

House Bill 3678

Sponsored by COMMITTEE ON TRANSPORTATION

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**.

Specifies amount of time owner has to remove noncomplying electronic sign, to make sign comply or to request hearing.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to signs; amending ORS 377.775; and declaring an emergency.

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

4 **SECTION 1.** ORS 377.775 is amended to read:

5 377.775. (1) Any sign that fails to comply with ORS 377.700 to 377.840 is a public and private
6 nuisance. In addition to the penalties provided by ORS 377.992, such a sign may be removed by the
7 Director of Transportation or the duly authorized representative of the director as provided by this
8 section. The director may enter upon private property and remove the sign without incurring any
9 liability therefor.

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

12 (3)(a) **Except as provided in paragraph (b) of this subsection**, if a noncomplying sign bears
13 the name and address of its owner or if the owner of the sign is readily identified and located, the
14 director shall notify the owner that the sign is in violation of ORS 377.700 to 377.840 and that the
15 owner has 30 days from the date of the notice within which to make the sign comply, to remove the
16 sign or to request a hearing before the director within the time specified in the notice.

17 **(b) If a noncomplying sign, as described in paragraph (a) of this subsection, is a sign that**
18 **is prohibited by ORS 377.720 (3), the director shall notify the owner that the sign is in vio-**
19 **lation of ORS 377.700 to 377.840 and that the owner has 10 days from the date of the notice**
20 **within which to make the sign comply, to remove the sign or to request a hearing before the**
21 **director within the time specified in the notice.**

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

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

31 (b) If the person requesting the hearing under subsection (3) of this section fails to include no-

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 tice of intent to raise issues regarding ownership interests, the person may not raise the issues in
2 the hearing. In addition, the person who requested the hearing may not raise issues regarding
3 ownership interests of any person whose name and address the person who requested the hearing
4 has failed to provide as required by paragraph (a) of this subsection.

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

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

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

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

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

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

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

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

22 (7) A hearing under this section shall be conducted as a contested case hearing under ORS
23 chapter 183.

24 **SECTION 2. This 2010 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
26 **on its passage.**