Chapter 377

1979 REPLACEMENT PART

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HEDGES AND TREES

377.010 Planting hedge or trees on line of highway. Any person or company may lawfully plant, for cultivation and growth, any hedge fence or trees for use or ornament along any public highway or road in this state, on the line of his or its land and the highway. [Amended by 1959 c.382 §1]

377.020 Planting trees on roads within irrigation projects; protecting fences. Where any county road within the limits of any irrigation project under the control of the United States Bureau of Reclamation exceeds 50 feet in width, the county court of the county in which the project is situated may, in its discretion:

(1) Upon a petition presented to it by the landowner or entryman, permit any such landowner or entryman whose land is contiguous to the road to use a portion of the road which adjoins the land for the purpose of planting trees therein.

(2) Permit the landowner or entryman to inclose and fence in the portion of road in order to protect the trees so planted.

In no case shall the permission so granted for said purposes cause any road to be decreased to a width of less than 50 feet.

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.

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 377.545. As used in ORS 377.505 to 377.545:

(1) "Public highway" means the entire width between the boundary lines of every state highway as defined in ORS 366.005.

(2) "Scenic area" means an area adjacent to or along a segment of a public 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]

377.510 Signs visible from public highways regulated; junkyards prohibited; exceptions. (1) No sign which is visible from a public highway shall be erected or maintained in an area which has been established by final order as a scenic area except:

(a) Directional or other official signs or notices.

(b) Signs advertising the sale or lease of the property upon which they are located.

(c) Signs advertising only the name or nature of the business being conducted on, or the products, facilities, goods or services being sold, supplied or distributed on or from the premises on which the signs are located.

(d) Signs approved by the State Highway Engineer, or his authorized representative, erected and maintained by a public utility for the purpose of giving warning of the location of an underground cable or other installations.

(2) Unless adequately screened as provided in paragraph (a) of subsection (3) of ORS 377.620 or unless located within a zoned industrial area, no junkyard shall be established which is visible from a public highway where the area immediately adjacent to the public highway has been established by final order as a scenic area. [1961 c 614 §7, 1965 c 219 §24; 1967 c.590 §14]

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 establish-

ment 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 377.545 by legislative action See the 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 State Highway Engineer to enforce orders and render administrative assistance. The engineer 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]

377.545 Costs of administration. The cost of administering ORS 377.505 to 377.545 shall be paid from the State Highway Fund. [1961 c.614 §9]

JUNKYARDS

377.605 Definitions for ORS 377.605 to 377.645. As used in ORS 377.605 to 377.645, unless the context requires otherwise:

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

(2) "Engineer" means the State Highway Engineer or a duly authorized representative of the State Highway Engineer.

(3) "Federal-aid primary system" means the system of state highways described in section 103(b), title 23, United States Code, as selected and designated by the department.

(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(d) 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]

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 377.645 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 366.705 to 366.735. [1967 c.590 §2]

377.615 Engineer's authority to promulgate regulations, enter agreements with Federal Government. (1) The engineer shall promulgate such regulations as are necessary to carry out the provisions of ORS 377.605 to 377.645. 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 183.310 to 183.500.

(2) The engineer 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]

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 engineer and subject to rules and regulations promulgated by the engineer.

(2) Except as provided in subsection (3) of this section, no junkyard shall be established after June 30, 1967, within 1,100 feet of the nearest edge of the right of way of any state highway or which is visible from any public highway as defined by ORS 377.505 where the area immediately adjacent to the public highway has been designated by the Scenic Area Board as a scenic area as provided in ORS 377.530 (1975 Replacement Part).

(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 engineer.

(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]

377.625 Screening junkyard located in restricted area. (1) Any junkyard which is in existence on June 30, 1967, less than 1,000 feet of 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 engineer, 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.

(2) Any junkyard which is in existence on June 30, 1967, less than 1,000 feet of 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 engineer 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]

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 subsection (1) of ORS 377.625, then the department 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 subsection (2) of ORS 377.625, 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 engineer, 30 days after written notice is mailed to the person owning or operating the junkyard, may institute, on behalf of the department any legal proceedings as the engineer 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 engineer, 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 engineer may sell or otherwise dispose of the junk by sale or otherwise. When removal is performed by the engineer, the engineer shall not be liable for conversion of any personal property and the engineer may collect the engineer'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]

377.640 Acquisition of land necessary to screen or relocate junkyards. The department 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 highway funds to screen or relocate junkyards prior to availability of federal matching funds. (1) The department shall have the discretion as to whether or not state highway funds shall be expended for the purposes of the screening, relocating, removal or disposal of junkyards as provided in ORS 377.625 to 377.640, 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 engineer under ORS 377.505, 377.510, 377.515 and 377.605 to 377.645 and 481.345 shall be credited to the State Highway Fund. [1967 c.590 §§10, 11]

377.650 Personal property not junk as nuisance; disposition of property; liability. Any personal property not coming within the definition of junk as defined in ORS 377.605, except a vehicle as defined in subsection (4) of ORS 483.030, which is deposited, left or displayed on a state highway is hereby found and declared to be a public nuisance. The engineer, 10 days after written notice is mailed to the person owning the personal property, may institute on behalf of the department any legal proceedings as he considers necessary to prevent the violation of this section. In the alternative, 10 days after written notice, he may remove the personal property and store it. After 30 days of storage, unless claimed sooner by the owner, the engineer may sell or otherwise dispose of the personal property. Where removal is performed by the engineer, he shall not be liable for any conversion of personal property and may collect his cost for removal, storage and sale or disposal of the personal property from the person owning it. [1975 c.262 §4]

MOTORIST INFORMATION SIGNS (General Provisions)

Note: Chapter 478, Oregon Laws 1979, provides.

Sec. 1. Sections 2, 3 and 5 to 8 of this Act are added to and made a part of ORS 377.785 to 377.840.

Sec. 2. (1) The Travel Information Advisory Council is hereby created to counsel and advise the Oregon Transportation Commission in its duties under ORS 377.700 to 377.840

(2) The advisory council shall consist of 11 members The commission shall designate one of its own members to the council. The other 10 members of the council shall be appointed by the commission as follows

(a) Two members among the lodging, restaurant and recreation industries.

(b) One member from the vehicular service industry.

(c) One member from the outdoor advertising industry

(d) One member from the electrical sign industry.

(e) Five members from the public at large.

(3) One of the public at large members shall be appointed from each congressional district of this state. 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.

(4) The term of office for every member, except the member from the commission, is four years and shall begin on July 1 of the year appointed. The commission member shall serve during that member's term on the commission If a vacancy should occur during the unexpired term of any member, the commission shall immediately fill the position for the duration of the term. Before the expiration of the term of a member, the commission shall designate a successor or reappoint the member. Any member may be removed at the pleasure of the commission.

