Chapter 377

2009 EDITION

Highway Beautification; Motorist Information Signs

TREES

377.030 Destruction or removal of trees on state highways without permission prohibited

377.040 Application to department to remove trees along state highways

377.050 Consent of department for removal of trees along state highways

HISTORIC AND SCENIC HIGHWAYS

377.100 Study of highway system; designation of historic and scenic highways

377.105 Effect of designation as historic and scenic highway

SCENIC AREAS

377.505 Definitions for ORS 377.505 to 377.540

377.510 Signs visible from state highways regulated; junkyards prohibited; exceptions

377.515 Removal of nonconforming signs deferred

377.521 Status of previously designated scenic areas

377.540 Director of Transportation to enforce orders and render administrative assistance

JUNKYARDS

377.605 Definitions for ORS 377.605 to 377.655

377.610 Public policy on junkyards

377.615 Director's authority to promulgate regulations, enter into agreements with federal government

377.620 Restrictions on maintaining or establishing junkyard along highway

377.625 Screening junkyard located in restricted area

377.630 Removing junkyard from restricted area

377.635 Junkyard in violation of restrictions declared a public nuisance; authority to abate; when junk placed on state highway right of way

377.640 Acquisition of land necessary to screen or relocate junkyards

377.645 Expenditure of moneys to screen or relocate junkyards prior to availability of federal matching funds

DISPOSAL OF PROPERTY

377.650 Personal property not junk as nuisance; disposition of property; liability

377.655 Rules for removal and disposition of signs and property in violation of ORS 377.650

MOTORIST INFORMATION SIGNS

(General Provisions)

377.700 Short title

377.705 Policy

377.707 Identifying location of signs on construction plans; repair or replacement of damaged signs

377.708 Effect on certain signs of transfer of jurisdiction over state highway

377.710 Definitions for ORS 377.700 to 377.840; rules

377.712 Issuance of permits for certain preexisting signs

(Signs, Generally)

377.715 Application of ORS 377.700 to 377.840; prohibition against erection or maintenance of certain signs not in compliance with law

377.720 Prohibited signs; exceptions

377.723 Affidavit of city or county necessary for issuance of sign permit; requirements of affidavit

377.725 Permit; application; fee; cancellation; rules

377.729 Fees for sign permits and business licenses; rules

377.730 License for business of maintaining or erecting signs; fee; application; revocation; suspension

377.735 Exemptions from sign permit requirements; historic signs; rules

377.737 Giving or receiving compensation or value for signs; rules

377.740 ORS 377.700 to 377.840 not intended to authorize signs prohibited by other governmental units

377.745 Limitation on form and size of signs

377.750 Spacing between signs

377.753 Permits for outdoor advertising signs; rules

377.756 Permits for signs erected by city or unincorporated community

377.757 Requirements for signs authorized by ORS 377.756; payment of cost of sign

377.758 Notification by federal authorities of illegal sign; consequences

377.759 Issuance of relocation credits for removal of outdoor advertising signs from scenic byway; rules

377.762 Issuance of relocation credits for removal of sign

377.763 Consolidation of relocation credits

377.765 Status of previously existing signs; removal upon payment of compensation

377.767 Relocation of existing outdoor advertising sign; conditions

377.768 Effect of relocation permit on existing sign permit; duty of director

377.770 Signs in protected, commercial or industrial areas

377.773 When sign abandoned; removal

377.775 Removal procedure for noncomplying signs; ownership issues at hearing; disposition of removed signs; costs of removal

377.777 Action to enjoin person from violation of ORS 377.700 to 377.840

377.780 Removal of outdoor advertising signs; payment of compensation; value determinations

377.787 Contracts to study traveler information needs; council to establish sign programs; rules

377.790 Construction, maintenance and operation of tourist and motorist informational signs

377.795 Allocation of costs of telephone informational system; webpage fee; disposition of receipts

377.800 Tourist and motorist informational signs; logo signs; sign and travel plazas

377.805 Form of tourist and motorist informational signs; use of logo signs

377.820 Application for tourist or motorist informational sign permit; investigation; disposition

377.825 Fees for sign applications, maintenance costs and reinstallation

377.830 Limitation on motorist informational sign permits; use of logo signs

(Administration)

377.835 Creation of Travel Information Council as semi-independent state agency; members; qualifications; appointment; terms; chairperson; quorum; rules

377.836 Application of certain statutes to Travel Information Council

377.838 Authority of director of Travel Information Council

377.840 Travel Information Council account; budget process; disposition of moneys received

377.845 Use of funds by Department of Transportation after repayment of highway fund

PENALTIES

377.992 Penalties; rules

377.010 [Amended by 1959 c.382 §1; repealed by 1981 c.153 §79]

377.020 [Repealed by 1981 c.153 §79]

TREES

377.030 Destruction or removal of trees on state highways without permission prohibited. No person shall dig up, cut down, injure, destroy or in any manner remove any trees growing upon the right of way of any state highway without first procuring the written consent of the Department of Transportation.

377.040 Application to department to remove trees along state highways. Whenever any person, firm or corporation, including any public, municipal or private corporation and any privately or publicly owned utility or cooperative association, desires to dig up, cut down, injure, destroy or in any manner remove any trees growing upon the right of way of any state highway, such person shall file with the Department of Transportation an application in writing, setting forth the reasons and purpose for the removal or destruction of the trees.

377.050 Consent of department for removal of trees along state highways. (1) Upon the filing of the application mentioned in ORS 377.040 the Department of Transportation may, if in its judgment and discretion the destruction or removal of the trees will not mar or in any way affect the scenic beauty of or otherwise harm, injure or affect the highway, issue a permit authorizing the cutting down, digging up, removal or destruction of the trees under such conditions and in such manner as the department may in such permit designate.

(2) Such permits may be granted when it becomes necessary to cut or remove brush and tree growth which otherwise would be hazardous to the operation or maintenance of lines for the transmission of electric energy or communication, or which would impair the efficiency of the service of such lines to the public, but such cutting or removal shall be done in such manner as not substantially to impair the scenic beauty of the highway.

HISTORIC AND SCENIC HIGHWAYS

377.100 Study of highway system; designation of historic and scenic highways. The Oregon Transportation Commission shall conduct a study of the historic, scenic and cultural values of the state highway system. The study required by this subsection is subject to the following:

(1) In developing the study the commission shall appoint a volunteer citizen advisory committee to advise the commission on the study.

(2) The study shall identify and evaluate areas of the state highway system for their historic, recreational or scenic significance.

(3) The study shall designate highways, portions of highways or highway related structures as historic and scenic highways. [1983 c.552 §1; 1985 c.260 §1]

377.105 Effect of designation as historic and scenic highway. When a highway, portion of a highway or highway related structure is designated as an historic and scenic highway under ORS 377.100, the Oregon Transportation Commission and the Department of Transportation:

(1) Shall provide for the rehabilitation, restoration, maintenance and preservation of those features of the highway or structure that have historical, engineering, recreational, scenic or tourist related significance, whenever prudent and feasible.

(2) May consult with the State Historic Preservation Officer, state historic organizations and other appropriate groups or organizations to determine how to best rehabilitate, restore, maintain and preserve the significant features of the highway or structure.

(3) In all highway planning and funding considerations, shall provide for the continuance of the significant features of the highway or structure, whenever prudent and feasible.

(4) As the commission determines appropriate, may arrange for and provide for posting of signs, consistent with ORS 377.700 to 377.840, 810.200 and 810.210, to inform the traveling public of the location and significant features of the highway or structure.

(5) Shall not dismantle, destroy, abandon, significantly transform or sell the highway or structure or any portion thereof or take any other action that will adversely affect the preservation of the highway or structure as an historic and scenic highway when it is prudent or feasible not to take such action.

(6) May provide for bypass highways to divert damaging traffic from use of the highway or structure or provide other means of limiting or diverting use of the highway or structure by damaging traffic.

(7) Are directed to seek and may accept and use for the purposes of this section and ORS 377.100 contributions, gifts, grants and moneys from any source, public or private.

(8) May hold hearings that have been given appropriate public notification before any significant action is taken relating to a highway, portion of a highway or highway related structure that is so designated.

(9) Shall consider aesthetics and environmental effects when the only alternative to rehabilitation or restoration is to replace a portion of a highway or highway related structure so designated. [1983 c.552 §2; 1985 c.16 §461; 1985 c.260 §2]

377.110 [1955 c.541 §1; repealed by 1959 c.309 §22]

377.115 [1959 c.309 §1; 1965 c.219 §1; repealed by 1971 c.770 §31]

377.120 [1955 c.541 §2; repealed by 1959 c.309 §22]

377.125 [1959 c.309 §2; 1963 c.400 §1; 1965 c.219 §2; repealed by 1971 c.770 §31]

377.130 [1955 c.541 §3; repealed by 1959 c.309 §22]

377.135 [1959 c.309 §3; 1965 c.219 §3; repealed by 1971 c.770 §31]

377.140 [1955 c.377 §14; 1959 c.94 §1; repealed by 1959 c.309 §22]

377.145 [1959 c.309 §4; 1965 c.219 §4; repealed by 1971 c.770 §31]

377.150 [1955 c.541 §4; repealed by 1959 c.309 §22]

377.155 [1959 c.309 §5; 1965 c.219 §5; repealed by 1971 c.770 §31]

377.160 [1955 c.541 §5; repealed by 1959 c.309 §22]

377.165 [1959 c.309 §6; repealed by 1971 c.770 §31]

377.170 [1955 c.541 §15; repealed by 1959 c.309 §22]

377.175 [1959 c.309 §7; 1965 c.219 §6; repealed by 1971 c.770 §31]

377.178 [1965 c.219 §13; repealed by 1971 c.770 §31]

377.180 [1955 c.541 §6; repealed by 1959 c.309 §22]

377.181 [1961 c.615 §13; 1965 c.219 §7; repealed by 1971 c.770 §31]

377.185 [1959 c.309 §8; 1961 c.615 §9; 1965 c.219 §8; repealed by 1971 c.770 §31]

377.190 [1955 c.541 §7; repealed by 1959 c.309 §22]

377.195 [1959 c.309 §9; 1961 c.615 §10; 1965 c.219 §9; repealed by 1971 c.770 §31]

