

CITY OF WALDPOR

REVISED ELECTION CAMPAIGN SIGN POLICY

A policy regulating temporary signs, including election campaign signs, within the City of Waldport, Oregon

Supersedes the Political Signage Policy of the Office of the City Manager dated February 24, 2022

Section 1. Title

This policy may be cited as the “Waldport Temporary and Election Campaign Sign Policy.” On adoption by the City Manager, it implements and is administered under Chapter 16.76 (Signs) of the Waldport Development Code (WDC).

Section 2. Purpose and Findings

A. The City recognizes that signs are a protected form of expression and that political and campaign speech occupies a central place in that protection. Signs nonetheless take up space, may obstruct views, distract motorists, displace other uses of land, and create clutter, and the City may regulate their physical characteristics under its police power.

B. This policy is enacted to serve the City’s significant, content-neutral interests in traffic safety, pedestrian safety, sight-distance at intersections and driveways, protection of public property and the public right of way, and community aesthetics.

C. **Content neutrality.** The City may not regulate signs based on their message, subject matter, or communicative content. A regulation that singles out political or campaign signs — or that turns on whether a sign is designed to influence the outcome of an election or concerns a candidate or current issue — is content based on its face and is presumptively unconstitutional. A regulation cannot avoid that result by substituting a function or purpose proxy that reaches the same message-based result. Accordingly, this policy regulates **election campaign signs as temporary signs**, applying the same neutral standards of size, number, duration, placement, and construction to every temporary sign regardless of what it says.

D. This policy applies content-neutral time, place, and manner standards that are narrowly tailored to the interests stated above and that leave open ample alternative channels for communication, including the display of temporary signs on private property.

Section 3. Definitions

Terms used in this policy have the meanings given in WDC § 16.76.020. In particular:

A. **Temporary sign** means any sign that is not permanently installed or affixed to a sign structure or building and is accessory to an event, election, government or institutional sponsored activity, lease, rental, or sale of limited, fixed duration; a temporary sign does not include an A-frame sign. **Election campaign signs are temporary signs** and are governed by this policy and by WDC § 16.76.050.

B. **“Sign,” size, “freestanding sign,”** and the other sign types are defined in WDC § 16.76.020.

C. **“Public right of way”** means the area dedicated to public use for street, road, sidewalk, and related purposes, including medians and planting strips.

D. **Road authority** has the meaning given in ORS 801.445 — the body authorized to exercise authority over a road, highway, street, or alley under ORS 810.010.

Section 4. Relationship to Other Law

This policy supplements, and does not supersede, WDC Chapter 16.76 and applicable Oregon law. Where this policy and the Development Code both apply, the more specific and more restrictive standard controls. Placement of signs within state highway and county road rights of way is separately governed by Oregon law as described in Section 8.

Section 5. Standards for Temporary Signs on Private Property

Temporary signs, including election campaign signs, are allowed on private property with the permission of the property owner or lawful occupant, subject to the following content-neutral standards, which track WDC § 16.76.050:

A. **Number.** No more than one temporary sign per subject is permitted per property.

B. **Size.** A temporary sign shall not exceed eight (8) square feet. (Size is measured under WDC § 16.76.020.)

C. **Duration.** A temporary sign may be displayed for not more than ninety (90) consecutive days, or for any period during which the property is for sale, lease, or rent, or for an election or event. To serve the City’s neutral interest in preventing clutter and abandoned signs, a temporary sign shall be removed within fourteen (14) days after the end of the applicable display period or after the sign is no longer maintained, whichever occurs first.

D. **Construction.** A temporary sign shall be secured so as not to be movable (pushed, pulled, or blown).

E. **Attachments.** No objects (for example, balloons or banners) shall be attached to a temporary sign.

F. **Maintenance.** All signs, together with their supports, shall be kept in good repair and maintained in a safe, neat, and clean condition.

G. **Permit.** Temporary signs are not permanent signs and are not subject to the sign-permit requirement of WDC § 16.76.030, which applies to signs erected, replaced, altered

or relocated and exempts A-frame and banner signs. No sign permit or fee is required to display a conforming temporary sign on private property.

Section 6. Placement Standards; Sight Distance and Safety

The following neutral placement standards apply to every temporary sign, regardless of message:

A. Public right of way. Temporary signs are not permitted in the public right of way. This includes medians, planting strips, and the traveled and paved portions of streets.

