

of the following described lands located outside of municipalities and lying within 660 feet of the nearest edge of the right-of-way of any highway which is part of the interstate and primary system, as commercial, effective as of the effective date of this act:

"(1) For a distance of ten (10) miles * * * outside of and beyond the corporate limits of municipalities of the first class * * *;

"(2) For a distance of five (5) miles * * * outside of and beyond the corporate limits of municipalities of the second class * * *;

"(3) For a distance of five (5) miles * * * outside of and beyond the corporate limits of municipalities of the third class * * *;

"(4) For a distance of three (3) miles * * * outside of and beyond the corporate limits of municipalities classified as towns * * *;

"(5) For a distance of three (3) miles * * * outside of and beyond the limits of unincorporated cities or towns;

"(6) For a distance of five miles outside of and beyond the intersection of said highways, or of the intersections of said highways with state secondary system highways, directly along, without deviation from, the routes of all such highways from the point of intersection; and

"(7) For a distance of five miles directly along and without deviation from any interstate highway in both directions from any interchange located thereon.

"The zoning, which is effected hereby, is subject to the exceptions specified in subsection (b) and to zoning by the several boards of county commissioners, or under their authority, as provided in subsection (e)."

(Note: The exceptions to the foregoing zoning mentioned just above as being specified in subsection (b) are almost identical to the 8 numbered exceptions under the Indiana definition, quoted above. Further, the legislature's zoning, aforesaid, is subject to re-zoning by the counties. The uses permitted in such commercial zones are much broader than merely outdoor advertising. By subsection (c) of Montana's Section 4, *ten other roadside commercial uses are permitted therein* (e.g., motels, restaurants, resorts, etc) *plus* such "other uses and activities as the several boards of county commissioners may in their discretion deem suitable therein.")

North Carolina: Open-End.

North Dakota: Open-End. However, by Section 9 the North Dakota Act (Senate Bill 356 of 1967) the power to determine unzoned commercial or industrial areas by the agreement process is vested in an *independent 5-man Highway Corridor Board*, which has refused to agree to any such definition as that insisted upon by the BPR. Such Board, created by North Dakota's Compliance Law, consists of the Highway Commission, the Director of Economic Development and the Commissioner of Agriculture (or their authorized agents), plus a representative of the outdoor advertising industry and of a representative of the motel industry.

The fact that the Board thus consists of the kind officials and laymen inclined to view the facts of life objectively, and without undue regard for nebulous intangibles, no doubt accounts for its "refusal to agree" in the manner desired by the BPR—this and the fact that the North Dakota law's policy which the Board is to carry out is stated reasonably in its Section 1 as follows: "It is hereby declared to be in the public interest *reasonably* to regulate advertising devices along the highways hereinafter specified *while*, at the same time, *recognizing that both the convenience of travel and the interests of the economy as a whole require a reasonable freedom to advertise. It is the intention of the legislature in this Act to provide a statutory basis for the reasonable regulation, but not the prohibition, of outdoor advertising through zoning principles and standards consistent with the public policy relating to the areas adjacent to the state highway system pursuant to title 23, United States Code, section 131 and section 319 and rules and regulations promulgated thereunder.*"

Section 9 of the North Dakota Compliance Law, also gives the Board very broad powers to *actually zone* within 660 feet of the highways. According to a member of the Board, it intends to comprehensively zone such strips, much of it as commercial.

South Dakota: South Dakota's Compliance Law (Senate Bill 84 of 1967) quite firmly restricts the power of the Highway Commission to define unzoned commercial or industrial areas by agreement, though it does leave the Commission some discretion. However, like Montana's law, South Dakota's Law *relies primarily on actual zoning* by the legislature itself to protect commercial activity, including outdoor advertising in the rural areas. Thus Section 4 of the