377.200 [1955 c.541 §8; repealed by 1959 c.309 §22]

377.205 [1959 c.309 §10; 1961 c.615 §11; repealed by 1965 c.219 §10 (377.206 enacted in lieu of 377.205)]

377.206 [1965 c.219 §11 (enacted in lieu of 377.205); repealed by 1971 c.770 §31]

377.210 [1955 c.541 §9; repealed by 1959 c.309 §22]

377.215 [1959 c.309 §11; 1963 c.400 §2; 1965 c.219 §14; repealed by 1971 c.770 §31]

377.220 [1955 c.541 §10; repealed by 1959 c.309 §22]

377.225 [1959 c.309 §12; 1963 c.400 §3; 1965 c.219 §15; repealed by 1971 c.770 §31]

377.230 [1955 c.541 §11; repealed by 1959 c.309 §22]

377.235 [1959 c.309 §13; 1963 c.400 §4; 1965 c.219 §16; repealed by 1971 c.770 §31]

377.240 [1955 c.541 §12; repealed by 1959 c.309 §22]

377.245 [1959 c.309 §14; 1963 c.400 §5; 1965 c.219 §17; repealed by 1971 c.770 §31]

377.250 [1955 c.541 §16; repealed by 1959 c.309 §22]

377.255 [1959 c.309 §15; 1961 c.615 §14; 1963 c.400 §6; 1965 c.219 §18; repealed by 1971 c.770 §31]

377.260 [1955 c.541 §18; repealed by 1959 c.309 §22]

377.265 [1959 c.309 §16; 1963 c.400 §7; 1965 c.219 §19; repealed by 1971 c.770 §31]

377.270 [1955 c.541 §17; repealed by 1959 c.309 §22]

377.275 [1959 c.309 §17; 1963 c.400 §8; 1965 c.219 §20; repealed by 1971 c.770 §31]

377.280 [1955 c.541 §13; 1957 c.465 §2; repealed by 1959 c.309 §22]

377.285 [1959 c.309 §18; 1961 c.615 §15; 1963 c.400 §9; 1965 c.219 §21; repealed by 1971 c.770 §31]

377.295 [1959 c.309 §19; 1963 c.400 §10; 1965 c.219 §22; repealed by 1971 c.770 §31]

377.305 [1959 c.309 §20; 1963 c.400 §11; repealed by 1971 c.770 §31]

377.310 [Repealed by 1953 c.335 §1]

377.320 [Repealed by 1953 c.335 §1]

377.330 [Repealed by 1953 c.335 §1]

377.340 [Repealed by 1971 c.770 §31]

377.350 [Repealed by 1971 c.770 §31]

377.360 [Amended by 1957 c.663 §3; repealed by 1971 c.770 §31]

377.405 [1961 c.615 §1; 1963 c.400 §12; repealed by 1971 c.770 §31]

377.410 [1961 c.615 §5; 1963 c.400 §13; repealed by 1971 c.770 §31]

377.415 [1961 c.615 §§7,16; repealed by 1971 c.770 §31]

377.420 [1961 c.615 §§2,4; repealed by 1971 c.770 §31]

377.425 [1961 c.615 §8; 1963 c.400 §14; repealed by 1971 c.770 §31]

377.430 [1961 c.615 §6; repealed by 1971 c.770 §31]

SCENIC AREAS

377.505 Definitions for ORS 377.505 to 377.540. As used in ORS 377.505 to 377.540:

(1) "State highway" has the meaning given that term in ORS 377.710.

(2) "Scenic area" means an area adjacent to or along a segment of a state highway that is within a federal or state park, is a site of historical significance or affords a view of unusual natural beauty, and has been established as a scenic area under the provisions of ORS 377.505 to 377.545 (1975 Replacement Part). [1961 c.614 §1; 1963 c.400 §15; 1965 c.219 §23; 1967 c.590 §13; 1977 c.578 §3; 1979 c.186 §15; 2007 c.199 §21]

377.510 Signs visible from state highways regulated; junkyards prohibited; exceptions. (1) A sign that is visible from a state highway may not be erected or maintained in an area that has been established by final order as a scenic area except:

(a) Traffic control signs or devices.

(b) Signs other than outdoor advertising signs, as defined in ORS 377.710.

(c) Signs approved by the Director of Transportation, or the authorized representative of the director, erected and maintained by a public utility or telecommunications utility for the purpose of giving warning of the location of an underground cable or other installations.

(d) Signs identifying incorporated or unincorporated communities, erected in compliance with ORS 377.715 and 377.756 to 377.758, that are designed to complement the scenic quality of the area in which the signs are erected. Signs located in snow zones may

be more than eight feet in height to compensate for snow if approved by the director.

(2) Unless adequately screened as provided in ORS 377.620 (3)(a) or unless located within a zoned industrial area, no junkyard shall be established which is visible from a state highway where the area immediately adjacent to the state highway has been established by final order as a scenic area. [1961 c.614 §7; 1965 c.219 §24; 1967 c.590 §14; 1987 c.447 §122; 1991 c.287 §1; 1993 c.741 §45; 2007 c.199 §22]

377.515 Removal of nonconforming signs deferred. Any sign lawfully maintained in a scenic area prior to the establishment of the area as a scenic area and not included within the exceptions of ORS 377.510, shall be removed by the owner thereof prior to seven years following the establishment of the area as a scenic area, unless the sign is required to be removed at an earlier date, pursuant to other state laws. [1961 c.614 §8; 1965 c.219 §25; 1967 c.590 §15]

377.520 [1961 c.614 §2; 1963 c.400 §16; 1965 c.219 §26; repealed by 1977 c.578 §5]

377.521 Status of previously designated scenic areas. All scenic areas designated prior to October 4, 1977, shall continue to retain their designation as scenic areas. [1977 c.578 §2]

Note: 377.521 was enacted into law by the Legislative Assembly but was not added to ORS 377.505 to 377.540 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

377.525 [1961 c.614 §4; 1963 c.400 §17; 1969 c.314 §30; repealed by 1977 c.578 §5]

377.530 [1961 c.614 §5; 1963 c.400 §18; repealed by 1977 c.578 §5]

377.535 [1961 c.614 §6; 1963 c.400 §19; repealed by 1977 c.578 §5]

377.540 Director of Transportation to enforce orders and render administrative assistance. The Director of Transportation shall take appropriate action for the administration and enforcement of orders issued under the provisions of ORS 377.505 to 377.545 (1975 Replacement Part). [1961 c.614 §10; 1963 c.400 §20; 1977 c.578 §4; 1993 c.741 §46]

377.545 [1961 c.614 §9; repealed by 2001 c.750 §7]

JUNKYARDS

377.605 Definitions for ORS 377.605 to 377.655. As used in ORS 377.605 to 377.655, unless the context requires otherwise:

(1) "Department" means the Department of Transportation.

(2) "Director" means the Director of Transportation.

(3) "Federal-aid primary system" means the federal-aid primary system in existence on June 1, 1991, and any highway that is not on such system but that is on the National Highway System.

(4) "Interstate System" means every state highway that is part of the National System of Interstate and Defense Highways established by the department in compliance with section 103(e) of title 23, United States Code.

(5) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials.

(6) "Junkyard" means any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

(7) "Maintain" means to allow to exist.

(8) "Main traveled way" means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(9) "State highway" or "state highway system" means the entire width between the boundary lines of every state highway as defined in ORS 366.005, including but not limited to the Interstate System and the federal-aid primary system.

(10) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(11) "Zoned industrial area" is an area adjacent to a state highway or public highway which is zoned for industrial use under authority of state law. [1967 c.590 §3; 1979 c.186 §16; 1979 c.210 §1; 1993 c.741 §47]

377.610 Public policy on junkyards. The Legislative Assembly hereby finds and declares that establishment, maintenance and operation of junkyards along public highways should be controlled in accordance with the provisions of ORS 377.605 to 377.655 in order to protect the public investment in such highways, promote the safety and recreational value of public travel on such highways, preserve natural beauty and aesthetic features of such highways and adjacent areas, and maintain the qualifications of this state for its share of federal-aid highway funds payable under title 23, United States Code, and in furtherance of the purposes previously established under ORS 366.556 to 366.578. [1967 c.590 §2]

377.615 Director's authority to promulgate regulations, enter into agreements with federal government. (1) The Director of Transportation shall promulgate such regulations as are necessary to carry out the provisions of ORS 377.605 to 377.655.

Except where federal law or rules and regulations require otherwise as a condition to receipt of federal granted funds, the rules shall be promulgated pursuant to ORS chapter 183.

(2) The director is authorized to enter into any necessary agreements with the United States Government or any officer or agency thereof authorized to make agreements pursuant to title 23, United States Code, relating to the control of junkyards in areas adjacent to the state highway system. [1967 c.590 §4; 1993 c.741 §48]

377.620 Restrictions on maintaining or establishing junkyard along highway. (1) Except as provided in subsection (3) of this section, no junkyard in existence on June 30, 1967, may be maintained after June 30, 1967, within 1,000 feet of the nearest edge of the right of way of:

(a) The Interstate System.

(b) The federal-aid primary system.

(c) Other state highways, unless permitted by the Director of Transportation and subject to rules adopted by the director.

(2) Except as provided in subsection (3) of this section, no junkyard shall be established after June 30, 1967, within 1,000 feet of the nearest edge of the right of way of any state highway or which is visible from any state highway, as defined by ORS 377.505, where the area immediately adjacent to the state highway retains designation as a scenic area pursuant to ORS 377.521.

(3) Except as provided in ORS 377.510 relating to location of junkyards within or adjacent to designated scenic areas, this section does not prohibit the establishment or maintenance along state highways of the following junkyards:

(a) Junkyards that are hidden or adequately screened by the terrain or other natural objects, or by plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway, in accordance with regulations promulgated by the director.

(b) Junkyards located in zoned industrial areas.

(4) No owner or operator of a junkyard shall place any junk on a state highway right of way. [1967 c.590 §5; 1975 c.262 §1; 1983 c.740 §122; 1993 c.741 §49; 2007 c.199 §24]

377.625 Screening junkyard located in restricted area. (1) Any junkyard which is in existence on June 30, 1967, less than 1,000 feet from the nearest edge of the right-of-way line and visible from the main traveled way of the Interstate System or the federal-aid primary system and is not in a zoned industrial area, may be screened by the Director of Transportation, if economically and otherwise feasible, at locations on the highway rights of way or in areas outside of the rights of way acquired for such purposes by the Department of Transportation.

