

Campaign

Sign

Posting

Regulations



**IDAHO TRANSPORTATION DEPARTMENT**  
P.O. Box 7129  
Boise ID 83707-1129

(208) 334-8000  
itd.idaho.gov

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## MEMORANDUM

DATE: September 22, 2010

TO: Department Staff

FROM: Tom E. Cole, LS/PE  
Chief Engineer

RE: Election Signs

We are continuing to see increasing numbers of election signs and posters in our rights-of-way in spite of efforts to educate candidates. While we have full authority to remove these signs and dispose of them, our crews are often accused of favoritism. In light of this fact, it is important that we treat all placement of election signs or posters in our rights-of-way – and their removal – the same across districts.

A letter is currently being prepared to be mailed to all statewide candidates, all County Clerks, Republican and Democratic county chairs and all Republican and Democratic district chairs. It outlines the current law and our policy for removal of election signs or posters. A copy is enclosed.

When you are addressing the election signs and posters issue, please remember and adhere to the following:

- Placement of election signs and posters on fences along all Interstate corridors or within rights-of-way is unlawful.
- There are no circumstances under which the Idaho Transportation Department will grant permission to post election signs or posters on any roadway under its jurisdiction.
- ITD will not require any permit or written authorization for posting made on non-ITD property such as utility poles.
- The department will remove any signs or posters that are located on fences along all Interstate corridors or within rights-of-way.
- The department will hold election signs or posters in the nearest Idaho Transportation Department maintenance yard where they can be retrieved up to 10 days after the election, after which time they will be disposed of.

If you have questions, please contact your District Engineer.

Enclosures

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September 22, 2010

Dear Candidate:

As election day fast approaches, there will be an increasing number of campaign signs appearing around the state. The Idaho Transportation Department would like to remind you of the law governing election signs or posters in the right-of-way, and to inform you of our policy regarding the removal of election signs or posters within those rights-of-way.

Enclosed are copies of Sections 18-7029 and 40-1910, Idaho Code, which address the requirements for placing posters or promotional material on public or private property. Candidates have every right to request permission to place election signs or posters at appropriate locations. **There are no circumstances, however, under which the Idaho Transportation Department will grant permission to post election signs or posters on any roadway under its jurisdiction** due to federal restrictions, Idaho Code, maintenance requirements, and safety. This includes fences along all Interstate corridors and all rights-of-way on the state highway system.

Because this has been an increasing problem in recent years, and in order to ensure consistency statewide in the way we deal with election signs and posters, the department has implemented a policy for dealing with unlawfully-placed election signs and posters. The department will remove any signs or posters that are located on fences along all Interstate corridors or within rights-of-way. The department will hold election signs or posters in the nearest Idaho Transportation Department maintenance yard where they can be retrieved up to 10 days after the election, after which time they will be disposed of.

The department has a responsibility to keep the right-of-way safe and orderly. Removal of unlawfully-placed signs is an added burden on our maintenance crews. To that end, I am requesting that you, as a candidate for public office, not place election signs or posters within the Idaho Transportation Department rights-of-way.

If you have any questions, please contact your nearest district office from the enclosed list.

Sincerely,

TOM E. COLE, LS/PE  
Chief Engineer

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Enclosures

Cc: Statewide Candidates  
County Clerks  
County Party Chairs  
District Party Chairs

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## **Idaho Transportation Department District Offices**

### Idaho Transportation Department District 1

Mailing address - 600 W. Prairie  
Coeur d'Alene, Idaho 83815-8764  
Office Hours - 7:00 a.m. to 4:00 p.m., Pacific Time Zone  
Phone – (208) 772-1200

### Idaho Transportation Department District 2

2600 Frontage Road, Lewiston  
Mailing address - P.O. Box 837  
Lewiston, Idaho 83501-0837  
Office Hours - 7:00 a.m. to 4:00 p.m., Pacific Time Zone  
Phone – (208) 799-5090

### Idaho Transportation Department District 3

8150 Chinden Blvd., Boise  
Mailing address - P.O. Box 8028  
Boise, Idaho 83707-2028  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone – (208) 334-8300

