

# Senate Bill 618

Sponsored by Senator BOQUIST (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 sign permits to community service organizations and religious institutions.

Prohibits council from requiring businesses, religious institutions or community service organizations to have restrooms or drinking water for public or to 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) "Commercial or industrial zone" means an area, adjacent to a state highway, that is zoned  
9 for commercial or industrial use by or under state statute or local ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (20) "Outdoor advertising sign" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (37) "Travel plaza" means any staffed facility erected under the authority of the Travel Infor-  
28 mation Council to serve motorists by providing brochures, displays, signs and other visitor infor-  
29 mation and located in close proximity to a highway.

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

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

40 (40) "Visible" means capable of being seen without visual aid by a person of normal visual  
41 acuity, whether or not legible from the main traveled way of any state highway.

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

43 377.820. (1) An application for a tourist oriented directional sign, logo sign or a motorist infor-  
44 mational sign permit shall be submitted to the Travel Information Council on a form prescribed by  
45 the council. The application shall set forth the name and address of the applicant; the name, nature

1 and location of the business, **religious institution or community service organization** or activity;  
 2 the location where a tourist oriented directional sign, logo sign or a motorist informational sign is  
 3 desired; and such other information as the council may require. The applicant shall tender with the  
 4 application the permit fee required under ORS 377.825 for each sign requested.

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

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

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

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

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

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

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

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