(5) The council shall select one of its members as chairman, and another as vice-chairman. 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 chairman. All members are entitled to compensation and expenses as provided by ORS 292 495.

Sec. 3. Notwithstanding subsection (4) of section 2 of this 1979 Act, five of the 10 members initially appointed to the Travel Information Advisory Council shall serve for a four-year term and five shall serve for only a two-year term. Thereafter, members shall serve as provided in subsection (4) of section 2 of this 1979 Act.

Sec. 5. The 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 motoring 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 motoring public

Sec. 6. The commission may enter into contractual or other agreements with state governmental agencies of this state or an independent contractor to study various ways of providing information deemed necessary to the motoring public by signs, information centers or other means The commission may also enter into contractual or other agreements with other governmental agencies of the state or an independent contractor for the construction of experimental signs or displays to provide information deemed necessary to the motoring public

Sec. 7. 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.

Sec. 8. Notwithstanding any other provisions of ORS 377 700 to 377.840, the commission shall maintain logo sign and motorist informational sign programs on the state highway system and adopt any rules necessary to carry out such programs.

Sec. 9. Sections 5 and 7 of this Act are repealed on June 30, 1981.

Sec. 10. Sections 2, 3, 6 and 8 of this Act take effect on July 1, 1981.

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, commercial 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]

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

(1) "State Highway Engineer" means the State Highway Engineer.

(2) "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.

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

(4) "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.

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

(6) "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.

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

(8) "Directional sign" means a sign identifying and containing directional information to one or more public places owned or operated by federal, state or local governments or one of their agencies; a sign identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational and religious sites; and a sign identifying and containing directional information to areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

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

(10) "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.

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

(12) "Federal-aid primary system" or "primary highway" means the system of state highways described by section 103b of title 23, United States Code, as selected and designated by the department.

(13) "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.

(14) "Governmental unit" means the Federal Government, the state, or a city, county or other political subdivision or an agency thereof.

(15) "Highway Division" means the Highway Division of the Department of Transportation.

(16) "Highway engineer" or "engineer" means the State Highway Engineer or his duly authorized representative.

(17) "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 (d), title 23, United States Code.

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

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

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

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

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

(23) "Nonconforming sign" means a sign that is subject to, but does not comply with, the provisions of ORS 377.700 to 377.840.

(24) "On-premises sign" means a sign which advertises only the activities conducted on or the sale or lease of the property on which the sign is located.

(25) "Outdoor advertising sign" means a sign which advertises:

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

(b) Facilities not located on the premises on which the sign is located.

(26) "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.

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

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

(29) "Residential directional sign" means a sign erected and maintained by an individual to indicate the location of his residence, farm or ranch.

(30) "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.

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

(32) "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, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or area.

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

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

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

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

(37) "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 terms also include the interstate system and the federal-aid primary system.

(38) "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.

(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.

(41) "Waiver" means an agreement executed between the owner of a sign, the owner of the property on which the sign is located and the Highway Division or the department which provides that those signs erected adjacent to an interstate or primary highway after October 22, 1965, shall be removed, with partial compensation or no compensation, as provided by the agreement. [1971 c 770 §3; 1973 c 790 §1, 1974 s s c.33 §1; 1975 c.336 §1; 1977 c 265 §1; 1977 c 810 §9]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377 710, as amended by section 9, chapter 810, Oregon Laws 1977, takes effect July 1, 1981 377 710 as amended is set forth for the users' convenience.

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

(1) "Administrator" means the Administrator of Highways

(2) "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.

(3) "Business identification sign" means a sign not exceeding 32 square feet that identifies a business and

that displays only information necessary to adequately describe the business and the direction and distance to the business.

(4) "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.

(5) "Commission" means the Oregon Transportation Commission created by ORS 184 612.

(6) "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.

(7) "Department" means the Department of Transportation

(8) "Directional sign" means a sign identifying and containing directional information to one or more public places owned or operated by federal, state or local governments or one of their agencies, a sign identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational and religious sites; and a sign identifying and containing directional information to areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

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

(10) "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

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

(12) "Federal-aid primary system" or "primary highway" means the system of state highways described by section 103b of title 23, United States Code, as selected and designated by the department

(13) "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.

(14) "Governmental unit" means the Federal Government, the state, or a city, county or other political subdivision or an agency thereof

(15) "Highway Division" or "division" means the Highway Division of the Department of Transportation

(16) "Highway engineer" or "engineer" means the State Highway Engineer or his duly authorized representative

(17) "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 (d), title 23, United States Code.

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

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

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

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

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

(23) "Nonconforming sign" means a sign that is subject to, but does not comply with, the provisions of ORS 377.700 to 377.830.

(24) "On-premises sign" means a sign which advertises only the activities conducted on or the sale or lease of the property on which the sign is located.

(25) "Outdoor advertising sign" means a sign which advertises:

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

(b) Facilities not located on the premises on which the sign is located.

(26) "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

(27) "Reconstruction" means replacing a sign totally or partially destroyed, increasing its size or performing any work, except maintenance work, that alters or changes a sign authorized to exist under the provisions of ORS 377.700 to 377.830

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

(29) "Residential directional sign" means a sign erected and maintained by an individual to indicate the location of his residence, farm or ranch

(30) "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.

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

(32) "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, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or area.

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

(34) "Sign plaza" means a structure erected and maintained by or for the Highway Division, adjacent or in close proximity to a state highway, for the display of motorist information.

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

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

(37) "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 terms also include the interstate system and the federal-aid primary system.

(38) "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

(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.

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

(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 outdoor advertising signs, directional signs and on-premise signs erected or maintained outside the right of way and to motorist informational signs and logo signs erected inside or 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 an outdoor advertising, directional or on-premise sign visible to the traveling public from a state highway, except where permitted outside the right of way of a state highway, unless it complies with the provisions of ORS 377.505 to 377.545, 377.700 to 377.840, and the rules adopted pursuant thereto, and with federal requirements, including any statute, regulation or contract. A person may not erect or maintain an outdoor advertising sign, directional sign or on-premise sign on the right of way of a state highway. [1971 c.770 §8; 1973 c.790 §2; 1974 s s c.33 §2; 1975 c.336 §2]

377.720 Prohibited signs. (1) A sign may not be erected or maintained if it:

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

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

(c) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving light or moves or has any animated or moving parts; however, this paragraph does not apply to a traffic control sign or to portions of signs providing only public service information such as time, date, temperature, weather or similar information.

(d) 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.

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

(f) Advertises or calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

(2) A sign may not be erected or maintained:

(a) If it advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

(b) Unless it is maintained in a neat, clean and attractive condition and in good repair.

