

Campaign Sign Complaint Packet for City of Missoula and Missoula County Complaints

Before submitting a complaint to City or County offices, first familiarize yourself with the Campaign Sign Packet to detail the alleged violation. Complaints must be made in writing to cityzoner@ci.missoula.mt.us for City complaints and zoner@missoulacounty.us for County complaints. Please include this form to indicate information regarding the complaint.

LOCATION OF VIOLATION

NATURE OF VIOLATION

COMPLAINANT'S NAME & CONTACT INFORMATION *Anonymous complaints cannot be made*

Name:	Phone Number:
Email:	
Address:	

SELECT THE VIOLATION MADE:

<input type="checkbox"/> SIGN ON PUBLIC PROPERTY	<input type="checkbox"/> SIGN ON RIGHT OF WAY	<input type="checkbox"/> SIGN IS ILLUMINATED	<input type="checkbox"/> SIGN WITHIN 100FT OF POLLING LOCATION	<input type="checkbox"/> SIGN GREATER THAN 20SQ FEET
<input type="checkbox"/> SIGN IS ATTEMPTING TO DIRECT TRAFFIC	<input type="checkbox"/> OBSTRUCTING DRIVER VIEW	<input type="checkbox"/> POSING AS A TRAFFIC HAZARD	<input type="checkbox"/> SIGN ATTACHED TO PUBLIC/RIGHT OF WAY FENCING	<input type="checkbox"/> WITHIN 500FT OF INTERSECTION, ETC

FREQUENTLY ASKED QUESTIONS FOR POLITICAL SIGNS

✓ **WHERE CAN POLITICAL SIGNS BE LOCATED?**

Signs promoting political candidates or issues may only be located on private property.

✓ **DO YOU NEED PERMISSION FROM PROPERTY OWNER TO PLACE POLITICAL SIGNS ON PROPERTY?**

Yes

✓ **CAN POLITICAL SIGNS BE PLACED IN THE RIGHT OF WAY?**

No, political signs may not be placed in the right of way.

✓ **CAN POLITICAL SIGNS BE ILLUMINATED?**

No

✓ **WHAT ARE THE RULES WITH REGARDS TO POLITICAL SIGNS ON ELECTION DAY?**

Political signs must be at least 100 feet away from any entrance to a Polling Place.

✓ **IS THERE A SIZE LIMIT TO POLITICAL SIGNS:**

In the City limits, political signs are limited to 20 square feet in size (per sign). There are no limits on the number of signs that may be displayed.

✓ **DO YOU NEED A PERMIT TO DISPLAY POLITICAL SIGNS?**

No

✓ **WHEN DO POLITICAL SIGNS NEED TO BE REMOVED?**

Political signs must be removed within 14 days following the applicable election.

✓ **WHAT INFORMATION IS REQUIRED ON A POLITICAL SIGNS?**

Montana statute covers this information. See § 13-35-225 MCA, which can be found at <http://leg.mt.gov/bills/mca/13/35/13-35-225.htm> .

✓ **WHOSE RESPONSIBILITY IS IT TO ENSURE ALL SIGNS MEET STATUTORY, ADMINISTRATIVE RULES & CITY/COUNTY ZONING ORDINANCES?**

The candidate or political committee. Zoning compliance is handled by City Development Services at 552-6625 or cityzoner@ci.missoula.mt.us, or CAPS at 258-4657 or zoner@co.missoula.mt.us. Campaign practices are handled by the Montana Commissioner of Political Practices, <http://politicalpractices.mt.gov/default.mcpv>

Resources: MCA Title 13; ARM 18-6-246; Section 20.75.040 (0)(6) of the Missoula City Zoning Ordinance (Title 20); and County Zoning Resolution 76-113, Section 3.04 (in April of 2010, the Missoula County Attorney's Office issued a memorandum lifting restrictions on the number and size of political signs in the County)



Linda McCulloch
MONTANA SECRETARY OF STATE

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Rule: 18.6.246

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Rule Title: POLITICAL SIGNS

Department: [TRANSPORTATION](#)
Chapter: [RIGHT-OF-WAY BUREAU](#)
Subchapter: [Outdoor Advertising Regulations](#)



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Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

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18.6.246 POLITICAL SIGNS

(1) Signs promoting political candidates or issues shall be placed on private property only and cannot be placed without the permission of the property owner.