(2) Any junkyard which is in existence on June 30, 1967, less than 1,000 feet from the nearest edge of the right-of-way line and which is visible from the main traveled way of any state highway other than the Interstate System or federal-aid primary system and is not in a zoned industrial area, may be screened by the director when it is financially, economically and otherwise feasible. The screening may be located on the highway rights of way or in areas outside the rights of way acquired for such purposes by the department. [1967 c.590 §6; 1979 c.210 §2; 1993 c.741 §50]

377.630 Removing junkyard from restricted area. (1) Where a junkyard is in existence on June 30, 1967, less than 1,000 feet of the nearest edge of the right-of-way line of the Interstate System or federal-aid primary system, is not in a zoned industrial area, and cannot be effectively screened as provided in ORS 377.625 (1), then the Department of Transportation may secure such interests in land as may be necessary to relocate, remove or dispose of the junkyard and may pay for the cost of relocation, removal or disposal thereof, as set forth in ORS 377.640.

(2) Where a junkyard is in existence less than 1,000 feet of the nearest edge of the right-of-way line and visible from the main traveled way of any state highway which becomes a part of the Interstate System or federal-aid primary system and is not in a zoned industrial area, the junkyard may be screened as provided in subsection (1) of this section or may be relocated, removed or disposed of by the department after the portion of the state highway involved becomes a part of the Interstate System or the federal-aid primary system, as provided in subsection (1) of this section.

(3) Where a junkyard is in existence on June 30, 1967, less than 1,000 feet of the nearest edge of the right-of-way line of any state highway other than the Interstate System or federal-aid primary system, is not in a zoned industrial area, and cannot be effectively screened as provided in ORS 377.625 (2), then the department may, in its discretion, secure such interests in lands as may be necessary to relocate, remove or dispose of the junkyard. [1967 c.590 §7; 1979 c.210 §3]

377.635 Junkyard in violation of restrictions declared a public nuisance; authority to abate; when junk placed on state highway right of way. (1) Any junkyard which comes into existence after

June 30, 1967, and which is in violation of ORS 377.620, is hereby found and declared to be a public nuisance. The Director of Transportation, 30 days after written notice is mailed to the person owning or operating the junkyard, may institute, on behalf of the Department of Transportation any legal proceedings the director considers necessary to prevent the violation of ORS 377.620.

(2) Whenever the owner or operator of a junkyard places junk on state highway right of way adjacent to or in the immediate vicinity of the junkyard, the director, 10 days after written notice is mailed to the person owning or operating the junkyard, may remove and store the junk. Junk placed on a highway right of way adjacent to or in the vicinity of a junkyard is prima facie evidence that it has been placed there by the owner or the operator of the junkyard. After 30 days of storage, unless claimed sooner by the owner, the director may sell or otherwise dispose of the junk by sale or otherwise. When removal is performed by the director, the director shall not be liable for conversion of any personal property and the director may collect the director's cost for removal, storage and sale or disposal from the person owning the junk. [1967 c.590 §8; 1975 c.262 §2; 1979 c.210 §4; 1993 c.741 §51]

377.640 Acquisition of land necessary to screen or relocate junkyards. The Department of Transportation may acquire by purchase, agreement, donation, or the exercise of the power of eminent domain, such lands or interest in lands as may be necessary for the screening or the relocation, removal or disposal of junkyards. In exercising the power of eminent domain the department shall be governed by the provisions of ORS chapter 35. [1967 c.590 §9; 1971 c.741 §36]

377.645 Expenditure of moneys to screen or relocate junkyards prior to availability of federal matching funds. (1) The Department of Transportation may expend moneys appropriated to the department for the purposes of the screening, relocating, removal or disposal of junkyards as provided in ORS 377.625 to 377.640, except that the department may not use moneys that are subject to the provisions of section 3a, Article IX of the Oregon Constitution. Moneys appropriated for the purposes specified in this subsection may be expended by the department unless and until federal-aid matching funds are appropriated and made available to the state for such similar purposes as provided in section 136, title 23, United States Code.

(2) All money received by the Director of Transportation under ORS 377.505, 377.510, 377.515 and 377.605 to 377.655 shall be credited to the State Highway Fund. [1967 c.590 §§10,11; 1983 c.338 §924; 1993 c.741 §52; 2001 c.750 §1]

DISPOSAL OF PROPERTY

377.650 Personal property not junk as nuisance; disposition of property; liability. Any personal property not coming within the definition of junk, except a vehicle as defined in ORS 801.590 or a manufactured structure as defined in ORS 446.561, that is deposited, left or displayed on a state highway is hereby found and declared to be a public nuisance. The Director of Transportation may do any of the following with respect to personal property declared to be a nuisance by this section:

(1) Ten days after written notice is mailed to the person owning the personal property, the director may institute on behalf of the Department of Transportation any legal proceedings the director considers necessary to prevent the violation of this section.

(2) Ten days after written notice, the director may remove the personal property and store it. After 30 days of storage, unless claimed sooner by the owner, the director may sell or otherwise dispose of the personal property. Where removal is performed by the director, the director shall not be liable for any conversion of personal property and may collect the cost for removal, storage and sale or disposal of the personal property from the person owning it.

(3) If the property is a sign, as defined under ORS 377.710, that is portable or if the property has been repeatedly deposited, left or displayed in violation of this section, the director may follow the procedures under ORS 377.655. This subsection applies notwithstanding any other provision of this section. [1975 c.262 §4; 1983 c.338 §925; 1985 c.110 §1; 1993 c.741 §53; 1999 c.59 §102; 2003 c.655 §73]

377.655 Rules for removal and disposition of signs and property in violation of ORS 377.650. (1) The department shall adopt rules consistent with this section to provide procedures for the removal and disposition of portable signs or personal property that has been repeatedly left, deposited or displayed in violation of ORS 377.650.

(2) Rules adopted by the department under this section may provide for any of the following:

(a) A reduction in the times required for notice of violation, opportunity for hearing, opportunity to remove the violation and removal of the violation.

(b) Removal of the violation without prior notice if the person committing the violation has been given prior notice of the violation. If removal is provided under this paragraph, opportunity for hearing must be

provided by the rules within five days after the removal.

(c) Any other rules concerning removal and disposition of such violations that the department determines will reduce the repeating of such violations. [1985 c.110 §2]

MOTORIST INFORMATION SIGNS

(General Provisions)

377.700 Short title. ORS 377.700 to 377.840 and 377.992 shall be known and may be cited as the Oregon Motorist Information Act of 1971. [1971 c.770 §1]

377.705 Policy. To promote the public safety; to preserve the recreational value of public travel on the state's highways; to preserve the natural beauty and aesthetic features of such highways and adjacent areas; to provide information about and direct travelers to public accommodations, services for the traveling public, campgrounds, parks, recreational areas, and points of scenic, historic, cultural and educational interest, it is the policy of this state and the purpose of ORS 377.700 to 377.840 and 377.992:

(1) To establish official information centers and motorist informational signs, including sign plazas in appropriate locations for the convenient arrangement of those signs.

(2) To provide for publication and distribution of official guidebooks and other publications.

(3) To prohibit the indiscriminate use of other outdoor advertising.

(4) To provide motorists, where feasible, a telephone emergency, information and reservation system for lodging. [1971 c.770 §2; 1999 c.877 §1]

377.707 Identifying location of signs on construction plans; repair or replacement of damaged signs. (1) The Department of Transportation shall ensure that all construction and engineering plans for state highways identify the locations of motorist informational signs, tourist oriented directional signs and logo signs. The department shall adopt written plans for protecting the signs from damage during construction.

(2) If any sign specified in subsection (1) of this section is damaged, destroyed or lost as a result of work on a highway done by the department, the department shall repair or replace the sign. [2001 c.402 §2]

Note: 377.707 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.708 Effect on certain signs of transfer of jurisdiction over state highway. (1) As part of the negotiation process between the Department of Transportation and another road authority concerning transfer of jurisdiction over a state highway from the department to the other road authority, the department shall identify any tourist oriented directional signs and logo signs on the state highway that will be affected by the transfer. If there are such signs, the department shall notify the Travel Information Council of the proposed transfer of jurisdiction.

(2) When signs described in subsection (1) of this section are identified, the road authority that will receive jurisdiction over the state highway shall, as part of the negotiation process, agree in writing to protect the signs from destruction or removal. The transfer of jurisdiction may not take place until the receiving road authority has entered into the written agreement described in this subsection.

(3) After the transfer of jurisdiction, the Travel Information Council shall retain authority over signs on the highway as though the highway were still a state highway.

(4) After a transfer of jurisdiction over a state highway from the department to another road authority, the council shall notify the receiving road authority of any request for a new sign and shall request approval of the sign's location from that road authority. [2003 c.388 §2]

Note: 377.708 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.710 Definitions for ORS 377.700 to 377.840; rules. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

(1) "Back-to-back sign" means a sign with multiple display surfaces mounted on a single structure with display surfaces visible to traffic from opposite directions of travel.

(2) "Commercial or industrial zone" means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.

(3) "Council" means the Travel Information Council created by ORS 377.835.

(4) "Cutout" means every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to and superimposed upon a sign.

(5) "Department" means the Department of Transportation.

(6) "Director" means the Director of Transportation.

(7) "Display surface" means the area of a sign available for the purpose of displaying a message.

(8) "Double-faced sign" means a sign with multiple display surfaces with two or more separate and different messages visible to traffic from one direction of travel.

(9) "Erect" means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

(10) "Federal-aid primary system" or "primary highway" means the federal-aid primary system in existence on June 1, 1991, and any highway that is on the National Highway System.

(11) "Freeway" means a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.

(12) "Governmental unit" means the federal government, the state, or a city, county or other political subdivision or an agency thereof.

(13) "Interstate highway" or "interstate system" means every state highway that is a part of the National System of Interstate and Defense Highways established pursuant to section 103(c), title 23, United States Code.

(14) "Logo" means a symbol or design used by a business as a means of identification of its products or services.