(c) Unless it is able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

(d) On a vehicle or trailer that is located on public or private property except 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]

377.725 Permits required to erect signs; application; fee; revocation; cancellation; transfer. (1) Unless an annual permit has been issued therefor, an outdoor advertising sign or a directional sign shall not be erected, maintained or replaced by any person.

(2) A person may apply for a permit to the highway engineer on forms furnished by the engineer. The permit application shall include a precise description of the sign and such other information as the engineer considers necessary or desirable to determine compliance with ORS 377.700 to 377.840. The engineer shall issue a permit for a sign that complies with ORS 377.700 to 377.840. A valid permit may be transferred to another person upon written notice to the engineer.

(3) A permit shall not be issued for an outdoor advertising sign or a directional sign located adjacent to an interstate highway or freeway unless the engineer 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 an additional fee equal to the fee specified by subsection (5) of this section is paid at the time the application is filed. Any permit not renewed in accordance with this section shall be canceled.

(5) An applicant shall pay a permit fee of:

Annual Fee	For Sign Area
$10	50 square feet or less
$15	51 to 400 square feet
$20	More than 400 square feet

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

(7) For the purpose of determining the permit fee:

(a) For a back-to-back sign, the permit sign area includes both sides of the sign.

(b) A double-faced sign or a back-to-back sign is one sign.

(c) A V-type sign is two signs.

(8) Advertising or information on the display surface of a sign may be changed or cutouts may be attached or removed within the sign area without obtaining a permit or paying an additional fee. However, a permit shall be obtained and the prescribed fee paid if the sign is reconstructed.

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

(10) The engineer shall cancel a permit and require removal of the sign as provided by ORS 377.775 if he 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. In addition, the department may recover from the owner of the sign or person erecting, maintaining or servicing the sign, the amount of damage to landscaping, sodding, fencing, ditching or other highway appurtenances resulting from such acts.

(11) The engineer may revoke a permit, unless a corrected application is filed or the sign is brought into compliance within 30 days after written notice thereof is mailed to the permittee, if he finds:

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

(b) The sign covered by the permit is in violation of ORS 377.700 to 377.840.

(12) The engineer shall cancel a permit immediately upon failure of a permittee to erect or maintain the sign as described by the permit application and to attach a permit tag thereto within 120 days after the date of issuance of the permit therefor.

(13) The engineer shall assign to every permit when issued for an outdoor advertising sign and a directional sign a permit plate with identification number thereon and a current permit decal. The permittee shall attach the applicable permit plate with the current decal to the sign so as to be visible from the adjacent state highway. The absence of a permit plate and a current decal is prima facie evidence that the sign does not comply with ORS 377.700 to 377.840.

(14) No permits shall be issued for the erection of any new outdoor advertising sign after June 12, 1975.

(15) The engineer may establish more than one class or type of sign permit as necessary or desirable to carry out ORS 377.700 to 377.840. [1971 c 770 §23; 1973 c 790 §4; 1974 s.s. c 33 §3; 1975 c 336 §4; 1977 c.265 §2]

377.726 Business identification signs and outdoor advertising benches; permit criteria. Notwithstanding the provisions of subsection (14) of ORS 377.725 permits may be issued for business identification signs and benches utilized as outdoor advertising signs visible from state highways, except those highways on the interstate system. The annual permit fee shall be as provided in ORS 377.725. The Oregon Transportation Commission shall establish by administrative rule the number, size, location and content of the signs and the criteria for the issuance of permits under this section. [1977 c.265 §8; 1979 c 146 §3]

Note: 377.726 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS 377.700 to 377.840 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

377.727 Requirements for directional signs. In addition to the provisions of ORS 377.725, directional signs shall meet the following requirements:

(1) The maximum area shall be 150 square feet; the maximum height shall be 20 feet; and the maximum length shall be 20 feet. Dimensions and area under this subsection shall be computed to include border and trim, but exclude supports.

(2) No directional sign may be located within 2,000 feet of an interchange or intersection at grade along the interstate system or other freeway measured along the interstate highway or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled ways.

(3) No directional sign may be located within 2,000 feet of a rest area, park land or scenic area.

(4) No directional sign shall be located within one mile of any other directional sign facing the same direction of travel.

(5) No more than two directional signs pertaining to the same attraction or activity and facing in the same direction of travel may be erected along a single route approaching the attraction or activity.

(6) No directional signs located adjacent to the interstate system shall be located more than 75 airmiles from the attraction or activity.

(7) The message on a directional sign shall be limited to identification and name of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route number or exit numbers. Descriptive words or phrases describing the activity or its environs are prohibited. However, one standard size graphic may be placed on each sign if not prohibited by federal statutes or regulations.

(8) Privately owned activities or attractions eligible for directional signing are limited to the following: Natural phenomena, scenic attractions, historic, educational, cultural, scientific and religious sites, and outdoor recreational areas.

(9) To be eligible for directional signing, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public. The Highway Division shall, by rule, develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing.

(10) The Highway Division shall adopt such rules as it deems necessary to carry out the provisions of this section. [1974 s s. c 33 §8]

377.730 License required to engage in 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 highway engineer and paying the annual license fee.

(2) The annual fee for an outdoor advertising business license is:

(a) $25, if the applicant erects but does not own signs.

(b) $25, if the applicant owns one or more but fewer than 50 signs.

(c) $50, if the applicant owns more than 50 but fewer than 500 signs.

(d) $100, if the applicant owns more than 500 signs.

(3) An application for a license or renewal thereof shall be made on a form furnished by the engineer, shall contain such pertinent information as the engineer 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 engineer 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. If a renewal application is received by the engineer after June 30, the license fee is double the fee specified by subsection (2) of this section.

(4) If the engineer finds that an applicant has knowingly provided materially false or misleading information in his application or that a licensee has violated any of the provisions of ORS 377.700 to 377.840, the engineer 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 he 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]

377.735 Exemptions from sign permit requirements. (1) If applicable federal regulations are met, the permit requirements of ORS 377.700 to 377.840 do not apply to:

(a) Signs with an area of not more than 260 square inches identifying motor bus stops or fare zone limits of common carriers.

(b) Signs erected and maintained by a city showing the place and time of services or meetings of churches and civic organizations in the city; however, not more than two such signs may be erected and maintained that are readable by the traveling public proceeding in any one direction on any one highway.

(c) Residential directional signs along highways other than fully controlled access highways; however, this paragraph does not apply if a professional, commercial or business activity is maintained at the location and the sign indicates its existence.

(d) Official traffic control signs.

(e) Signs of a governmental unit including but not limited to regulatory devices, legal notices or warnings.

(f) Small signs displayed for the direction, instruction or convenience of the public, including signs which identify restrooms, freight entrances, posted areas or the like, with total surface area not exceeding four square feet.