### Idaho Transportation Department District 4

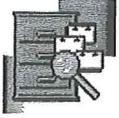
216 South Date Street, Shoshone  
Mailing address - P.O. Box 2-A  
Shoshone, Idaho 83352-0820  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone – (208) 886-7800

### Idaho Transportation Department District 5

5151 South 5th, Pocatello  
Mailing address - P.O. Box 4700  
Pocatello, Idaho 83205-4700  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone – (208) 239-3300

### Idaho Transportation Department District 6

206 North Yellowstone Highway, Rigby  
Mailing address - P.O. Box 97  
Rigby, Idaho 83442-0097  
Office Hours - 8:00 a.m. to 5:00 p.m., Mountain Time Zone  
Phone – (208) 745-7781



# Idaho Statutes

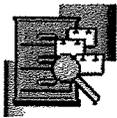
TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 70

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.

The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.

*The Idaho Code is the property of the state of Idaho, and is copyrighted by Idaho law, I.C. § 9-350. According to Idaho law, any person who reproduces or distributes the Idaho Code for commercial purposes in violation of the provisions of this statute shall be deemed to be an infringer of the state of Idaho's copyright.*



# Idaho Statutes

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.

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# Teton County

8-9-1

## CHAPTER 9

### SIGNS:

#### SECTION:

- 8-9-1: Purpose; Intent
- 8-9-2: Applicability
- 8-9-3: Permit Required
- 8-9-4: Design and Construction Standards
- 8-9-5: Sign Removal
- 8-9-6: Appeal
- 8-9-7: Variance Procedure

**8-9-1: PURPOSE; INTENT:** The purpose of this chapter is to allow the reasonable display of signs to identify homes, public buildings, cultural, professional and business establishments and to advertise products and services for the information and convenience of the people and the flourishing of enterprise. This chapter sets forth uniform standards for the fabrication and placement of signs in the county with the intent of making it easier and less costly for businesses and individuals to have their messages seen while preserving the character of the community as described in the county comprehensive plan.

#### **8-9-2: APPLICABILITY:**

**A. SIGN DEFINED:** For the purposes of this chapter, the term “sign” shall mean a display of letters, numbers, illustrations, symbols, lights or devices erected to attract attention to the subject matter for advertising purposes.

**B. SCOPE:** This chapter regulates all exterior signs, permanent or temporary, and interior signs intended to be visible from outside the buildings, in which they are installed, within the county, outside the city limits of Victor, Driggs, and Teton, with the exception of the types of signs listed in the following subsection.

#### **C. EXEMPTIONS:** Signs exempted from regulation are:

1. Official Signs: Traffic signs, guidance signs, welcome signs and official notices placed by a public agency;
2. Private Traffic Signs: Private traffic signs that are similar in design and size to the official signs and do not confuse the intent and operation of the official signs;
3. Individual, Nonprofit Organization Flags: Flags of individuals and nonprofit organizations are allowed, one each per location, provided they are no larger than 20 square feet in area and are not attached to a sign;

4. Historic: Historic site markers, commemorative tablets and signs that name buildings or give their date of construction;
5. Murals; Sculptures: Murals and sculptures displayed as art and not connected with advertising of a business;
6. Time and/or Temperature: Time and/or temperature signs whereon time and temperature are the only changeable copy and the remaining copy is limited to the sponsor's name;
7. Political: Political campaign signs pertaining to a specific election, provided they are displayed no earlier than 60 days before the election and removed within ten (10) days after the election;
8. Owner/Occupant Identification: Owner or occupant identification signs for residential structures, provided they do not exceed one square foot in area (for example, 6" x 24");
9. Private Warning: Private warning signs up to six (6) square feet in area;
10. Sale, Lease, or Rent: Property owner and/or realtor signs for sale, lease or rental if they do not exceed six (6) square feet in area, one sign per street frontage of property where they are displayed on the property owner's real property; in addition, one directional sign will be allowed for each property noticed for sale. (amended 12/13/2012)
11. Window Display: Window displays of business enterprises;
12. Construction Sites: Construction sites signs up to 24 square feet in area, one sign per street frontage at the site;
13. Informative Signs: "Open/closed", "vacancy/no vacancy", business hours and credit card acceptance signs up to three (3) square feet in area, one sign of each type per frontage at each business location;
14. Special Event: Special event signs where the event lasts no longer than five (5) days;
15. Signs on Vehicle: Signs on a vehicle, provided the vehicle is not left standing in a conspicuous place for the purpose of advertising for more than 72 hours;
16. Temporary Signs or Banners: Temporary signs or banners advertising grand openings (on a one-time basis), sales or events sponsored by nonprofit groups, or garage or yard sales, provided the sign is located entirely on private property and is not supported by structures located on public property. "Temporary" shall mean in place no earlier than 15 days before the event and removed the day after the event.
17. Flags: Flags of the official United States and Idaho state flags.

