

PLACEMENT OF CAMPAIGN SIGNS

This is a list of suggestions as to where campaign signs could be placed and where not to put them.

Included is a Public Notice from Bingham County's Public Works department as well as copies of §18-7029 and §40-1910, Idaho Code, which address the requirements and some limitations for placing posters or promotional material on public or private property.

Candidates have the right to request permission to place election signs or posters at appropriate locations. However, ITD is unable to grant permission to post election signs or poster on any roadway under its jurisdiction due to federal restrictions, Idaho Code, safety concerns and maintenance requirements. This includes fences along all Interstate corridors and all rights-of-way on the state highway system. ITD respectfully asks that folks avoid placing signs in these areas.

The Idaho Transportation Department holds removed signs or posters at the nearest ITD maintenance yard where they can be retrieved up to 10 days after the election. After this time, they will be disposed of.

Before signs can be placed on the Fort Hall Reservation property, a permit must be obtained from the Land Use Office located at the Tribal Building in Fort Hall. Their telephone number is 208-478-3825.

The Bingham County Road and Bridge Department states that their department receives complaints from many citizens during the campaign process. To prevent your signs from being out of compliance with the county rules here are some guidelines to follow:

1. Permission: Always find out who owns the property and seek permission from them.
2. Intersections: If a sign is causing a traffic hazard your sign will be removed.
3. View: After you have placed a sign, take time to go down the road and look at the sign from all directions and make sure that it is not restricting visibility.
4. Removal: If any of your signs have been removed, you can call the County Road and Bridge Department 208-782-3860 and find out how to get your sign back.
5. Railroad tracks: The Railroad owns the tracks and usually there is not a right-of-way between the tracks and the County right-of-way so there would not be any room for signs along the road. For example, Highway 91 going north out of Blackfoot, there is no area for signs on the side of the road where the railroad track runs.



Bingham County Public Works

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Blackfoot, Idaho 83221

(208) 782-3173 - (208) 785-8063 (fax)

PUBLIC NOTICE

During past election seasons the county public works department has received citizen reports and complaints regarding political and/or campaign signs being illegally placed in the road right of way or causing a road hazard by limiting visibility at an intersection. Much time is unnecessarily wasted by the county public works department because each and every complaint or report must be checked to determine whether or not there is a violation of law or a legitimate public safety concern.

In the event a sign is illegally placed in a road right of way, causing a traffic hazard or blocking the view of the motoring public at an intersection the county is required to remove the offending sign in order to protect the public and prevent a possible civil liability issue against the County.

Bingham County Code 10-7-31A.1. States; *"Except for highway signs, no sign shall be located within any road right-of-way nor located to impede visibility at an intersection."* In order to eliminate or reduce the chances of your campaign sign being in violation of the county ordinance and removed we recommend the following; Usually, aligning placement of a sign out of the county right of way can be determined by looking at the distance of a power pole or a utility pedestal from the shoulder of the road. If your sign is no closer to the road than the pole or pedestal then there is a good chance that your sign will be ok. Remember, you legally must have permission for placement of the sign from the property owner.

Requirements for placement of signs on private property within an intersection can be found in Idaho Code 49-221 (1) *"It shall be the responsibility of the owner of real property to remove from his property any hedge, shrubbery, fence, wall or other sight obstructions of any nature, except public traffic or highway signs, buildings and trees, where these sight obstructions constitute a potential traffic hazard. The above sight obstructions shall not extend more than three (3) feet, or less than ten (10) feet, in height above the existing center line highway elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent highways forty (40) feet along each highway and connecting the two (2) points with a straight line. The sight distance obstruction restriction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line when intersecting with a highway."*

With that in mind we recommend that you try to avoid placement of a campaign sign in the area of the intersection to minimize the chance of having your sign removed. In the event that you decide to place a sign at an intersection, in a county road right of way, there is a strong possibility that it will be removed. The county public works department must lean towards the side of caution when it comes to public safety and civil liability so if there is any chance of a problem it will be removed.

Our efforts in providing this notification is to inform of sign placement limitations in the hope of avoiding any hurt feelings or beliefs that someone is being singled out. If you have any questions contact Bingham County Public Works Department at (208) 782-3173.

Idaho Statute

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 70
TRESPASS AND MALICIOUS INJURIES TO PROPERTY

§18-7029. Placing posters or promotional material on public or private property without permission.

It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has forbidden the placing or leaving of literature or other political, promotional or sales material upon that property.

Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.

History:

[LC., sec. 18-7029, as added by 1972, ch. 336, sec. 1, p. 979; am. 1994, ch. 167, sec. 8, p. 377.]

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Idaho Statute

TITLE 40 HIGHWAYS AND BRIDGES CHAPTER 19 BEAUTIFICATION OF HIGHWAYS

§40-1910. **Location of displays.** No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (1) Within the right-of-way of any highway;
- (2) Visible from any interstate or primary highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if intended or likely to be construed as giving warnings of traffic;
- (3) Within any stream or drainage canal or below the flood water level of any stream or drainage canal where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage canal or against the supports of the highway structure;
- (4) Not maintained in a safe condition;
- (5) Visible from any interstate or primary highway and displaying any red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal;
- (6) Illuminated with such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent interstate or primary highways;
- (7) Purported to direct the movement of traffic;
- (8) Painted, affixed or attached to any natural feature as more particularly prohibited by section 18-7017, Idaho Code;
- (9) Hinder the clear, unobstructed view of approaching or merging traffic, nor obscure from view any traffic sign or other official sign;
- (10) Located as to obscure the view of any connecting highway or intersection; and
- (11) Not clear or in good repair.

History:

[40-1910, added 1985, ch. 253, sec. 2, p. 685.]

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