(g) Signs maintained for not more than two weeks announcing an auction or a campaign, drive or event of a civic, philanthropic or educational organization.

(h) Memorial signs or tablets.

(i) Signs maintained for not more than six weeks by state and county fairs, rodeos, roundups and expositions.

(j) Directional signs maintained temporarily to provide directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place.

(k) A sign advertising the sale of real estate by the owner or his agent and erected on the advertised premises.

(L) Signs warning of hazards or danger on the property upon which they are located, or warning against hunting, fishing or trespassing upon such property.

(m) Signs approved by the engineer and erected by a utility or common carrier for the purpose of notices necessary for the information, safety or direction of the public.

(n) Church directional signs not to exceed six square feet in size, installed on private property.

(o) Temporary political signs erected or maintained by candidates or political committees on private property, if the sign area does not exceed 32 square feet and if the sign is removed within 30 days after the date of the election for which erected.

(2) The signs referred to in paragraphs (b), (c), (e), (g) to (L), (n) and (o) of subsection (1) of

this section shall be subject to regulations adopted by the council as to the size, number and general location and as to time and procedure for erection and removal of temporary signs.

(3) ORS 377.700 to 377.840 shall not apply to an outdoor advertising 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]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.735, as amended by section 10, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.735 as amended is set forth for the users' convenience

377.735. (1) If applicable federal regulations are met, the permit requirements of ORS 377.700 to 377.840 do not apply to:

(a) Signs with an area of not more than 260 square inches identifying motor bus stops or fare zone limits of common carriers.

(b) Signs erected and maintained by a city showing the place and time of services or meetings of churches and civic organizations in the city; however, not more than two such signs may be erected and maintained that are readable by the traveling public proceeding in any one direction on any one highway.

(c) Residential directional signs along highways other than fully controlled access highways; however, this paragraph does not apply if a professional, commercial or business activity is maintained at the location and the sign indicates its existence.

(d) Official traffic control signs.

(e) Signs of a governmental unit including but not limited to regulatory devices, legal notices or warnings

(f) Small signs displayed for the direction, instruction or convenience of the public, including signs which identify restrooms, freight entrances, posted areas or the like, with total surface area not exceeding four square feet

(g) Signs maintained for not more than two weeks announcing an auction or a campaign, drive or event of a civic, philanthropic or educational organization.

(h) Memorial signs or tablets.

(i) Signs maintained for not more than six weeks by state and county fairs, rodeos, roundups and expositions.

(j) Directional signs maintained temporarily to provide directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place.

(k) A sign advertising the sale of real estate by the owner or his agent and erected on the advertised premises

(L) Signs warning of hazards or danger on the property upon which they are located, or warning against hunting, fishing or trespassing upon such property.

(m) Signs approved by the engineer and erected by a utility or common carrier for the purpose of notices necessary for the information, safety or direction of the public.

(n) Church directional signs not to exceed six square feet in size, installed on private property.

(o) Temporary political signs erected or maintained by candidates or political committees on private property, if the sign area does not exceed 32 square feet and if the sign is removed within 30 days after the date of the election for which erected.

(2) The signs referred to in paragraphs (b), (c), (e), (g) to (L), (n) and (o) of subsection (1) of this section shall be subject to regulations adopted by the commission as to the size, number and general location and as to time and procedure for removal of temporary signs.

(3) ORS 377.700 to 377 840 shall not apply to an outdoor advertising 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.

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) An outdoor advertising sign shall 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 a sign or sign area under this section:

(a) Cutouts that project beyond the borders of a 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 to each side of a back-to-back sign.

(c) The size limitations apply to each sign forming a V-type sign. [1971 c 770 §20; 1973 c.790 §7]

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, double-faced or V-type 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) Minimum spacing between outdoor advertising signs shall be:

Type of highway where erected	Minimum space between signs on same side 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

[1971 c.770 §21; 1973 c.790 §8]

377.755 Standards for signs on owned or leased premises. (1) Owners or lessees of real property may erect and maintain thereon on-premise signs subject to the limitations set forth by this section. Subject to any federal requirement, whether by statute, rule or contract with the department, on-premise signs may be erected or maintained as follows:

(a) All businesses located within 660 feet of a state highway, measured at right angles thereto, may erect and maintain on-premise signs with a total allowable area not greater than eight percent of the total square footage of the principal buildings on the premises and all utilized parking area, or a total of 2,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 825 square feet, or one-half of the total allowable sign area specified by this paragraph, whichever is less. Signs attached to or placed upon a building shall not extend more than 15 feet above the roof line or 15 feet above the highway grade, whichever is higher. A free-standing sign shall not exceed 65 feet above the grade of the premises or the highway grade, whichever is higher, if the land on which the sign is located is adjacent to an interstate highway and shall not exceed 35 feet if the land on which the sign is located is adjacent to any other state highway. If a business is adjacent to both an interstate highway and any other state highway, then the sign height shall be determined by the height limitation for the highway toward which the sign is oriented.

(b) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premise signs with the total allowable area of 250 square feet.

(c) All on-premise signs existing on July 2, 1971, shall be permitted to remain for a period of 10 years. No such sign may be reconstructed or replaced if destroyed by natural causes.

(d) If compliance with this section, except for this paragraph, would preclude an owner or person in control of the premises from advising travelers upon the highway of the location and nature of his business, such person may file an appeal with the council for relief from the requirements. The division shall, when directed by the council, issue a conditional use permit for the noncomplying sign, as necessary to provide substantial compliance with the requirements of this section.

(2) In accordance with ORS 183.310 to 183.500, the council shall adopt rules relating to the location, size, construction and lighting of on-premise signs, providing for the issuance of permits by the division for on-premise signs and establishing the permit fee therefor. Permit fees shall be no greater than necessary to administer the regulations. No such regulation shall be effective prior to July 1, 1973. An on-premise sign lawfully erected prior to March 1, 1974, is not subject to any permit fee established by council rule adopted pursuant to this subsection so long as the on-premise sign is not reconstructed or replaced. Once an on-premise sign has been lawfully erected the owner of the sign shall be entitled to maintain the sign for a period of 10 years after erection, even though rules or amendments to rules adopted thereafter would otherwise prohibit erection of such sign.

(3) In adopting rules relating to on-premise signs the council shall take into account:

(a) The natural beauty and esthetic features of the highways;

(b) The safety and convenience of the traveling public; and

(c) The need for reasonable identification of available commercial services along the highways.

(4) Nothing in ORS 377.700 to 377.840 is intended to prohibit, regulate or limit any on-premise sign that is not visible to the traveling public from a state highway. [1971 c.770 §13; 1973 c.790 §9; 1974 s.s. c.33 §4; 1977 c 256 §1]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.755, as amended by section 11, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.755 as amended is set forth for the users' convenience.

