

Senate Bill 709

Sponsored by Senator L GEORGE (at the request of Yamhill County Commissioner, Kathy George)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows Travel Information Council to issue tourist oriented directional signs to community service organizations and religious institutions.

Prohibits council from requiring businesses, community service organizations or religious institutions to have restrooms or drinking water for public or maintain certain number of operating hours in order to qualify for tourist oriented directional sign permit.

A BILL FOR AN ACT

1
2 Relating to tourist oriented directional signs; amending ORS 377.710 and 377.820.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 377.710 is amended to read:

5 377.710. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

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

8 (2) "Business identification sign" means a sign not exceeding 32 square feet that identifies a
9 business and that displays only information necessary to adequately describe the business and the
10 direction and distance to the business.

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

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

14 (5) "Cutout" means every type of display in the form of letters, figures, characters or other re-
15 presentations in cutout or irregular form attached to and superimposed upon a sign.

16 (6) "Department" means the Department of Transportation.

17 (7) "Directional sign" means a sign:

18 (a) Identifying and containing directional information to one or more public places owned or
19 operated by federal, state or local governments or one of their agencies;

20 (b) Identifying and containing directional information to publicly or privately owned natural
21 phenomena or historic, cultural, scientific, educational and religious sites; or

22 (c) Identifying and containing directional information to areas of natural scenic beauty or areas
23 naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

24 (8) "Director" means the Director of Transportation.

25 (9) "Display surface" means the area of a sign made available for the purpose of displaying the
26 advertising or informational message.

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

15 (18) "Maintain," "maintained," "maintaining" or "maintenance" includes painting, changing ad-
16 vertising or information on display surfaces, adding or removing a cutout, routine repairs necessary
17 to maintain the sign in a neat, clean, attractive and safe condition, and the term includes allowing
18 to exist.

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

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

25 (21) "Nonconforming sign" means a sign that is subject to, but does not comply with, the pro-
26 visions of ORS 377.700 to 377.840.

27 (22) "On-premises sign" means a sign designed, intended or used to advertise, inform or attract
28 the attention of the public as to:

29 (a) Activities conducted on the premises on which the sign is located; or

30 (b) The sale or lease of the premises on which the sign is located.

31 (23) "Outdoor advertising sign" means a sign designed, intended or used to advertise, inform or
32 attract the attention of the public as to:

33 (a) Goods, products or services which are not sold, manufactured or distributed on or from the
34 premises on which the sign is located;

35 (b) Facilities not located on the premises on which the sign is located; or

36 (c) Activities not conducted on the premises on which the sign is located.

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

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

44 (b) Other areas where land use, as of September 21, 1959, is established as industrial or com-
45 mercial pursuant to state law.

1 (25) "Reconstruction" means replacing a sign totally or partially destroyed, increasing its size
2 or performing any work, except maintenance work, that alters or changes a sign authorized to exist
3 under the provisions of ORS 377.700 to 377.840.

4 (26) "Relocation" includes, but is not limited to the removal of a sign from one situs together
5 with the erection of a new sign upon another situs as a substitute therefor.

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

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

11 (29) "Sign" means any sign, display, message, emblem, device, figure, painting, drawing, placard,
12 poster, billboard or other thing that is designed, used or intended for advertising purposes or to in-
13 form or attract the attention of the public, and the term includes the sign structure, display surface
14 and all other component parts of a sign; when dimensions of a sign are specified, the term includes
15 panels and frames; and the term includes both sides of a sign of specified dimensions or area.

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

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

21 (32) "Sign regulations for protected areas" means regulations promulgated by the department
22 applicable to signs erected within protected areas prior to, and in effect on, July 2, 1971, or
23 amendments to such regulations promulgated by the department.

24 (33) "Sign structure" or "structure" means the supports, uprights, braces, framework and display
25 surfaces of a sign.

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

29 (35) "Tourist oriented directional sign" means a sign erected on state highway right of way to
30 provide [*business*] identification of **businesses, religious institutions and community service**
31 **organizations** and directional information for services and activities of interest to tourists.

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

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

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

45 (39) "Visible" means capable of being seen without visual aid by a person of normal visual

1 acuity, whether or not legible from the main-traveled way of any state highway.

2 (40) "Waiver" means an agreement executed between the owner of a sign, the owner of the
 3 property on which the sign is located and the department which provides that those signs erected
 4 adjacent to an interstate or primary highway after October 22, 1965, shall be removed, with partial
 5 compensation or no compensation, as provided by the agreement.

6 **SECTION 2.** ORS 377.820 is amended to read:

7 377.820. (1) An application for a tourist oriented directional sign, logo sign or a motorist infor-
 8 mational sign permit shall be submitted to the Travel Information Council on a form prescribed by
 9 the council. The application shall set forth the name and address of the applicant; the name, nature
 10 and location of the business, **religious institution, community service organization** or activity;
 11 the location where a tourist oriented directional sign, logo sign or a motorist informational sign is
 12 desired; and such other information as the council may require. The applicant shall tender with the
 13 application the permit fee required under ORS 377.825 for each sign requested.

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

17 (a) Notify any city in which a sign is proposed to be located of the proposed location and com-
 18 position of the sign and seek comments from the city.

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

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

24 (d) Notify the council promptly in writing of the results of its investigation and its recommen-
 25 dations and the reasons for any recommended disapproval.

26 (3)(a) If the council approves the application it shall issue the permit and forward the original
 27 to the applicant and a copy thereof to the Director **of Transportation**. If it is not approved, the
 28 council shall return the application and fee, stating the reasons for disapproval and giving the ap-
 29 plicant opportunity to correct any defects or to be heard within 30 days by the council and to
 30 present evidence, with or without counsel at the applicant's discretion. Upon written request, the
 31 council shall hear the matter and notify the applicant of its findings and decision. The applicant
 32 may then appeal in the manner provided by ORS chapter 183.

33 **(b) The council may not require a business, religious institution or community service**
 34 **organization to have restrooms or drinking water available to the public or to maintain a**
 35 **minimum number of operating hours in order to qualify for a permit under this section.**

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