B. Government signs and sight distance. No sign shall be placed within ten (10) feet of any government-installed sign within a street right of way, such as a stop sign or traffic-control sign. No sign shall be placed so as to obstruct the vision of motorists or pedestrians, restrict required sight distances, or interfere with the effectiveness of an official traffic sign, device, or signal.

C. City property. Consistent with the City's authority to prohibit signs on public property in an evenhanded, content-neutral manner, temporary signs are not permitted on City-owned property — including parks, City Hall grounds, and the grounds of fire, police, and emergency-services facilities — except as allowed under Section 7.

Section 7. Temporary Signs During Permitted Events on City Property

Temporary signs may be allowed on City property while that property is in lawful use by a group for a specific event or activity for which the City has granted permission or a permit — for example, a rally, demonstration, or other special-event use — for the duration of that permitted use. Any such allowance shall be administered on the same terms for all applicants without regard to the content or viewpoint of any sign. Signs shall be removed at the conclusion of the permitted use.

Section 8. Signs Within State Highway and County Road Rights of Way

A. State highways (U.S. 101 and OR 34). Signs on or visible from a state highway are subject to the Oregon Motorist Information Act. A person may not erect or maintain a sign on the right of way of a state highway other than a traffic-control sign or device, and signs outside the right of way that are visible to the traveling public must comply with the Act and ODOT rules. The Act's permit requirements do not apply to a temporary sign on private property that does not exceed twelve (12) square feet, is not on a permanent base, and does not remain in place more than sixty (60) days in a calendar year (with a longer allowance for a sign erected by a resident on the resident's own residential property); ODOT may not consider the content of a sign in deciding a variance; and the Act does not apply to a sign within a city more than 660 feet from the nearest edge of a state-highway right of way unless designed to be viewed primarily from the highway. Signs on private property within the City remain subject to the eight-square-foot and other standards of Section 5, which are more restrictive.

B. County roads. Except as provided in ORS 368.950, no person may place or attach any sign, notice, poster, or similar matter within the limits of the right of way of any county road, except within the limits of an incorporated city through which the county road runs. A county road official may remove or destroy, without legal proceedings, any sign placed in violation of that prohibition.

Section 9. Enforcement and Removal

A. Complaint-based enforcement. The City will act on written complaints (email is acceptable) filed with City Hall regarding signs placed in violation of this policy. The City does not routinely patrol for improperly placed signs.

B. Signs in the public right of way or on City property. A sign placed in the public right of way or on City property in violation of this policy may be removed by Public Works. The City will make reasonable efforts to hold the sign for return to the responsible person or group.

C. Signs on private property. The City does not remove signs from private property. Placement of a sign on private property without the owner's or occupant's permission may result in removal by the property owner or occupant. A dispute over a sign on private property is a matter between the sign owner and the property owner or occupant.

D. Nonconforming and abandoned signs. A sign that is no longer maintained, or that is no longer associated with a current event or use, shall be removed in accordance with WDC §§ 16.76.070 and 16.76.080.

E. Variances. A person seeking relief from a standard of this policy or Chapter 16.76 may apply for a variance under WDC § 16.76.090 and Chapter 16.92.

Section 10. Penalties; Unauthorized Removal or Tampering

A. Violation of right-of-way placement law. Placing a sign in a county road right of way in violation of ORS 368.942 is a Class C misdemeanor under ORS 368.990.

B. Unauthorized removal or tampering. Oregon's election laws do not create an offense specific to removing or tampering with a campaign sign. Taking, removing, defacing, or tampering with another person's lawfully placed sign without authorization may constitute **criminal mischief in the third degree** — a Class C misdemeanor committed by tampering or interfering with the property of another, with intent to cause substantial inconvenience and without any right or reasonable belief in a right to do so — under ORS 164.345, or **theft** under ORS 164.015. Persons concerned about a sign should file a complaint with the City rather than remove the sign themselves.

Section 11. Severability

If any provision of this policy, or its application to any person or circumstance, is held invalid, the remainder of the policy and its application to other persons or circumstances shall not be affected.

Section 12. Effective Date

This policy takes effect on publication by the City Manager and, once in effect, supersedes the Political Signage Policy dated February 24, 2022.