377.755. (1) Owners or lessees of real property may erect and maintain thereon on-premise signs subject to the limitations set forth by this section. Subject to any federal requirement, whether by statute, rule or contract with the department, on-premise signs may be erected or maintained as follows:

(a) All businesses located within 660 feet of a state highway, measured at right angles thereto, may erect and maintain on-premise signs with a total allowable area not greater than eight percent of the total square footage of the principal buildings on the premises and all utilized parking area, or a total of 2,000 square feet, whichever is less. The display area for one face of any one sign shall not exceed 825 square feet, or one-half of the total allowable sign area specified by this paragraph, whichever is less. Signs attached to or placed upon a building shall not extend more than 15 feet above the roof line or 15 feet above the highway grade, whichever is higher. A free-standing sign shall not exceed 65 feet above the grade of the premises or the highway grade, whichever is higher, if the land on which the sign is located is adjacent to an interstate highway and shall not exceed 35 feet if the land on which the sign is located is adjacent to any other state highway. If a business is adjacent to both an interstate highway and any other state highway, then the sign height shall be determined by the height limitation for the highway toward which the sign is oriented.

(b) Businesses which have no buildings located on the premises or have buildings and parking area allowing a sign area of less than 250 square feet may erect and maintain on-premise signs with the total allowable area of 250 square feet.

(c) All on-premise signs existing on July 2, 1971, shall be permitted to remain for a period of 10 years. No such sign may be reconstructed or replaced if destroyed by natural causes

(d) If compliance with this section, except for this paragraph, would preclude an owner or person in control of the premises from advising travelers upon the highway of the location and nature of his business, such person may file an appeal with the commission for relief from the requirements The division shall, when directed by the commission, issue a conditional use permit for the noncomplying sign, as necessary to provide substantial compliance with the requirements of this section.

(2) In accordance with ORS 183.310 to 183 500, the commission shall adopt rules relating to the location, size, construction and lighting of on-premise signs, providing for the issuance of permits by the division for on-premise signs and establishing the permit fee therefor Permit fees shall be no greater than necessary to administer the regulations No such regulation shall be effective prior to July 1, 1973 An on-premise sign lawfully erected prior to March 1, 1974, is not subject to any permit fee established by commission rule adopted pursuant to this subsection so long as the on-premise sign is not reconstructed or replaced. Once an on-premise sign has been lawfully erected the owner of the sign shall be entitled to maintain the sign for a period of 10 years after erection, even though rules or amendments to rules adopted thereafter would otherwise prohibit erection of such sign.

(3) In adopting rules relating to on-premise signs the commission shall take into account:

(a) The natural beauty and esthetic features of the highways,

(b) The safety and convenience of the traveling public; and

(c) The need for reasonable identification of available commercial services along the highways.

(4) Nothing in ORS 377 700 to 377.840 is intended to prohibit, regulate or limit any on-premise sign that is not visible to the traveling public from a state highway

377.760 Application of ORS 377.700 to 377.840 to on-premise signs; transfer of control over signs within cities. (1) Except for on-premise signs located in protected areas, ORS 377.700 to 377.840 do not apply to on-premise signs within cities except as provided by this section.

(2) A city, with the prior approval of the council, may, by ordinance, transfer the control and regulation of all signs within the city that are within 660 feet of the nearest edge of the right of way of state highways in such city to the control and regulation of the council as provided by ORS 377.700 to 377.840. If the council approves a city's exercise of its option to come under ORS 377.700 to 377.840, all on-premise signs shall, subject to federal laws and regulations and subject to any state law or city ordinance, be permitted, for a period of 10 years, to remain where located at the time of the transfer of control to the council. Any such sign shall be maintained in a neat and attractive condition and in safe repair.

(3) On-premise signs erected or maintained within protected areas shall comply with the sign regulations for protected areas. [1971 c.770 §26; 1973 c.790 §10]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377 760, as amended by section 12, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377 760 as amended is set forth for the users' convenience

377.760. (1) Except for on-premise signs located in protected areas, ORS 377 700 to 377.840 do not apply to on-premise signs within cities except as provided by this section

(2) A city, with the prior approval of the commission, may, by ordinance, transfer the control and regulation of all signs within the city that are within 660 feet of the

nearest edge of the right of way of state highways in such city to the control and regulation of the commission as provided by ORS 377.700 to 377 840. If the commission approves a city's exercise of its option to come under ORS 377.700 to 377.840, all on-premise signs shall, subject to federal laws and regulations and subject to any state law or city ordinance, be permitted, for a period of 10 years, to remain where located at the time of the transfer of control to the commission. Any such sign shall be maintained in a neat and attractive condition and in safe repair

(3) On-premise signs erected or maintained within protected areas shall comply with the sign regulations for protected areas.

377.765 Status of previously existing signs; removal upon payment of compensation. (1) Outdoor advertising signs in existence on June 12, 1975, and lawfully located within commercial or industrial zones in existence on June 12, 1975, may remain. Subject to the provisions of ORS 377.700 to 377.840, such signs may be maintained, reconstructed and relocated. However, such signs shall not be relocated unless a relocation permit has been issued therefor pursuant to ORS 377.767.

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

(3) Upon payment of just compensation any outdoor advertising sign located in a scenic area designated pursuant to ORS 377.505 to 377.545 may be removed forthwith.

(4) Where an outdoor advertising sign was reconstructed under a waiver, upon payment of just compensation for that portion of the value which is not covered by the waiver, such outdoor advertising sign may be removed forthwith.

(5) Outdoor advertising signs in existence on July 1, 1971, which 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. Such a sign may, upon payment of such just compensation, be removed forthwith. It may not be reconstructed or replaced if destroyed by natural causes and it may not be moved to a different location.

(6) Subject to subsection (2) of this section, every outdoor advertising sign erected since October 22, 1965, pursuant to a waiver, adjacent to an interstate highway or a primary highway and outside of a commercial or industrial zone shall be removed forthwith, without payment of compensation, unless an owner of such a sign or signs, within 10 days after April 18, 1973, enters into an agreement transferring title to his signs to the state. Such an agreement may provide for the leasing back of such signs and for a scheduled removal which shall be not later than December 31, 1975.

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

(8) If any other highway is designated as an interstate or primary highway, a nonconforming outdoor advertising sign lawful before such designation but nonconforming thereafter shall be removed upon payment of just compensation.

(9) 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 shall be governed by subsection (5) of this section.

