

one or more commercial or industrial activities, other than an outdoor advertising sign, or (2) an adjacent area which is located within the approaches to an incorporated or an unincorporated municipality which is reasonable, appropriate for outdoor advertising, as based upon customary use and where no local zoning exists, as follows:

- (a) Within a radius of 12 miles of a city of the second class.
- (b) Within a radius of 10 miles of a city of the third class.
- (c) Within a radius of 8 miles of a city of the fourth class.
- (d) Within a radius of 6 miles of a city of the fifth class.
- (e) Within a radius of 4 miles of all cities and towns with a population less than 2,000.

"Provided, however, that the foregoing standards shall be subject to the following exceptions, which are:

- "1. Any area in which signs are prohibited by authority of local zoning authorities;
- "2. Within 300 feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;
- "3. In, or within 500 feet of, any official park, garden, or forest preserve, publicly owned, controlled, and maintained, or within 500 feet of a church or school;
- "4. In, or within 500 feet of, any officially designated historical battlefield, or within 500 feet of any museum, or bona fide historical monument, publicly owned, controlled, and maintained;
- "5. In, or within 500 feet of, any official picnic grounds or swimming beach, publicly owned, controlled, and maintained, or any golf course, publicly or privately owned or maintained;
- "6. In, or within 500 feet of, any safety rest or recreation area, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code;
- "7. Within 500 feet of any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code;
- "8. In, or within 750 feet of, any strip of land, an interest in which has been acquired by this State for the restoration, preservation, or enhancement of scenic beauty, and which is publicly controlled and maintained, pursuant to Section 319 of Title 23 of the United States Code."

Under said Indiana law the Federal-State agreement is to be negotiated by the Governor but it is clear from the 3rd paragraph of Section 4 that he has not been given negotiating power to vary the foregoing definition of unzoned commercial or industrial areas. (If the Secretary won't agree, the judicial review procedures come into play, as is true under all or most of the *non-open-end* laws.)

The foregoing definition *is*, however, subject to a further "beauty protection" under Section 15 of Indiana's said Act which provides for the establishment of *scenic areas* as follows: "The director of natural resources is hereby authorized to establish scenic areas in adjacent areas, as herein defined: Provided, however, That said director shall notify the commission of such establishing, and the commission may recommend the director's action to the Governor of Indiana, whose final approval shall in all things be required. Such scenic areas shall be located outside of the then existing corporate limits of any city or town and shall not include areas then zoned for commercial or industrial purposes. Such area may include, in part, but shall not be limited to, areas containing national, state or local parks, historic sites and monuments, and picnic, rest, or recreational areas maintained through public funds.

"No sign shall, after the governor's final approval, thereafter be erected in any such scenic area."

*Montana:* Montana's Compliance Law (House Bill 187 of 1967) was passed by its House 76 to 14; and by its Senate 52 to 0! Although this law contains a liberal, firm definition of unzoned commercial or industrial areas, it places its principal reliance, in reasonably preserving rural signs and business, on the *actual commercial zoning* (done in its Compliance Law by the legislature itself) of the approaches to municipalities and intersections and interchanges, subject to various "beauty protections" hereinafter mentioned. Section 4 of the Montana law thus provides in part as follows: "The legislature, to the extent hereinafter provided, and to effectuate the declared purposes of this act, hereby zones all