(15) "Logo sign" means a sign located on highway right of way on which logos for gas, food, lodging and camping are mounted.

(16) "Maintain" includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.

(17) "Main traveled way" means the through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps.

(18) "Motorist informational sign" means a sign erected in a safety rest area, scenic overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the traveling public about public accommodations, services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest.

(19) "Nonconforming sign" means a sign that complied with ORS 377.700 to 377.840 when erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law or in the conditions outside of the owner's control. An unlawfully located or maintained sign is not a nonconforming sign.

(20) "Outdoor advertising sign" means:

(a) A sign that is not at the location of a business or an activity open to the public, as defined by the department by rule; or

(b) A sign for which compensation or anything of value as defined by the department by rule is given or received for the display of the sign or for the right to place the sign on another's property.

(21) "Protected area" means an area located within 660 feet of the edge of the right of way of any portion of an interstate highway constructed upon any part of right of way, the entire width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion or segment does not traverse:

(a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject to municipal regulation or control; or

(b) Other areas where land use, as of September 21, 1959, is established as industrial or commercial pursuant to state law.

(22) "Reconstruct" means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.840.

(23) "Relocate" includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.

(24) "Relocation credit" means a credit for future relocation of a permitted outdoor advertising sign issued in lieu of a relocation permit under ORS 377.767.

(25) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether issued in a lieu of a current sign permit or a relocation credit.

(26) "Rest area" means an area established and maintained within or adjacent to a state highway right of way by or under public supervision or control for the convenience of the traveling public, and includes safety rest areas, scenic overlooks or similar roadside areas.

(27) "Scenic byway" means a state highway or portion of a state highway designated as part of the scenic byway system by the Oregon Transportation Commission or Federal Highway Administration of the United States Department of Transportation.

(28) "Secondary highway" means any state highway other than an interstate highway or primary highway.

(29)(a) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public.

(b) "Sign" includes the sign structure, display surface and all other component parts of a sign.

(c) When dimensions of a sign are specified, "sign" includes panels and frames and both sides of a sign of specified dimensions or area.

(30) "Sign area" means the overall dimensions of all panels capable of displaying messages on a sign structure.

(31) "Sign plaza" means a structure erected and maintained by or for the department or the Travel Information Council, adjacent to or in close proximity to a state highway, for the display of motorist information.

(32) "Sign rules for protected areas" means rules adopted by the department applicable to signs displayed within protected areas.

(33) "Sign structure" or "structure" means the supports, uprights, braces, poles, pylons, foundation elements, framework and display surfaces of a sign.

(34) "State highway," "highway" or "state highway system" means the entire width between the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and the interstate system and the federal-aid primary system.

(35) "Tourist oriented directional sign" means a sign erected on state highway right of way to provide business identification and directional information for services and activities of interest to tourists.

(36) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing or regulating traffic, which has been erected by or under the order of the department.

(37) "Travel plaza" means any staffed facility erected under the authority of the Travel Information Council to serve motorists by providing brochures, displays, signs and other visitor information and located in close proximity to a highway.

(38) "Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and capable of displaying a total of three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

(39) "V-type sign" means two signs erected independently of each other with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than 10 feet at the nearest point.

(40) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main traveled way of any state highway. [1971 c.770 §3; 1973 c.790 §1; 1974 c.33 §1; 1975 c.336 §1; 1977 c.265 §1; 1983 c.111 §1; 1987 c.336 §2; 1993 c.741 §54; 1999 c.877 §2; 2007 c.199 §5; 2009 c.463 §5]

377.712 Issuance of permits for certain preexisting signs. (1) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign in existence on May 30, 2007, located in a commercial or industrial zone in existence on May 30, 2007, that meets all requirements for obtaining an outdoor advertising sign permit as set out in ORS 377.700 to 377.780 and for which the owner had not secured an outdoor advertising permit as required by ORS 377.725 prior to May 30, 2007, either because of ignorance of the requirements of ORS 377.725 or because the area, road or street adjacent to which the sign was situated was not, at that time, designated as a state highway, shall be entitled to the issuance of an outdoor advertising sign permit by the Department of Transportation upon application by the owner of the sign and the payment of the fee established by the department under ORS 377.729.

(2) Notwithstanding the provisions of ORS 377.700 to 377.780, the owner of any outdoor advertising sign visible from a road or street that is designated as a state highway after May 30, 2007, is entitled to the issuance of an outdoor advertising sign permit for the sign upon application by the owner of the sign, payment of the fee established by the department under ORS 377.729 and receipt of the affidavit required under ORS 377.723, if the sign was lawfully located within a commercial or industrial zone at the time of designation as a state highway. [1977 c.265 §7; 1993 c.376 §1; 2001 c.104 §127; 2001 c.750 §4; 2007 c.199 §6]

Note: 377.712 was enacted into law by the Legislative Assembly but was not added to or made a part of any series in ORS chapter 377 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Signs, Generally)

377.715 Application of ORS 377.700 to 377.840; prohibition against erection or maintenance of certain signs not in compliance with law. ORS 377.700 to 377.840, and the rules adopted pursuant thereto, apply to signs erected or maintained outside the right of way along state highways and visible to the traveling public from a state highway. A person may not erect or maintain a sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless the sign complies with the provisions of ORS 377.505 to 377.540 and 377.700 to 377.840, and the rules adopted pursuant thereto. A person may not erect or maintain a sign on the right of way of a state highway, other than a traffic control sign or device. [1971 c.770 §8; 1973 c.790 §2; 1974 c.33 §2; 1975 c.336 §2; 1983 c.111 §2; 1987 c.336 §3; 1999 c.877 §3; 2007 c.199 §7]

377.720 Prohibited signs; exceptions. A sign may not be erected or maintained if it:

(1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic control signs or devices or approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to:

(a) A traffic control sign or device.

(b) Signs or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control that are not outdoor advertising signs.

(c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, intermittent, revolving, rotating or moving lights.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

(6) Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(7) Is not maintained in a neat, clean and attractive condition and in good repair.

(8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(9) Is on a vehicle or trailer that is located on public or private property. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property. [1971 c.770 §15; 1973 c.790 §3; 1977 c.256 §2; 1981 c.392 §1; 1999 c.877 §4; 2007 c.199 §8]

377.723 Affidavit of city or county necessary for issuance of sign permit; requirements of affidavit. Notwithstanding any other provision of ORS 377.700 to 377.840, the Department of Transportation shall not issue a permit under ORS 377.725 or 377.767 unless the applicant for the permit submits affidavits that meet the following requirements:

(1) The applicant must submit an affidavit from each city or county that would have jurisdiction over the proposed sign.

(2) Each affidavit must contain a certification by the respective city or county that the proposed sign would comply with all applicable ordinances, plans, rules and other requirements of the city or county.

(3) Each affidavit must be on a form prepared by the department. [1981 c.329 §2; 1987 c.336 §4; 1993 c.741 §55]

377.725 Permit; application; fee; cancellation; rules. (1) A person may not erect, control, relocate or reconstruct an outdoor advertising sign unless the Department of Transportation has issued a permit for the erection, control, relocation or reconstruction of the sign.

(2) A person who applies for a permit to the Director of Transportation shall complete forms furnished by the director. The permit application shall include a precise description of the outdoor advertising sign and such other information as the director considers necessary or desirable to determine compliance with ORS 377.700 to 377.840. The director shall issue a permit for an outdoor advertising sign that complies with ORS 377.700 to 377.840. A valid permit may be transferred to another person upon written notice to the director.

(3) A permit may not be issued for an outdoor advertising sign located adjacent to an interstate highway or freeway unless the director determines that access to the sign from the interstate highway or freeway can be obtained without violating the access control line of the interstate highway or freeway.

(4) A permit shall be renewed annually on the first day of January. Application for

renewal of a permit shall be filed prior to expiration of the term of the permit. If application for renewal of a permit is filed within 30 days after the expiration of the term, the permit shall be granted if any additional fee specified by the department in rules adopted under ORS 377.729 is paid at the time the application is filed. Any permit not renewed in accordance with this section shall be canceled.

(5) Permit fees for purposes of this section are as established by the department by rule under ORS 377.729.

(6) A permit shall be issued for one year. The applicable fee shall accompany the permit application. A fee may not be prorated for a fraction of a year or be refunded if the outdoor advertising sign is removed.

(7) The display surface of an outdoor advertising sign may be changed or cutouts may be attached or removed within the sign area without obtaining a permit. However, a permit shall be obtained if the outdoor advertising sign is reconstructed.

(8) A reconstruction permit may be issued for the addition of another display surface on the opposite side of an existing, conforming sign under permit, that is no larger than the existing display surface.

(9) The director shall require removal of a sign or shall cancel a permit and require removal of an outdoor advertising sign as provided by ORS 377.775 if the director finds a sign has been erected, maintained or serviced from the highway right of way at any portion of the right of way where the department has acquired rights of access to the highway or rights of access have not accrued to the abutting property. If there is no permit for the outdoor advertising sign, then the director shall require removal of the outdoor advertising sign. In addition, the department may recover from the owner of the sign or outdoor advertising sign or from the person erecting, maintaining or servicing the sign or outdoor advertising sign, the amount of damage to landscaping, sod, fencing, ditches or other highway appurtenances resulting from such acts. If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767.

(10)(a) The director may cancel a permit, unless a corrected application is filed or the outdoor advertising sign is brought into compliance within 30 days after written notice thereof is mailed to the permittee, if the director finds:

(A) The applicant has knowingly supplied materially false or misleading information in the application for a permit or renewal thereof; or

(B) The sign covered by the permit violates ORS 377.700 to 377.840.

(b) If a permit is canceled under this subsection, an outdoor advertising sign may not be relocated under ORS 377.767, and the holder of the permit is not entitled to a relocation credit.

(11) The director shall cancel a permit immediately upon failure of a permittee to erect or maintain the outdoor advertising sign as described by the permit application and to attach a permit plate to the sign 180 days after the date of issuance of the permit.

(12) The director shall assign a permit plate with an identification number to the permit issued for an outdoor advertising sign. The permittee shall attach the permit plate to the outdoor advertising sign so the plate is visible from the adjacent state highway. The absence of a permit plate or failure to renew the permit annually is prima facie evidence that the outdoor advertising sign does not comply with ORS 377.700 to 377.840.