(10) Any outdoor advertising sign lawfully in existence outside of a city on July 2, 1971, beyond 660 feet from the nearest edge of the right of way of an interstate or primary highway and designed to be viewed primarily from such highway shall be removed by July 1, 1976, without compensation. [1971 c.770 §18; 1973 c.28 §1; 1973 c.790 §11; 1975 c.336 §7]

377.767 Relocation of existing outdoor advertising sign; conditions. A permit shall be issued for the relocation of an outdoor advertising sign lawfully erected in a commercial or industrial zone in existence on June 12, 1975, if the site lease for said sign is terminated for any reason. The existing sign may be relocated in any commercial or industrial zone upon the following conditions:

(1) The sign that is relocated shall 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, a sign 250 square feet or more may be increased to the maximum size allowed by the provisions of ORS 377.700 to 377.840 if not relocated so as to be visible from Interstate Highway

5, Interstate Highway 205, or Interstate Highway 80N.

(2) The site for the relocated sign is not within the distances set out 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	2000 feet
Freeway	1000 feet
Other State Highway	500 feet

(3) Where a sign is relocated in a commercial or industrial zone which 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 the purposes of ORS 377.710, 377.715, 377.725, 377.735, 377.765, 377.770, 377.773, 377.780, 377.800 and 377.845 and this section, a "developed commercial or industrial area" shall include only the land occupied by a building, parking lot, storage or processing area of a commercial or industrial use and on the same side of the highway.

(4) After October 4, 1977 no permit shall be issued to relocate a sign more than 100 miles from the site of an existing sign as of September 1, 1977 as measured along public streets, roads or highways between that site and the proposed new site. [1975 c 336 §9; 1977 c 265 §4]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.767, as amended by section 13, chapter 810, Oregon Laws 1977, takes effect July 1, 1981 377 767 as amended is set forth for the users' convenience

377.767. A permit shall be issued for the relocation of an outdoor advertising sign lawfully erected in a commercial or industrial zone in existence on June 12, 1975, if the site lease for said sign is terminated for any reason. The existing sign may be relocated in any commercial or industrial zone upon the following conditions:

(1) The sign that is relocated shall not have a sign area larger than that specified in the permit for the sign located on the site on which the lease was terminated However, a sign 250 square feet or more may be increased to the maximum size allowed by the provisions of ORS 377.700 to 377 830 if not relocated so as to be visible from Interstate Highway 5, Interstate Highway 205, or Interstate Highway 80N

(2) The site for the relocated sign is not within the distances set out 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 377 830

Types of Highway	Distance in Either Direction from Site
Interstate	2000 feet
Freeway	1000 feet
Other State Highway	500 feet

(3) Where a sign is relocated in a commercial or industrial zone which 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 the purposes of ORS 377.710, 377.715, 377 725, 377 735, 377 765, 377 770, 377 773, 377.780 and 377.800 and this section, a "developed commercial or industrial area" shall include only the land occupied by a building, parking lot, storage or processing area of a commercial or industrial use and on the same side of the highway

(4) After October 4, 1977, no permit shall be issued to relocate a sign more than 100 miles from the site of an existing sign as of September 1, 1977, as measured along public streets, roads or highways between that site and the proposed new site

377.768 Effect of relocation permit on existing sign permit; duty of engineer. Notwithstanding any provision in ORS 377.700 to 377.840 to the contrary:

(1) Issuance of a permit under ORS 377.767 to relocate a sign for which a permit has been issued under ORS 377.725 shall 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 engineer upon issuance of the permit to relocate. Upon completion of the relocation of the sign, the person holding the permit for relocation of the sign shall notify the engineer.

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

(a) Is notified that the relocation of the sign is completed within 120 days after the issuance of the permit for relocation, the engineer shall cancel the original permit.

(b) Cancels the permit for relocation of the sign because the relocation of the sign is not completed within 120 days as required under ORS 377.725, the engineer shall return the original permit for the sign to the person whose permit for relocation of the sign is canceled.

(3) A permit that is returned 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]

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 regulations for protected areas. If any provision of ORS 377.700 to 377.840 or rules promulgated pursuant thereto are more restrictive than the sign regulations 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 377.545, 377.720, 377.725, 377.745, 377.750, 377.765 and 377.767:

(a) Outdoor advertising signs in existence on June 12, 1975, may be maintained, reconstructed or relocated in commercial or industrial zones. Within cities, an outdoor advertising sign shall not be erected more than 660 feet from the nearest edge of the right of way if such 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 except those in existence on June 12, 1975, in commercial or industrial zones established on June 12, 1975, except as provided by ORS 377.765 and 377.767. [1971 c.770 §19; 1973 c 790 §12; 1974 s.s. c.33 §5; 1975 c 336 §10]

377.773 When sign abandoned; removal. Any outdoor advertising sign which does not have copy on the display surface for a period of six months shall be deemed to have been abandoned by the owner thereof and becomes a noncomplying sign subject to removal by the highway engineer under the procedure set forth in ORS 377.775. [1974 s s c.33 §7; 1975 §336 §11]

377.775 Removal procedure for noncomplying signs; disposition of removed signs; costs of removal. (1) Any sign that fails to comply with ORS 377.700 to 377.840 hereby is declared to be a public and private nuisance. In addition to the penalties provided by ORS 377.992 for violation thereof, such a sign may be removed by the highway engineer or his duly authorized representative as provided by this section. The engineer 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 engineer 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 engineer 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 engineer 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 highway engineer or his duly authorized representatives may remove and destroy or otherwise dispose of the sign.

(4) The highway engineer shall, after removing a sign in accordance with subsection (2) of this section, place it in storage for 30 days while he makes a further effort to find its owner. If the owner cannot be found within that time, the highway engineer may, without incurring any liability therefor, destroy or otherwise dispose of the sign. If the owner is found within that time, he may be required to remove the sign from storage; and if he is found at any time, the engineer may recover from him the cost of storage. The cost of storage is in addition to the cost of removal payable under subsection (5) of this section.

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

(6) If a sign does not bear the name and address of its owner, the advertisement thereon of the goods, products, facilities, services or business of a person or commercial enterprise is prima facie evidence of ownership of the sign by that person or commercial enterprise. [1971 c 770 §17; 1973 c 790 §13; 1977 c.265 §5]

377.780 Removal of outdoor advertising signs; payment of compensation; value determinations. (1) Where the department elects to remove and pay for a sign visible from secondary highways pursuant to subsection (5) of ORS 377.765, just compensation shall be paid upon the removal thereof.

(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. It shall pay just compensation for:

(a) The taking from the owner of such lawfully placed 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 Highway Division. In determining value, the division 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 division 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]

(Tourist, Motorist Information)

377.785 Maintenance of tourist information centers. The department shall establish and maintain official tourist information centers near the principal entrance points into the state, and at other locations it considers appropriate, to be used to provide information to the public about public accommodations, commercial services for the traveling public, campgrounds, parks, recreational areas and points of interest. The department may contract for the construction, maintenance and operation of such tourist information centers. [1971 c 770 §5; 1973 c 790 §15]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.785, as amended by section 14, chapter 810, Oregon Laws 1977, takes effect July 1, 1981 377 785 as amended is set forth for the users' convenience

377.785 The commission shall establish and maintain official tourist information centers near the principal entrance points into the state, and at other locations it considers appropriate, to be used to provide information to the public about public accommodations, commercial services for the traveling public, campgrounds, parks, recreational areas and points of interest The commission may contract for the construction, maintenance and operation of such tourist information centers.

