

734-059-0015

Definitions

(1) The terms "neat," "clean," "attractive" and "good repair" as used in ORS 377.710(18) and 377.720(8) are defined as follows:

(a) The terms "neat" and "attractive" mean without rotting or broken parts, having parts that are solid and sound, without chipping or peeling paint, paper, vinyl or plastic, without graffiti, and without faded, washed-out or illegible copy. The terms apply to all component parts of a sign.

(b) The term "clean" means free of dirt, unsoiled, without grime or soot. The term does not include a minor dust coating that is undetected from the main-traveled way of a state highway. The term applies to all component parts of a sign that are visible to the main-traveled way of a state highway.

(c) The term "good repair" means having sound and solid parts, without rotting or broken parts, firmly fixed in place so as to be able to withstand a wind pressure of 20 pounds per square foot of exposed surface. The term includes all component parts of a sign.

(2) In interpreting ORS 377.720(9), to be considered "used in transportation" the owner or operator must demonstrate the vehicle or trailer is regularly used in a manner consistent with its usual purpose. The Department may consider but is not limited to the following factors:

- (a) Whether it is used only for storage;
- (b) Whether it is incapable of being moved in its normal way, such as due to a flat tire or mechanical problems;
- (c) Whether its movement would be illegal such as if its registration has expired;
- (d) Whether its location is compatible with being regularly used in transportation;
- (e) How frequently it is moved;
- (f) How far it is moved;
- (g) Whether any change in location appears to be a mere attempt to qualify a sign structure under the exemption.