(13) Except as otherwise provided in ORS 377.712, 377.753 and 377.765, no permits shall be issued for the erection of any new outdoor advertising sign after May 30, 2007.

(14) The director may establish more than one class or type of outdoor advertising sign permit as necessary or desirable to carry out ORS 377.700 to 377.840.

(15) Any hearing under this section shall be conducted as a contested case hearing under ORS chapter 183. [1971 c.770 §23; 1973 c.790 §4; 1974 c.33 §3; 1975 c.336 §4; 1977 c.265 §2; 1985 c.553 §1; 1993 c.376 §2; 1993 c.741 §56; 1999 c.877 §5; 2001 c.750 §5; 2003 c.126 §1; 2007 c.199 §9; 2009 c.463 §6]

377.726 [1977 c.265 §8; 1979 c.146 §3; 1981 c.308 §2; 1999 c.877 §6; 2001 c.750 §6; repealed by 2007 c.199 §28]

377.727 [1974 c.33 §8; 1999 c.663 §1; 2007 c.71 §100; repealed by 2007 c.199 §28]

377.729 Fees for sign permits and business licenses; rules. The Department of Transportation may adopt rules establishing permit fees for purposes of ORS 377.725 and fees for an outdoor advertising business license issued under ORS 377.730. Fees established by the department shall be designed to recover the cost to the department of regulating signs that are outside the right of way of a highway but are visible from the highway. [1985 c.553 §4; 1987 c.336 §1; 2001 c.750 §2]

377.730 License for business of maintaining or erecting signs; fee; application; revocation; suspension. (1) A person shall not engage in the business of erecting or maintaining outdoor advertising signs for other persons without first obtaining an annual license therefor from the Director of Transportation and paying the annual license fee established by the Department of Transportation by rule as provided in ORS 377.729.

(2) An application for a license or renewal thereof shall be made on a form furnished by the director, shall contain such pertinent information as the director may require and shall be accompanied by the applicable annual fee. A license granted under this section expires on June 30 of each year. The fee shall not be prorated. The director shall by certified mail send to each licensee a notice of expiration of license and a renewal application form not less than 30 days before the date of expiration.

(3) If the director finds that an applicant has knowingly provided materially false or misleading information in the application or that a licensee has violated any of the provisions of ORS 377.700 to 377.840, the director may revoke, suspend for a period of up to one year or refuse to renew the license unless a corrected application is filed or the violation ceases, within 30 days after written notice to do so is mailed to the applicant or licensee. During the suspension of a license, the licensee may continue in business, but shall not erect or reconstruct any sign requiring a permit under ORS 377.700 to 377.840. [1971 c.770 §22; 1973 c.790 §5; 1993 c.741 §57; 2001 c.750 §3]

377.735 Exemptions from sign permit requirements; historic signs; rules. (1) The permit requirements of ORS 377.700 to 377.840 do not apply to:

(a) Signs of a governmental unit, including but not limited to traffic control signs or devices, legal notices or warnings.

(b) A temporary sign on private property if:

(A) The sign does not exceed 12 square feet;

(B) The sign is not on a permanent base;

(C) The sign does not remain in place for a period of more than 60 days in a calendar year, except that a sign erected by a resident on the resident's residential property may remain in place for longer than 60 days in a calendar year;

(D) No person receives compensation or anything of value as defined by the Department of Transportation by rule for displaying the sign; and

(E) The sign complies with ORS 377.720.

(2) The Department of Transportation may adopt rules that, for good cause shown, allow a person displaying a temporary sign to obtain a variance from the restrictions in subsection (1)(b) of this section. The department shall not consider the content of the sign in deciding whether to allow a variance.

(3) The department shall adopt rules for the approval and preservation of historic signs. Rules adopted under this subsection may not be based on or allow consideration of the content of the signs.

(4) The department shall adopt rules for the erection and maintenance of permanent signs that do not exceed six square feet and that provide messages for the safety or convenience of the public.

(5) ORS 377.700 to 377.840 do not apply to a sign erected or maintained within a city more than 660 feet from the nearest edge of the right of way of a state highway, unless the sign is designed to be viewed primarily from the state highway. [1971 c.770 §14; 1973 c.790 §6; 1975 c.336 §5; 1977 c.265 §3; 1987 c.336 §5; 1993 c.741 §58; 1999 c.877 §7; 2007 c.199 §10]

377.737 Giving or receiving compensation or value for signs; rules. (1) To determine whether a person is giving or receiving, or has given or received, compensation or anything of value as defined by the Department of Transportation by rule for displaying a sign, the department may issue an investigative demand upon any person it reasonably believes may have relevant documents or information.

(2) If any person after being served an investigative demand under subsection (1) of this section fails or refuses to obey the demand, the Department of Transportation may request that the Department of Justice apply to an appropriate circuit court and, after a hearing, request an order requiring compliance with the demand. [2007 c.199 §2]

Note: 377.737 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.740 ORS 377.700 to 377.840 not intended to authorize signs prohibited by other governmental units. Nothing in ORS 377.700 to 377.840 and 377.992 is intended to permit a person to erect or maintain any sign that is prohibited by any governmental unit. [1971 c.770 §25]

377.745 Limitation on form and size of signs. (1) Except as provided in subsection (3) of this section, an outdoor advertising sign may not exceed:

(a) A length of 48 feet;

(b) A height, excluding foundation and supports, of 14 feet; or

(c) A sign area of 825 square feet.

(2) In determining the dimensions of an outdoor advertising sign or sign area under this section:

(a) Cutouts that project beyond the borders of an outdoor advertising sign shall be included in measuring the area of a sign, but not the height or length of a sign. The sign area of cutouts shall be no more than 20 percent of the area of the sign to which attached.

(b) The limitations apply separately to each side of a back-to-back sign.

(c) The size limitations apply separately to each sign forming a V-type sign.

(d) The size limitations apply separately to each of the display surfaces on a tri-vision sign.

(3) A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to exceed the size limitations established in this section until the sign is reconstructed or relocated, at which time the sign must comply with subsection (1) of this section. [1971 c.770 §20; 1973 c.790 §7; 1999 c.877 §8; 2007 c.199 §11]

377.750 Spacing between signs. (1) For the purpose of applying the spacing provided by subsection (2) of this section:

(a) Distances shall be measured lineally along the highway and parallel to the center line of the highway.

(b) A back-to-back sign, double-faced sign, V-type sign or tri-vision sign shall be considered one sign.

(c) Distance from an interchange shall be measured from a point departing from or entering onto the main traveled way.

(2) Except as provided in subsection (3) of this section, minimum spacing between outdoor advertising signs shall be:

Type of highway where erected	Minimum space between signs on same side of of highway (in feet)	Minimum space from interchange (in feet)
Interstate Highway		
Inside cities	500	None
Outside cities	2,000	500
Freeway		
Inside cities	500	None
Outside cities	1,000	500
Other state highway		
Inside cities	100	None
Outside cities	500	None

(3) A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to deviate from the spacing limitations established in this section until the sign is reconstructed or relocated, at which time the sign shall comply with the spacing limitations established in this section. [1971 c.770 §21; 1973 c.790 §8; 1997 c.249 §120; 1999 c.877 §9; 2007 c.199 §12]

377.753 Permits for outdoor advertising signs; rules. (1) Notwithstanding the provisions of ORS 377.715, 377.725 and 377.770, the Department of Transportation may issue permits for outdoor advertising signs placed on benches or shelters erected or maintained for use by customers of a mass transit district, a transportation district or other public transportation agency.

(2) The department shall determine by rule the fees and criteria for the number, size, and location of such signs but the department may not issue a permit for a sign that is visible from an interstate highway. [2007 c.199 §3]

Note: 377.753 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.755 [1971 c.770 §13; 1973 c.790 §9; 1974 s.s. c.33 §4; 1977 c.256 §1; repealed by 1987 c.336 §7]

377.756 Permits for signs erected by city or unincorporated community. (1) The Department of Transportation shall issue permits for the erection of signs authorized by ORS 377.756 to 377.758. Subject to subsections (2) and (3) of this section, permits shall be issued at no cost to any city or county that applies or to any nonprofit or civic applicant approved by a city or county. Each permit entitles the holder of the permit to erect one sign in accordance with this section.

(2) Each city may be given permits under this section entitling the city to erect not more than two signs that are visible from state highways and that are within the city limits or, pursuant to a memorandum of understanding with appropriate federal authorities, are no more than one mile outside of the city limits. The permits may be given directly to the city or may be given to a nonprofit or civic organization designated by the city governing body.

(3) Each county may be given permits under this section entitling each unincorporated community identified in the county comprehensive plan, as defined in ORS 197.015, to erect not more than two signs that are visible from state highways and that are within one mile of the community growth boundary as designated by the county. The permits may be given directly to the county or, if the county governing body so authorizes, to an unincorporated community or a nonprofit or civic organization designated by the county governing body.

(4) The department may not issue more than 200 permits under this section. [1987 c.631 §2]

377.757 Requirements for signs authorized by ORS 377.756; payment of cost of sign. (1) A sign authorized by ORS 377.756 shall not exceed 48 square feet in size and may not have a vertical or horizontal dimension of more than eight feet. Nothing in this subsection affects size requirements for signs of a governmental unit that are authorized under ORS 377.735.

(2) Signs erected pursuant to ORS 377.756 to 377.758 shall be kept in good repair and shall be clean and attractive.

(3) A county may require an unincorporated community authorized to erect a sign under ORS 377.756 to 377.758 to pay for the cost of erecting and maintaining the sign.

(4) If a city or county obtains a permit under ORS 377.756 for a nonprofit or civic organization, the city or county may require the organization to pay the cost of erecting and maintaining the sign.

(5) Signs erected pursuant to ORS 377.756 to 377.758 shall conform to the provisions of ORS 377.720. [1987 c.631 §§3,4]

377.758 Notification by federal authorities of illegal sign; consequences. If appropriate federal authorities notify the Department of Transportation that the erection of a sign pursuant to any of the provisions of ORS 377.756 to 377.758 is contrary to any federal law, the department shall cease issuing permits and shall cause any signs erected pursuant to ORS 377.756 to 377.758 to be removed. [1987 c.631 §5; 2001 c.104 §128]

377.759 Issuance of relocation credits for removal of outdoor advertising signs from scenic byway; rules. (1) The Department of Transportation shall administer an incentive program to encourage voluntary removal of outdoor advertising signs from particularly scenic areas of scenic byways.