377.790 Construction, maintenance and operation of motorist informational signs. Within the limits of the funds available in the subaccount created by ORS 377.840:

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

(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 and motorist information signs and collection of the permit fees charged therefor; or for other matter authorized under ORS 377.700 to 377.840 requiring council consideration. [1971 c 770 §6, 1973 c.790 §16]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.790, as amended by section 15, chapter 810, Oregon Laws 1977, takes effect July 1, 1981, 377 790 as amended is set forth for the users' convenience

377.790. Within the limits of the funds available in the subaccount created by ORS 377 840

(1) The Highway Division shall furnish, erect and maintain motorist informational signs and sign plazas. Such signs shall be erected and maintained at locations the division considers appropriate The commission may contract for the furnishing, erection and replacement of all such sign plazas and motorist informational signs to be erected upon or adjacent to 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 commission 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 and motorist information signs and collection of the permit fees charged therefor; or for other matter authorized under ORS 377.700 to 377 840 requiring commission consideration

377.795 Telephone informational system, allocation of costs; disposition of receipts. Whenever the council establishes a telephone reservation system for lodging accommodations at a sign plaza, the costs thereof shall be apportioned among the sub-

scribing motels, hotels, trailer parks or campgrounds, on a per room or other equitable basis. If the council and Highway Division decide to use the telephone system for emergency or other services an appropriate portion of the overall telephone costs shall be borne by the department. Receipts shall be paid into the State Treasury monthly and credited to the subaccount, created by ORS 377.840, before the 10th day of the following month. The council may enter into one or more contracts providing for the promotion and sale of logos, motorist information signs, sign plazas and subscriptions to the telephone reservation service. [1971 c.770 §7; 1973 c.790 §17]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377 795, as amended by section 16, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.795 as amended is set forth for th users' convenience.

377.795. Whenever the commission establishes a telephone reservation system for lodging accommodations at a sign plaza, the costs thereof shall be apportioned among the subscribing motels, hotels, trailer parks or campgrounds, on a per room or other equitable basis If the Highway Division decides to use the telephone system for emergency or other services an appropriate portion of the overall telephone costs shall be borne by the division Receipts shall be paid into the State Treasury monthly and credited to the subaccount, created by ORS 377 840, before the 10th day of the following month. The commission may enter into one or more contracts providing for the promotion and sale of logos, motorist information signs, sign plazas and subscriptions to the telephone reservation service.

377.800 Motorist informational signs; logo signs; sign plazas. For the convenience and information of the traveling public, a person may upon obtaining a permit therefor display advertising and other messages regarding public accommodations, commercial services for the traveling public and points of scenic, historic, cultural, scientific, outdoor recreational and educational interest on a motorist informational sign, logo sign or at a sign plaza. [1971 c 770 §9; 1973 c 790 §18; 1975 c 336 §13]

377.805 Form of motorist informational signs; use of logo signs. (1) The council shall by regulation prescribe the size, shape, color, lighting, and lettering of and manner of displaying advertising and other messages on motorist informational signs.

(2) When appropriate motorist informational signs shall be displayed in tiers or on panels. With the approval of the administrator, 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. Motorist information signs with logos 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]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.805, as amended by section 17, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.805 as amended is set forth for the users' convenience.

377.805. (1) The commission shall by regulation prescribe the size, shape, color, lighting, and lettering of and manner of displaying advertising and other messages on motorist informational signs

(2) When appropriate motorist informational signs shall be displayed in tiers or on panels The commission 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 commission. 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. Motorist information signs with logos shall be placed adjacent to the traveled portion of the highway so as to be easily read by motorists without slowing or stopping

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

377.820 Application for motorist informational sign permit; investigation; disposition. (1) An application for a motorist informational sign permit shall be submitted to the 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; the location where 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 motorist informational sign, the council shall refer the application to the Highway Division

to investigate the facts and to make a report to the council with its recommendations thereon. The division shall 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 regulations of the State Health Officer regarding restaurants and places of public accommodation. The division shall notify the council promptly in writing of the results of its investigation and its recommendations and the reasons for any recommended disapproval. If the council approves the application it shall issue the permit and forward the original to the applicant and a copy thereof to the highway engineer. 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 in his 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 183.310 to 183.500. [1971 c.770 §24; 1973 c.790 §20]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.820, as amended by section 18, chapter 810, Oregon Laws 1977, takes effect July 1, 1981 377 820 as amended is set forth for the users' convenience.

377.820. (1) An application for a motorist informational sign permit shall be submitted to the department on a form prescribed by the department. The application shall set forth the name and address of the applicant; the name, nature and location of the business; the location where a motorist informational sign is desired; and such other information as the department 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 motorist informational sign, the department shall refer the application to the Highway Division to investigate the facts and to approve or disapprove the application The application shall conform to the requirements prescribed by the commission under ORS 377.805 and, if applicable, unless the applicant is complying with all statutes and regulations of the State Health Officer regarding restaurants and places of public accommodation If the division approves the application it shall issue the permit and forward the original to the applicant. If it is not approved, the division 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 engineer and to present evidence, with or without counsel in his discretion Upon written request, the engineer shall hear the matter and notify the applicant of his findings and decision. The applicant may thenappeal in the manner provided by ORS 183.310 to 183.500

377.825 Fee for motorist informational sign applications. An applicant for a motorist informational sign shall pay to the council an initial permit fee of not less than $75 for each sign and an annual renewal fee which shall be determined for each year by the council in advance of such year. [1971 c.770 §27, 1973 c 790 §21]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.825, as amended by section 19, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.825 as amended is set forth for the users' convenience.

377.825. An applicant for a motorist informational sign shall pay to the department an initial permit fee of not less than $75 for each sign and an annual renewal fee which shall be determined for each year by the commission in advance of such year.

377.830 Limitation on motorist informational sign permits; use of logo signs. Notwithstanding any other provisions of ORS 377.700 to 377.840, the council shall not issue, for any one place or business eligible therefor, more than two permits for motorist informational 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. If the council finds that enforcement of this section would be unreasonable or would result in substantial hardship to the applicant it may issue more permits. [1971 c 770 §11; 1973 c.790 §22]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.830, as amended by section 20; chapter 810, Oregon Laws 1977, takes effect July 1, 1981 377 830 as amended is set forth for the users' convenience

377.830. Notwithstanding any other provisions of ORS 377.700 to 377.840, the department shall not issue, for any one place or business eligible therefor, more than two permits for motorist informational 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. If the department finds that enforcement of this section would be unreasonable or would result in substantial hardship to the applicant it may issue more permits

(Administration)

377.835 Rulemaking authority of Oregon Transportation Commission regarding motorist informational signs; intergovernmental agreements. (1) The Travel Information Council is hereby created.