# City of Driggs

2. Official notices issued by any court, public agency, or officer.
3. Government signs.
4. One non-illuminated "for sale," "for rent," or "for lease" sign not exceeding six (6) square feet in area; or one non-illuminated "for sale," "for rent," or "for lease" sign per subdivision or multi-family complex, not exceeding thirty two (32) square feet. All signs must be removed within ten (10) days after their reason for existence ends.
5. Memorial signs.
6. Flags, either official or historic, of any state or nation.
7. Signs designated by the city council as having historical significance to the city.
8. Directional signs, including signs designating parking area entrances and exits. Parking lot directional signs shall not project higher than seven (7) feet above the established grade of the parking area.
9. Temporary signs pertaining to a specific sale or event that are displayed no longer than fourteen (14) consecutive days. However, no premises may display more than four (4) such signs a year. Temporary signs may not be larger than twenty (20) square feet.
10. Any sign in or upon a vehicle; provided, that the vehicle is not left standing in conspicuous places nor used primarily as an advertising device.
11. Holiday decorations such as signs or other material temporarily displayed on traditionally accepted civic, patriotic, or religious holidays.
12. Window signs.
13. Incidental signs that do not exceed four (4) square feet for each exposed face. Such signs shall not project higher than seven feet (7') above the established grade and must not convey a commercial message.
14. Campaign signs. Such signs shall not exceed sixteen (16) square feet or four feet (4') in height, shall not be displayed more than thirty (30)



3. The actions, if any that the applicant could take to obtain a permit.
- E. Issuance Of Permit; Contents: The Planning and Zoning Administrator shall issue a Sign Permit to the applicant upon approving a sign permit application. The sign permit shall state:
1. The type and description of sign(s) as defined in this ordinance;
  2. The location at which the approved sign(s) will be installed;
  3. The date of issuance;
  4. The name of the sign owner;
  5. The name of the person or company installing the sign.
  6. Whether an inspection by the Driggs Building Inspector will be required.
- F. Appeal of Planning and Zoning Administrator Decision.
1. An applicant who is denied a sign permit after submitting a complete application may appeal the Planning and Zoning Administrator's decision to the Driggs Planning and Zoning Commission, provided that a written request for appeal is filed with the Planning and Zoning Administrator within five (5) working days after the decision of the Planning and Zoning Administrator is received by the applicant.
  2. Upon receiving a request for appeal, the Planning and Zoning Administrator shall schedule the appeal for the next available Planning and Zoning Commission meeting.
  3. In reviewing the appeal, the Planning and Zoning Commission shall apply the standards of this chapter and shall either approve, disapprove or modify the action of the Planning and Zoning Administrator.
- G. Exemptions From Permit: A permit is not required for the following types of signs in any zoning district:
1. All signs erected in a public right of way by a public agency.

days prior to election day, and shall be removed within five (5) days after the election.

15. One identification sign per single-family dwelling, provided such sign does not exceed two (2) square feet in area.

16. One identification sign per commercial building, provided such sign does not exceed four (4) square feet in area.

8-2-6:            PROHIBITED SIGNS:

- A.    Except as herein provided, signs, whether temporary or permanent, except traffic signs, signals, banners, and information signs erected by a public agency, within any street or highway right of way.
- B.    Any sign using fluorescent colors.
- C.    Roof signs.
- D.    Signs painted on or attached to telephone or other utility poles.
- E.    Signs which display intermittent or flashing lights or moving parts. However, barber poles, traffic signs and time/temperature signs erected by a public agency shall be permitted.
- F.    Any sign using strobe lights.
- G.    Signs that create a safety hazard by obstructing a clear view of vehicular and/or pedestrian traffic.
- H.    Signs that display a message or graphic representation that is lewd, indecent, or otherwise offensive to public morals.
- I.    Abandoned signs.
- J.    Searchlights and beacons.
- K.    Inflatable signs and tethered balloons.
- L.    Outdoor neon signs and window neon signs larger than 6 square feet.



pole attachments, mobile signs, but not including real estate open house signs .

