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United  
16 States Code, "Highways".

17 (12) "Safety rest area" means an area or site established and maintained within or adjacent to the  
18 right-of-way, by or under public supervision or control, for the convenience of the traveling public.

19 (13) "Secretary" means the secretary of the United States department of transportation.

20 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation,  
21 or ordinance that is occupied by one or more commercial or industrial activities, other than outdoor advertising,  
22 on the lands along the highway for a distance of 600 feet immediately adjacent to the activities and those lands  
23 directly opposite on the other side of the highway for the same distance and to a maximum depth of 660 feet  
24 when measured from the highway right-of-way as long as those lands on the opposite side of the highway are  
25 not determined by the commission to be scenic or to have aesthetic value.

26 (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the  
27 census, that has a population of 5,000 or more and that is within boundaries fixed by the department. The  
28 boundaries must at a minimum encompass the entire urban place designated by the bureau of the census.

29 (16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual  
30 acuity."

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