(2) The Travel Information Council shall consist of 11 members. One shall be the chairman of the Department of Transportation or a person within the Highway Division designated by him and 10 appointed members as fol-

lows: 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. At least one of 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 with the consent of the Senate in the manner prescribed in ORS 171.560 and 171.570. 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. Of the 10 members appointed as of July 2, 1971, five shall be appointed for two-year terms and five for four-year terms. Five shall be appointed biennially thereafter.

(4) The council shall select one of its members as chairman, another as vice chairman 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 chairman. The chairman 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 regulations relating to the determination of locations for motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign regulations for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the department. All such regulations shall be consistent with federal laws, rules and regulations relating to highways. The administrator shall take appropriate action for the administration and enforcement of orders issued and regulations adopted under ORS 377.700 to 377.840.

(6) The department 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. [1971 c.770 §4; 1973 c.790 §23]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.835, as amended by section 21, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.835 as amended is set forth for the users' convenience.

377.835. (1) The commission may, in accordance with ORS 183.310 to 183.500 and consistent with ORS 377.700 to 377 840, adopt and from time to time amend and repeal regulations relating to the determination of locations for motorist informational signs and all other matters necessary and appropriate to carry out its responsibilities under ORS 377.700 to 377.840. The sign regulations for protected areas in effect on July 2, 1971, shall be continued in effect unless modified by the department. All such regulations shall be consistent with federal laws, rules and regulations relating to highways. The engineer shall take appropriate action for the administration and enforcement of orders issued and regulations adopted under ORS 377.700 to 377.840.

(2) 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.

Note: Sections 1 and 2, chapter 810, Oregon Laws 1977, provide:

Sec. 1. The Travel Information Council is abolished On the effective date of this section [July 1, 1981], the tenure of office of the members of the Travel Information Council shall cease.

Sec. 2. There are imposed upon, transferred to and vested in the Oregon Transportation Commission all the duties, functions and powers of the Travel Information Council.

377.837 Repayment of certain moneys to State Highway Fund. (1) The Department of Transportation, when requested by the council, shall issue warrants withdrawing money from the State Highway Fund to pay expenses of the council in carrying out ORS 377.790. There hereby is appropriated from the State Highway Fund for the purpose of paying such warrants, a sum not to exceed $100,000 for the biennium commencing July 1, 1973.

(2) Commencing January 1, 1975, there shall be credited to the State Highway Fund, 10 percent of the money collected by the council and credited each quarter to the subaccount created under ORS 377.840, until the sum of $100,000 is withdrawn and credited to the State Highway Fund. [1973 c.790 §26]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.837, as amended by section 22, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.837 as amended is set forth for the users' convenience.

377.837. Commencing January 1, 1975, there shall be credited to the State Highway Fund, 10 percent of the money collected pursuant to ORS 377 840 and credited each quarter to the subaccount created under ORS 377.840, until the balance of funds advanced pursuant to chapter 790, section 26, Oregon Laws 1973, is withdrawn and credited to the State Highway Fund.

377.840 Traveler Information subaccount; disposition of moneys received. (1) The Travel Information Council subaccount of the State Highway Fund is hereby created. Except for money received under ORS 377.725, 377.730, 377.755 and 377.775, all money received pursuant to ORS 377.700 to 377.840 shall be credited to the subaccount. In addition, there shall be credited from the State Highway Fund to the subaccount amounts, as necessary, to reimburse the subaccount for expenses incurred by the council in promulgating regulations under subsection (2) of ORS 377.755. Claims of the council for reimbursement shall be audited and approved for allowance as other claims against the State Highway Fund.

(2) Money credited to the subaccount is continuously appropriated and, except for expenses incurred under ORS 377.780, shall be used for the purpose of paying expenses incurred by the Travel Information Council and expenses incurred at the direction or request of the council by the Highway Division, the department or the engineer, in the administration of ORS 377.700 to 377.840. [1971 c.770 §29; 1973 c 790 §24]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.840, as amended b section 23, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.840 as amended is set forth for the users' convenience

377.840. (1) The Traveler Information subaccount of the State Highway Fund is hereby created. Except for money received under ORS 377.725, 377 730, 377.755 and 377.775, all money received pursuant to ORS 377.700 to 377.840 shall be credited to the subaccount.

(2) Money credited to the subaccount is continuously appropriated and shall be used for the purpose of paying expenses incurred by the department in the administration of ORS 377.785 to 377.840.

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 Highway Division 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 Highway Division as are necessary to carry out the provisions of this section. [1975 c.336 §15]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377.845, as amended by section 24, chapter 810, Oregon Laws 1977, takes effect July 1, 1981. 377.885 as amended is set forth for the users' convenience

377.885. After the State Highway Fund has been reimbursed for all moneys advanced or owed it the department may then utilize any funds received in excess of expenses to reimburse the State Highway Fund for costs already incurred and the future costs of providing public service information in sign plazas in rest areas.

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. (1) A person who violates any provision of ORS 377.700 to 377.840 and this section or any regulation of the Travel Information Council adopted pursuant thereto shall upon conviction be fined not more than $100 or imprisoned for not more than 30 days, or both.

(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 fine of not more than $100, or imprisonment in the county jail for not more than 30 days or both.

(3) Violation of ORS 377.030 to 377.050, 377.510, 377.635 or subsection (2) of 377.620 is punishable, upon conviction, by a fine of not more than $100, or imprisonment in the county jail for not more than 30 days, or both. [1971 c 770 §28]

Note: Section 4, chapter 478, Oregon Laws 1979, provides that 377 992, as amended by section 25, chapter

810, Oregon Laws 1977, takes effect July 1, 1981 377 992 as amended is set forth for the users' convenience.

377.992. (1) A person who violates any provision of ORS 377.700 to 377.840 and this section or any regulation of the commission adopted pursuant thereto shall upon conviction be fined not more than $100 or imprisoned for not more than 30 days, or both.

(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 fine of not more than $100, or imprisonment in the county jail for not more than 30 days or both.

(3) Violation of ORS 377.030 to 377.050, 377.510, 377 635 or subsection (2) of 377.620 is punishable, upon conviction, by a fine of not more than $100, or imprisonment in the county jail for not more than 30 days, or both

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]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Thomas G Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law

Done at Salem, Oregon,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

CHAPTERS 378 TO 380
[Reserved for expansion]