(2) An owner of an outdoor advertising sign that is visible from a scenic byway may apply to the department for participation in the incentive program. The sign and permit must meet the requirements of ORS 377.700 to 377.840 to qualify for relocation. A sign that is a nonconforming sign for a defect that cannot be remedied upon reconstruction at the same location does not qualify for the incentive program.

(3) If the department determines that the sign is in a particularly scenic area of a scenic byway, the department shall notify the owner that the sign qualifies for the incentive program. If the owner chooses to remove the sign, the owner shall notify the department of the date by which the owner will remove the sign. The removal date must be not later than 90 days after the department's notification.

(4) The department shall issue two relocation credits to the owner in exchange for the removal of a qualified sign. If the owner also submits an application for relocation of the sign and permit under ORS 377.767, the department may issue the relocation permit and one relocation credit. Any relocation credit or relocation permit issued under the incentive program is subject to all the requirements of ORS 377.700 to 377.840.

(5) The department shall adopt rules to establish standards to determine whether a sign is in a location that is particularly scenic such that it qualifies for the incentive program. [2009 c.463 §2]

Note: 377.759, 377.762 and 377.763 were added to and made a part of 377.700 to 377.840 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.760 [1971 c.770 §26; 1973 c.790 §10; repealed by 1987 c.336 §7]

377.762 Issuance of relocation credits for removal of sign. The Department of Transportation shall issue a relocation credit upon the owner's request if a sign is removed, the owner has lost the lease for that sign site and the sign and permit meet the requirements of ORS 377.700 to 377.840. [2009 c.463 §3]

Note: See note under 377.759.

377.763 Consolidation of relocation credits. The owner of a relocation credit may combine relocation credits for outdoor advertising signs that have 249 square feet or less of display surface on one side to form a single relocation credit. After the relocation credits are combined, the Department of Transportation shall cancel the smaller relocation credits used to create the combined relocation credit. The first time an owner uses a combined relocation credit, the combined relocation credit is not restricted by the provisions of ORS 377.767 (4). [2009 c.463 §4]

Note: See note under 377.759.

377.765 Status of previously existing signs; removal upon payment of compensation. (1) Outdoor advertising signs in existence on May 30, 2007, and lawfully located within commercial or industrial zones in existence on May 30, 2007, and outdoor advertising signs visible from a road or street that is designated as a state highway after May 30, 2007, and lawfully located within a commercial or industrial zone at the time the road or street is designated as a state highway, may remain. Subject to the provisions of ORS 377.700 to 377.840, such signs may be maintained, reconstructed and relocated. However, such signs may not be relocated unless a relocation permit has been issued pursuant to ORS 377.767. A permit may not be issued to relocate an outdoor advertising sign that was not lawfully in existence on May 30, 2007, except that outdoor advertising signs that are visible from a road or street that is designated as a state highway after May 30, 2007, and that are lawfully located within a commercial or industrial zone at the time the road or street is designated as a

state highway, may be relocated within the same section of highway.

(2) All outdoor advertising signs that are lawfully located outside of a commercial or industrial zone and visible from an interstate highway or a primary highway shall be removed upon payment of just compensation as provided by ORS 377.780.

(3) Upon payment of just compensation, the Department of Transportation may remove any lawful outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to 377.540.

(4) Outdoor advertising signs in existence on May 30, 2007, that are lawfully located outside of a commercial or industrial zone in existence on July 1, 1971, and visible from a secondary highway and not within a scenic area existing on July 1, 1971, or thereafter designated a scenic area may be removed only upon payment of just compensation as provided in ORS 377.780. Upon payment of just compensation, the department may remove the outdoor advertising sign. It may not be reconstructed or replaced if destroyed by natural causes and may not be relocated.

(5) If a secondary highway existing on July 2, 1971, is subsequently designated as an interstate or primary highway, upon payment of just compensation, the department may remove outdoor advertising signs not conforming to the provisions of ORS 377.700 to 377.840.

(6) If any other highway is designated as an interstate or primary highway, upon payment of just compensation, the department may remove a nonconforming outdoor advertising sign lawful before such designation but nonconforming thereafter.

(7) Upon the construction or designation of a secondary highway, after July 2, 1971, an outdoor advertising sign lawfully in existence and not regulated under ORS 377.700 to 377.840 prior to such construction or designation is subject to subsection (4) of this section. [1971 c.770 §18; 1973 c.28 §1; 1973 c.790 §11; 1975 c.336 §7; 1993 c.376 §3; 2007 c.199 §13; 2009 c.463 §7]

377.766 [2007 c.199 §4; repealed by 2009 c.463 §13]

377.767 Relocation of existing outdoor advertising sign; conditions. A permit or a relocation credit shall be issued for the relocation of a permitted outdoor advertising sign lawfully located within a commercial or industrial zone in existence on May 30, 2007, if the site lease for the sign is terminated for any reason. The existing outdoor advertising sign may be relocated within any commercial or industrial zone if the new sign and the new site comply with ORS 377.700 to 377.840, and upon the following conditions:

(1) The outdoor advertising sign that is relocated may not have a sign size larger than that specified in the permit for the sign located on the site on which the lease was terminated. However, an outdoor advertising sign with 250 square feet or more of display surface on one side may be increased to the maximum size allowed by ORS 377.700 to 377.840 if the relocated sign is not visible from Interstate Highway 5, Interstate Highway 205, or Interstate Highway 84. A single-faced sign may be relocated as a back-to-back sign.

(2) The site for the relocated sign is not within the distances set forth below, on the same side of the highway, from a site from which an outdoor advertising sign was purchased pursuant to the provisions of ORS 377.700 to 377.840.

Types of Highway	Distance in Either Direction from Site
Interstate	2,000 feet
Freeway	1,000 feet
Other State Highway	500 feet

(3) If an outdoor advertising sign is relocated within a commercial or industrial zone that first came into existence after January 1, 1973, the site shall be within 750 feet of a developed commercial or industrial area, as measured parallel to the centerline of the highway. For purposes of this subsection, "developed commercial or industrial area" includes only the land occupied by a building, parking lot, storage area or processing area of a commercial or industrial use and on the same side of the highway.

(4) A permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the existing site of the sign as of May 30, 2007, as measured along public streets, roads or highways between that site and the proposed new site. For relocation credits that exist as of May 30, 2007, a permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the existing site of the sign as of September 1, 1977, as measured along public streets, roads or highways between that site and the proposed new site.

(5) Outdoor advertising signs may not be relocated to a scenic byway. If a portion of a highway is no longer designated as a scenic byway, as provided by state and federal law, an outdoor advertising sign may be relocated to that portion subject to ORS 377.700 to 377.840 and 377.992 and any other limitations provided by law.

(6) If the outdoor advertising sign being relocated is relocated as a tri-vision sign, the applicant shall obtain three equivalent per-

mits or relocation credits and the sign must meet all requirements of this section.

(7) If the outdoor advertising sign being relocated is relocated as a back-to-back tri-vision sign or V-type tri-vision sign, the applicant shall obtain six equivalent permits and the sign must meet all requirements of this section. [1975 c.336 §9; 1977 c.265 §4; 1983 c.226 §1; 1993 c.268 §1; 1997 c.249 §121; 1999 c.877 §10; 2007 c.199 §14; 2009 c.463 §8]

377.768 Effect of relocation permit on existing sign permit; duty of director. Notwithstanding ORS 377.700 to 377.840:

(1) Issuance of a permit under ORS 377.767 to relocate an outdoor advertising sign for which a permit has been issued under ORS 377.725 does not cancel the original permit issued under ORS 377.725 except as provided in this section. The applicant for the permit to relocate shall surrender the original permit to the Director of Transportation upon issuance of the permit to relocate. Upon completion of the relocation of the outdoor advertising sign, including the removal of the sign structure from the original site, the person holding the permit for relocation of the sign shall immediately notify the director in writing.

(2) The director shall retain any permit surrendered under subsection (1) of this section. If the director:

(a) Is notified that the relocation of the outdoor advertising sign is completed within 180 days after the issuance of the permit for relocation, the director shall cancel the original permit.

(b) Cancels the permit for relocation because the relocation of the outdoor advertising sign is not completed within 180 days as required under ORS 377.725, the director shall reinstate the original permit for the sign to the person whose permit for relocation of the sign is canceled.

(3) A permit that is reinstated under subsection (2) of this section remains valid and retains all rights under ORS 377.725 of a permit that has not been surrendered under this section. [1979 c.146 §2; 1993 c.741 §59; 2007 c.199 §15; 2009 c.463 §9]

377.770 Signs in protected, commercial or industrial areas. (1) Signs and outdoor advertising signs erected or maintained within protected areas shall comply with the sign rules for protected areas. If any provision of ORS 377.700 to 377.840 or rules adopted pursuant thereto are more restrictive than the sign rules for protected areas, the more restrictive provision or rule applies.

(2) In addition to the requirements provided by subsection (1) of this section, and subject to ORS 377.505 to 377.540, 377.720, 377.725, 377.745, 377.750 and 377.767:

(a) Outdoor advertising signs lawfully in existence on May 30, 2007, may be maintained, reconstructed or relocated within commercial or industrial zones. Within cities, an outdoor advertising sign may not be erected more than 660 feet from the nearest edge of the right of way if the sign is designed to be viewed primarily from a state highway.

(b) The Legislative Assembly declares it is the paramount policy of this state to prohibit outdoor advertising signs visible to the traveling public from a state highway except those lawfully in existence on May 30, 2007, in commercial or industrial zones established on May 30, 2007, except as provided by ORS 377.753, 377.765 and 377.767. [1971 c.770 §19; 1973 c.790 §12; 1974 c.33 §5; 1975 c.336 §10; 2007 c.199 §16]

377.773 When sign abandoned; removal. Any sign that does not have a message on the display surface for a period of six months is deemed to have been abandoned by the owner and is a noncomplying sign subject to removal by the Director of Transportation under the procedure set forth in ORS 377.775. [1974 c.33 §7; 1975 c.336 §11; 1993 c.741 §60; 2007 c.199 §17]

377.775 Removal procedure for noncomplying signs; ownership issues at hearing; disposition of removed signs; costs of removal. (1) Any sign that fails to comply with ORS 377.700 to 377.840 is a public and private nuisance. In addition to the penalties provided by ORS 377.992, such a sign may be removed by the Director of Transportation or the duly authorized representative of the director as provided by this section. The director may enter upon private property and remove the sign without incurring any liability therefor.