14. No sign shall be permitted which is not related to the property upon which it is located, or to the activity being conducted thereon.
15. Searchlights.
16. Billboards.
17. Beacons and strobe lights.

### 9-12-06-5: TEMPORARY SIGNS

- A. Signs for temporary vendors shall comply with all the requirements herein except that any temporary vendor sign shall be permitted for the entire length of time that the temporary vendor is in operation.
- B. A business identification banner, or similar sign, may be permitted on a temporary basis, not to exceed one hundred twenty (120) days, during approval and construction of any wall sign for a new business.
- C. A business identification A-frame, sandwich board or similar sign, may be permitted on a temporary basis, not to exceed one hundred twenty (120) days, during approval and construction of any monument sign for a new business.
- D. Political signs shall be permitted on private property and may be placed or erected no sooner than sixty (60) days before the election and must be removed within ten (10) days after the date of the election.

### 9-12-06-6: SIGNS ON CITY OWNED PROPERTY

- A. No person shall erect a sign upon any property owned or controlled by the city without first having procured a lease of the property from the city. Before any lease shall be granted for the erection and maintenance of a sign upon property of the city, a site review application shall be required with any additional information, which the zoning administrator shall deem necessary to carry out the purposes and intent of this article.
- B. In the event that any sign is erected or maintained in violation of the provisions of this section, the city may direct the removal of such sign. In the event the lessee deems such removal to be without cause, they may, within thirty (30) days after such direction, make written appeal to the city council. The findings of the city council, after notice to the lessee and due hearing, shall be final.

# City of Victor

The owner of the LED billboard sign shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Victor.

- G. No sign shall exceed an illumination of one half (0.5) footcandles measured at any adjacent property line in a residential district and two (2.0) footcandles at any public ROW.

## 10-17-14: **SPECIAL SIGNS:**

- A. **Flags.** Customized graphic flags that convey a message that the business is open through the use of a pictorial or graphic image and which complement the building design are permitted. Customized flags should be mounted on a decorative bracket attached perpendicular to the building face. Maximum size shall not exceed six (6) feet by ten (10) feet, and the lowest point of the flag must be at least eight (8) feet above the surface of any sidewalk or pedestrian way.
- B. **Murals.** Murals painted on the wall surface of a building may be permitted in addition to the signs allowed in the downtown central business area. Such proposed art shall be reviewed at the zoning administrator design review level to ensure that it does not constitute a sign otherwise allowed or prohibited by this article. Murals do not contain advertising copy
- C. **Menu holders.** A menu holder is permitted on the exterior storefront of a restaurant. The menu holder shall be limited to the size of two (2) pages of the menu utilized by the establishment. The menu holder shall be located so that it does not impede pedestrians on the public sidewalk. The menu holder shall not be used for additional business identification signage and lettering shall not exceed one (1) inch in height.
- D. **Off-site signs.** Off-site directional signs painted on buildings at the alley intersections to direct pedestrians to businesses down side-streets and/or alleys are permitted with the permission of the building owner. Signs shall be professionally designed and constructed and must complement the color and materials of the building on which they are painted. This sign will be no larger than 4 sq. ft in size.
- E. **Sidewalk cafe signage.** In accordance with these cafe guidelines, a sidewalk cafe may be permitted signs under special use permit on the cafe umbrella(s) in addition to the main occupancy frontage signs. No penalty to the applicant's total signage allowance shall be assessed. (amd. Ord. 11-1109, 11-11-09)

## 10-17-15: **SIGNS EXEMPT FROM PERMITTING:** A permit is not required for the following types of signs in any zoning district:

- A. All signs erected in a public right-of-way by a public agency.