(2) If a noncomplying sign does not bear the name and address of its owner or if the owner is not readily identified and located, the director may remove it immediately.

(3)(a) If a noncomplying sign bears the name and address of its owner or if the owner of the sign is readily identified and located, the director shall notify the owner that the sign is in violation of ORS 377.700 to 377.840 and that the owner has 30 days from the date of the notice within which to make the sign comply, to remove the sign or to request a hearing before the director within the time specified in the notice.

(b) If the sign is not made to comply or is not removed and if the owner does not request a hearing within the time required, or if the owner after a hearing fails to comply with the final order in the proceedings, the director or the duly authorized representatives of the director may remove and destroy or otherwise dispose of the sign.

(4)(a) If the person who receives notice under subsection (3) of this section intends to raise issues regarding ownership interests in the sign or its appurtenances in a hearing requested under subsection (3) of this section, the request for hearing must include notice that the person intends to raise those issues and must contain the names and addresses of all persons who have ownership interests in the sign or its appurtenances.

(b) If the person requesting the hearing under subsection (3) of this section fails to include notice of intent to raise issues regarding ownership interests, the person may not raise the issues in the hearing. In addition, the person who requested the hearing may not raise issues regarding ownership interests of any person whose name and address the person who requested the hearing has failed to provide as required by paragraph (a) of this subsection.

(c) For purposes of this subsection, an ownership interest includes, but is not limited to:

(A) An interest in the land on which the sign is located, in the sign structure and in the display surface; and

(B) A right to operate the sign, whether the right is created by lease, operating agreement or otherwise.

(5)(a) The director shall, after removing a sign in accordance with subsection (2) of this section, place the sign in storage for 30 days while the director makes a further effort to find its owner.

(b) If the owner cannot be found within 30 days, the director may, without incurring any liability therefor, destroy or otherwise dispose of the sign.

(c) If the owner is found within 30 days, the owner may be required to remove the sign from storage.

(d) If the owner is found at any time, the director may recover from the owner the cost of storage. The cost of storage is in addition to the cost of removal payable under subsection (6) of this section.

(6) The owner is liable for, and the director shall collect, the costs of removing a sign. Costs shall be determined by the director on the basis of actual costs of removal or on a square-foot flat fee basis.

(7) A hearing under this section shall be conducted as a contested case hearing under ORS chapter 183. [1971 c.770 §17; 1973 c.790 §13; 1977 c.265 §5; 1993 c.741 §61; 2001 c.508 §2; 2007 c.199 §18]

377.777 Action to enjoin person from violation of ORS 377.700 to 377.840. If the Department of Transportation has issued three or more final orders in a 12-month period finding that a person has violated one or more provisions of ORS 377.700 to 377.840, the Director of Transportation may file an action for injunctive relief to enjoin the person, or any other entity substantially controlled or directed by the person, from further violating ORS 377.700 to 377.840. The action may be filed in the Circuit Court for Marion County or in the circuit court of the county that is the principal place of business or residence of the person the director seeks to enjoin. [2001 c.508 §5]

Note: 377.777 was added to and made a part of 377.700 to 377.840 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

377.780 Removal of outdoor advertising signs; payment of compensation; value determinations. (1) Where the Department of Transportation elects to remove and pay for a sign visible from secondary highways pursuant to ORS 377.765 (4), upon removal, the department shall pay just compensation.

(2) For the purposes of ORS 377.700 to 377.840, the department may acquire by purchase, agreement, donation or exercise of the power of eminent domain land or an interest in land or a sign. The department shall pay just compensation for:

(a) The taking from the owner of such lawfully located sign all right, title, leasehold and interest in such sign; and

(b) The taking from the owner of the real property on which the sign is located the right to place such sign thereon.

(3) When the department is required under ORS 377.700 to 377.840 to make payment therefor to remove a sign, the payment shall be for the value of the items specified by subsection (2) of this section, as determined by the department. In determining value, the department shall use the accepted appraisal method customarily used in such cases or the method prescribed by federal regulations, if any, applicable to such appraisals or payments, whichever results in the lowest valuation. However, in any case, the department shall so appraise such signs or rights taken by whatever method may be required to avoid imposition of a reduction in the amount of federal highway funds the state otherwise would be eligible to receive. [1971 c.770 §16; 1973 c.790 §14; 1975 c.336 §12; 2007 c.199 §19; 2009 c.463 §10]

377.785 [1971 c.770 §5; 1973 c.790 §15; 1983 c.324 §36; 1985 c.104 §4; renumbered 285.163 in 1991]

377.787 Contracts to study traveler information needs; council to establish sign programs; rules. (1) The Travel Information Council may enter into contractual or other agreements with other governmental agencies of this state or an independent contractor to study various ways of providing

information deemed necessary to the traveling public by signs, information centers or other means. The council may also enter into contractual or other agreements with other governmental agencies of this state or an independent contractor for the construction of experimental signs or displays to provide information deemed necessary to the traveling public.

(2) Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information Council shall institute logo sign and motorist informational sign programs on the state highway system and adopt any rules necessary to carry out such programs. [1979 c.478 §§5,7; 2007 c.199 §20]

377.790 Construction, maintenance and operation of tourist and motorist informational signs. Pursuant to the terms of a written agreement between the Department of Transportation and the Travel Information Council:

(1) The department shall furnish, erect and maintain motorist informational signs, logo signs, tourist oriented directional signs and sign plazas as requested by the council. Such signs shall be erected and maintained at locations the council considers appropriate. The department may contract for the furnishing, erection and replacement of all such sign plazas, logo signs, tourist oriented directional signs and motorist informational signs to be erected upon a state highway, in tourist information centers, rest areas or other places.

(2) In carrying out its responsibilities under ORS 377.700 to 377.840 the council may enter into contractual or other agreements with a city, county or other governmental agency of this state or with an independent contractor providing for the erection, maintenance, administration and operation of sign plazas, logo signs, tourist oriented directional signs and motorist informational signs and collection of the permit fees charged therefor, or for other matter authorized under ORS 377.700 to 377.840 requiring council consideration. When soliciting contracts for goods or professional services, the council shall:

(a) Require that an independent contractor, city, county or other governmental agency of the state submit a competitive bid;

(b) Review bids submitted;

(c) Select the contractor; and

(d) Enter into a written contract with the selected contractor, subject to contract specifications established by the department. [1971 c.770 §6; 1973 c.790 §16; 1983 c.111 §3; 1993 c.745 §7; 2003 c.14 §164]

377.795 Allocation of costs of telephone informational system; webpage fee; disposition of receipts. (1) Whenever the Travel Information Council establishes a telephone reservation system for lodging accommodations or other travel services at a sign plaza, the costs thereof shall be apportioned among the subscribing motels, hotels, trailer parks, campgrounds or providers of other travel services on a per room or other equitable basis.

(2)(a) Whenever the council establishes a tourist and motorist information Internet webpage, or cooperates with the Department of Transportation or another public or private entity to provide information about travel services through an Internet webpage, the council may charge a fee for advertisement by, or information provided on the Internet webpage on behalf of, the providers of travel services.

(b) The council may not place an advertisement for a provider of travel services on an Internet webpage identified as a department webpage. The department may place a link to the council's Internet webpage on an Internet webpage identified as a department webpage.

(3) If the council and the Department of Transportation decide to use the telephone system or the tourist and motorist information Internet webpage for emergency or other services, an appropriate portion of the overall telephone and Internet costs shall be borne by the department.

(4) Receipts shall be deposited monthly, before the 10th day of the month, to the Travel Information Council account required by ORS 377.840.

(5) The council may enter into one or more contracts providing for the promotion and sale of logos, motorist informational signs, sign plazas, subscriptions to the telephone reservation service and subscriptions to the tourist and motorist information Internet webpage. [1971 c.770 §7; 1973 c.790 §17; 1993 c.745 §8; 2001 c.296 §1; 2003 c.14 §165]

377.800 Tourist and motorist informational signs; logo signs; sign and travel plazas. (1) For the convenience and information of the traveling public, a person may upon obtaining a permit therefor display messages as may be allowed by rule adopted by the Travel Information Council for the particular type of sign on a motorist informational sign, tourist oriented directional sign or logo sign or at a sign plaza or travel plaza.

(2) The Travel Information Council may not erect a travel plaza on public lands without first obtaining consent from the

agency that owns the land. [1971 c.770 §9; 1973 c.790 §18; 1975 c.336 §13; 1983 c.111 §4; 2007 c.199 §25]

377.805 Form of tourist and motorist informational signs; use of logo signs. (1) The Travel Information Council shall by regulation prescribe the size, shape, color, lighting, and lettering of and manner of displaying messages on tourist oriented directional signs, logo signs and motorist informational signs.

(2) When appropriate, logo signs, tourist oriented directional signs and motorist informational signs shall be displayed in tiers or on panels. With the approval of the Director of Transportation, the council shall specify the types of locations where such a sign or panel may be erected or maintained, and the size, shape, lighting and other characteristics of the panels, including the location of signs thereon. Tiers or panels may be established at reasonably spaced intervals or at sign plazas.

(3) Distinctive signs shall be allowed to the extent considered practicable by the council. Logo signs shall be the primary means used to indicate the availability of one or more brands of motor fuel. Logos shall be of the shape, color and wording customarily used by the company. Logo signs and tourist oriented directional signs shall be placed adjacent to the traveled portion of the highway so as to be easily read by motorists without slowing or stopping. [1971 c.770 §10; 1973 c.790 §19; 1983 c.111 §5; 1993 c.741 §62]

377.810 [1971 c.770 §12; repealed by 1973 c.790 §27]

377.820 Application for tourist or motorist informational sign permit; investigation; disposition. (1) An application for a tourist oriented directional sign, logo sign or a motorist informational sign permit shall be submitted to the Travel Information Council on a form prescribed by the council. The application shall set forth the name and address of the applicant; the name, nature and location of the business or activity; the location where a tourist oriented directional sign, logo sign or a motorist informational sign is desired; and such other information as the council may require. The applicant shall tender with the application the permit fee required under ORS 377.825 for each sign requested.