- B. Open/closed sign. One "open" or "closed" window sign less than two (2) square feet.
- C. Official notices issued by any court, public agency, or officer.
- D. Government signs.
- E. One non-illuminated "for sale," "for rent," or "for lease" sign not exceeding six (6) square feet in area; or one non-illuminated "for sale," "for rent," or "for lease" sign per subdivision or multi-family complex, not exceeding thirty two (32) square feet. All signs must be removed within ten (10) days after their reason for existence ends.
- F. Flags, either official or historic, of any state or nation. Flag. An American, Idaho, or city flag. The flag shall not exceed eight (8) feet in length or ten (10) feet in height. The American Flag must be lit if kept out at night by federal regulations.
- G. Business information signs. Business information signs are signs informing business patrons of hours of business, "help wanted," accepted credit cards or other general business information, but do not include separate identification of the specific business or advertisement of products, services or sales. Such business information signs shall be gathered in one location unless otherwise approved by the Zoning Administrator, and shall not exceed a total of two (2) square feet.
- H. Open house sign. In addition to other Real Estate Signs permitted by this article, one "open house" sign not exceeding three (3) square feet is permitted provided it is located on the particular premises which is for sale, lease or rent, and posted only when a salesperson is present.
- I. Undeveloped acreage real estate sign. For undeveloped acreage, one non-illuminated real estate sign shall be permitted, and shall not exceed one-quarter (1/4) of one (1) square foot for each linear foot of site frontage, to the maximum of fifty (50) square feet, and shall not exceed a height of six (6) feet above the surface of the street.
- J. Barber poles. Any barber shop shall be entitled to display a single barber pole in addition to any other signs allowed by this article. The size, location and method of mounting to the building shall be as approved through the development review process in accordance with 10-17-2:
- K. Signs designated by the city council as having historical significance to the city.
- L. Directional signs, including signs designating parking area entrances and exits, may be four (4) square feet in size. Parking lot directional signs shall not project higher than seven (7) feet above the established grade of the parking lot.
- M. Any sign in or upon a vehicle, provided that the vehicle is not left standing in conspicuous places nor used primarily as an advertising device.

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- N. Holiday decorations such as signs or other material temporarily displayed on traditionally accepted civic, patriotic, or religious holidays.
  - O. Campaign signs. Such signs shall not exceed sixteen (16) square feet, and shall not be displayed more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election.
  - P. One identification sign per single-family dwelling, provided such sign does not exceed two (2) square feet in area.
  - Q. One identification sign per commercial building, provided such sign does not exceed four (4) square feet in area.
  - R. Grand opening banners, temporary. No more than one (1) temporary banner per occupancy frontage announcing a new business opening may be displayed for a maximum period of thirty (30) working days. Said banner(s) shall be dated on the sign and shall be removed within thirty (30) working days of the posted date.

10-17-16: **PROHIBITED SIGNS:** The following signs are inconsistent with the purposes of the city's comprehensive sign approach and the sign standards outlined in this article, and are therefore prohibited:

- A. Except as herein provided, no signs, whether temporary or permanent--except traffic signs, signals, banners, and information signs erected by a public agency--are permitted within any street or highway right-of-way.
  1. Any sign using fluorescent colors.
  2. Roof signs. Signs mounted on the roof or above the lower eave line of a mansard or similar roof.
  3. Signs painted on or attached to trees, fences, and telephone or other utility poles, or signs painted on other natural features or roofs of buildings.
  4. Signs which display intermittent or flashing lights or moving parts. However, barber poles, traffic signs and time/temperature signs erected by a public agency shall be permitted. Animated, moving, flashing, blinking, reflecting, revolving, or any other similar moving or simulated moving sign.
  5. Signs that create a safety hazard by obstructing a clear view of vehicular and/or pedestrian traffic.
  6. Signs that display a message or graphic representation that is lewd, indecent, or otherwise offensive to public morals.
  7. Abandoned signs. Abandoned signs, or signs advertising or publicizing an activity, service or product not conducted on the premises upon which the sign is maintained, except for community interest signs permitted by Section J or signs specifically permitted in a zone district.