(2) Upon receipt of an application for a tourist oriented directional sign, logo sign or a motorist informational sign, the council shall refer the application to the Department of Transportation. Upon receipt of the application the department shall do all the following:

(a) Notify any city in which a sign is proposed to be located of the proposed location and composition of the sign and seek comments from the city.

(b) Investigate the facts and make a report to the council with its recommendations thereon.

(c) Not recommend approval of an application unless the requested location conforms to the requirements prescribed by the council under ORS 377.805 and, if applicable, unless the applicant is complying with all statutes and rules of the State Health Officer regarding restaurants and places of public accommodation.

(d) Notify the council promptly in writing of the results of its investigation and its recommendations and the reasons for any recommended disapproval.

(3) If the council approves the application it shall issue the permit and forward the original to the applicant and a copy thereof to the director. If it is not approved, the council shall return the application and fee, stating the reasons for disapproval and giving the applicant opportunity to correct any defects or to be heard within 30 days by the council and to present evidence, with or without counsel at the applicant's discretion. Upon written request, the council shall hear the matter and notify the applicant of its findings and decision. The applicant may then appeal in the manner provided by ORS chapter 183. [1971 c.770 §24; 1973 c.790 §20; 1983 c.111 §6; 1983 c.523 §1a; 1993 c.741 §63]

377.825 Fees for sign applications, maintenance costs and reinstallation. (1) An applicant for a logo sign, tourist oriented directional sign or a motorist informational sign shall pay to the Travel Information Council an initial permit fee and an annual renewal fee which shall be determined for each year by the council in advance of such year.

(2) The council may establish a fee schedule for maintenance costs.

(3) The council may establish a fee for reinstallation of a sign that has been removed. [1971 c.770 §27; 1973 c.790 §21; 1983 c.111 §7; 1991 c.525 §1; 1999 c.38 §1]

377.830 Limitation on motorist informational sign permits; use of logo signs. Notwithstanding any other provisions of ORS 377.700 to 377.840, the Travel Information Council shall not issue, for any one place or business eligible therefor, more than two permits for motorist informational or logo signs for one direction of travel on a state highway leading to the place or business. Where a logo is available it shall be used and shall be one of the two allowable signs. [1971 c.770 §11; 1973 c.790 §22; 1983 c.111 §8]

(Administration)

377.835 Creation of Travel Information Council as semi-independent state agency; members; qualifications; appointment; terms; chairperson; quorum; rules. (1) The Travel Information Council is created as a semi-independent state agency.

(2) The Travel Information Council shall consist of 11 members. One shall be the chairperson of the Oregon Transportation Commission or a person within the Department of Transportation designated by the chairperson and 10 appointed members as follows: Two members from among the lodging, restaurant and recreation industries; one member from the vehicular service industry; one member from the outdoor advertising industry; one member from the electrical sign industry; and five members from the public at large. The public at-large members shall be appointed from among the residents of each congressional district. None of the public at-large members shall have any financial interest in any restaurant, hotel, motel, recreational facility, garage, oil company or other vehicular service industry, or in any advertising business other than shares of stock that are traded on a national stock exchange.

(3) The 10 appointed members shall be appointed by the Governor. Each shall be appointed to serve for a term of four years but a member may be removed at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause the Governor shall make an appointment to become effective immediately for the unexpired term. Five shall be appointed biennially on July 2 in odd-numbered years.

(4) The council shall select one of its members as chairperson, another as vice chairperson and a third as secretary. Six members shall constitute a quorum for the transaction of business. The council shall meet quarterly at a time and place to be determined by the chairperson. The chairperson or any three members of the council may call a special meeting upon not less than one week's written notice to the other members. All members are entitled to expenses as provided by ORS 292.495.

(5) The council may, in accordance with ORS chapter 183 and consistent with ORS 377.700 to 377.840, adopt and from time to time amend and repeal rules relating to tourist oriented directional signs, logo signs and motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign rules for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the commission. All such rules shall be consistent with federal laws and regulations relating to highways. The Director of Transportation shall take appropriate action for the administration and enforcement of orders issued and rules adopted under ORS 377.700 to 377.840.

(6) The commission may continue or amend any existing agreements and may enter into new agreements with the United States or any agency thereof authorized to make agreements under section 131, title 23, United States Code relating to the regulation, control and removal of signs within or adjacent to the Interstate and Federal Aid Systems.

(7) The council shall be under the administrative control of a director who is appointed by and who holds office at the pleasure of the council. The director of the Travel Information Council may appoint all subordinate officers and employees of the council and may prescribe their duties and fix their compensation. The director of the Travel Information Council may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the council by or pursuant to law. [1971 c.770 §4; 1973 c.790 §23; 1981 c.545 §5; 1983 c.111 §9; 1993 c.741 §§64,64a; 1997 c.632 §6]

377.836 Application of certain statutes to Travel Information Council. (1) Except as otherwise provided by law, and except as provided in subsection (2) of this section, the provisions of ORS 279.835 to 279.855 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Travel Information Council. The council is subject to all other statutes governing a state agency that do not conflict with ORS 377.700 to 377.840, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. Subject to the requirements of ORS chapters 238 and 238A, the council's employees are members of the Public Employees Retirement System.

(2) The following shall apply to the council:

(a) ORS 279A.250 to 279A.290;

(b) ORS 282.210 to 282.230; and

(c) ORS 293.235, 293.240, 293.245, 293.611, 293.625 and 293.630. [1993 c.745 §4; 1997 c.249 §122; 2003 c.733 §77; 2003 c.794 §268]

377.837 [1973 c.790 §26; repealed by 1983 c.111 §10]

377.838 Authority of director of Travel Information Council. (1) Except as provided in subsection (2) of this section, in carrying out the duties, functions and powers of the Travel Information Council, the director of

the Travel Information Council may contract with any state agency for the performance of such duties, functions and powers as the council considers appropriate.

(2) The director of the Travel Information Council shall not, without the prior approval of the council:

(a) Award any contract for goods or professional services in excess of $25,000; or

(b) Authorize any expenditure of moneys in excess of $25,000.

(3) The council shall file with the Governor and the Legislative Assembly an annual report of the activities and operations of the council. [1993 c.745 §5; 1993 c.741 §64b]

377.840 Travel Information Council account; budget process; disposition of moneys received. (1) All moneys collected or received by the Travel Information Council shall be deposited into a Travel Information Council account established in a depository insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson of the council shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Subject to the chairperson's approval, the council may invest moneys collected or received by the council. Investments made by the council are limited to the types of investments listed in ORS 294.035. Interest earned from any amounts invested shall be made available to the council in a manner consistent with the council's approved biennial budget.

(2) Subject to the approval of the chairperson or director of the Travel Information Council, all necessary council expenses shall be paid from the moneys collected or earned by the council.

(3)(a) The Travel Information Council shall adopt a budget on a biennial basis using the classifications of expenditures and revenues required by ORS 291.206 (1). However, the budget shall not be subject to review and approval by the Legislative Assembly or to future modification by the Emergency Board or Legislative Assembly.

(b) The council shall adopt a budget only after a public hearing thereon. At least 15 days prior to any public hearing on the budget, the council shall give notice of the hearing to all persons known to be interested in the proceedings of the council and to any person who requests notice.

(4) All expenditures from the Travel Information Council account are exempt from any state expenditure limitation. The Travel Information Council shall follow generally accepted accounting principles and keep such other financial and statistical information as may be necessary to completely and accurately disclose the financial condition and financial operations of the council as may be required by the Secretary of State.

(5) As used in this section, "depository" has the meaning given in ORS 295.001. [1971 c.770 §29; 1973 c.790 §24; 1987 c.57 §1; 1987 c.336 §6; 1993 c.741 §64c; 1993 c.745 §6; 1995 c.245 §12; 2003 c.405 §7; 2007 c.871 §28]

377.845 Use of funds by Department of Transportation after repayment of highway fund. After the Travel Information Council has repaid the State Highway Fund for all moneys advanced or owed it may then utilize any funds received in excess of expenses to reimburse the Department of Transportation for such part of the cost of providing public service information in sign plazas in rest areas as the council may decide and also for the acquisition of outdoor advertising signs located outside of commercial or industrial zones adjacent to secondary highways. The Travel Information Council may enter into such agreements with the department as are necessary to carry out the provisions of this section. [1975 c.336 §15]

PENALTIES

377.990 [Amended by 1953 c.335 §2; subsection (4) of 1957 Replacement Part enacted as 1955 c.541 §19; repealed by 1959 c.309 §22]

377.992 Penalties; rules. (1)(a) A person who violates any provision of ORS 377.510 (1) or 377.700 to 377.840 or any regulation of the Travel Information Council adopted pursuant thereto is subject to a civil penalty of up to $1,000 per day for each day of violation, or the amount of gross revenues earned for the sign during the period of time the violation continues, whichever is greater.

(b) The department shall adopt rules to develop a decision matrix to be used in determining the amount of the civil penalty imposed under this subsection. The matrix must take into account the nature of the violation committed, the number of violations committed and any other factors the department determines necessary.

(2) Violation of the conditions and provisions of a permit procured under ORS 377.050 by any person having procured the permit is punishable, upon conviction, by a civil penalty of not more than $100.

(3) Violation of ORS 377.030 to 377.050, 377.510 (2), 377.620 (2) or 377.635 is punishable, upon conviction, by a civil penalty of not more than $100.

(4) Civil penalties under this section shall be imposed in the manner provided by

ORS 183.745. [1971 c.770 §28; 2001 c.508 §3; 2009 c.463 §11]

377.995 [1959 c.309 §21; subsection (5) enacted as 1961 c.615 §17; subsection (6) enacted as 1961 c.614 §11; subsection (7) enacted as 1967 c.590 §12; repealed by 1971 c.770 §31]

CHAPTERS 378 TO 380

[Reserved for expansion]