(2) Political signs shall not:

(a) be placed on or allow any portion to intrude in the public right-of-way or on public property;

(b) be attached on public right-of-way fences;

(c) obstruct the view of motor vehicle operators or create a traffic hazard;

(d) be placed within 500 feet of an intersection, intersecting roadway, junction, property driveway, or connecting roadways with approaching or merging traffic at grade along a primary highway, or within 500 feet of an interchange or rest area on the interstate highway system as measured from the beginning of the pavement widening for the interchange;

(e) attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device;

(f) prevent the driver of a vehicle from having a clear and unobstructed view of at-grade intersections, approaches, official traffic control signs, other traffic control devices, or merging traffic;

(g) be placed within 100 feet of any entrance to the building in which a polling place is located;

(h) use lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way of the highway, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(3) Political signs must be removed within 14 days following the applicable election. The department shall notify the landowner of illegal signs which are not removed within 14 days. The signs shall be removed by the department 24 hours after notification to the landowner. The department shall retain removed political signs for five working days after notification of removal before their destruction. The sign owner may retrieve the signs during this period.

(4) Signs that pose a traffic hazard may be removed by the department without prior notification to the sign owner.

(5) It is the responsibility of the candidate or political committee to ensure all signs are in compliance with this rule.

(6) Political signs do not require permits and are not subject to permit fees.

History: [75-15-121](#), MCA; [IMP](#), [75-15-111](#), MCA; [NEW](#), 1996 MAR p. 1855, Eff. 7/4/96; [AMD](#), 2008 MAR p. 2476, Eff. 11/27/08; [AMD](#), 2012 MAR p. 185, Eff. 1/27/12.

MAR Notices	Effective From	Effective To	History Notes
18-130	1/27/2012	Current	History: 75-15-121 , MCA; IMP , 75-15-111 , MCA; NEW , 1996 MAR p. 1855, Eff. 7/4/96; AMD , 2008 MAR p. 2476, Eff. 11/27/08; AMD , 2012 MAR p. 185, Eff. 1/27/12.
18-120	11/27/2008	1/27/2012	History: 75-15-121 , MCA; IMP , 75-15-111 , MCA; NEW , 1996 MAR p. 1855, Eff. 7/4/96; AMD , 2008 MAR p. 2476, Eff. 11/27/08.



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

CITY OF MISSOULA POLITICAL CAMPAIGN SIGN REGULATIONS

Dear Candidates,

The City of Missoula would like to congratulate you on entering this season's election race.

If you intend to display campaign signs within city limits we would appreciate you forwarding the attached information on to your campaign volunteers and supporters so we can keep Missoula safe and attractive, and ensure that political signs are displayed in conformance with state and local regulations.

This notice is being sent to all candidates for office in Missoula County so please feel free to disregard this notice if your campaign signs will not be displayed within city limits.

Development Services staff has prepared a summary of the requirements for political campaign signs in the City of Missoula. We hope you and your campaign staff will find helpful and informative.

Please feel free to contact us with any questions and we would be happy to provide assistance.

Thank you.

Sincerely,

Development Services
City of Missoula
552-6625

CityZoner@ci.missoula.mt.us



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CITY OF MISSOULA POLITICAL CAMPAIGN SIGN REGULATIONS

The following is a summary of the requirements for political campaign signs in the City of Missoula.

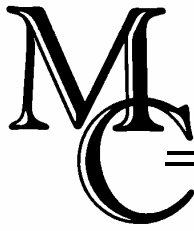
- ✓ Political signs are allowed without a sign permit.
- ✓ Political signs must be located on private property with the consent of the property owner.
- ✓ Political signs are limited to a maximum 20 square feet in size. There is no limit on the number of signs that may be displayed on one property.
- ✓ Political signs may be displayed without time limitation prior to the election but must be removed promptly after the election.
- ✓ Political signs are not permitted on any City rights-of-way, including the areas between the sidewalk and curb (boulevard areas) and within medians or traffic circles.
- ✓ Political signs may not be illuminated.
- ✓ Political Signs cannot be located within 100 feet of any entrance to a building in which a polling place is located.

Improperly placed signs including signs that pose a traffic hazard are subject to removal without notice by city employees, including but not limited to those of the Development Services, Public Works and Police Departments.

State regulations on Political Signs are contained in ARM 18.6.246 POLITICAL SIGNS.

City regulations are contained in Section 20.75.040 of the Missoula Municipal Code.

Please feel free to contact Development Services with any questions or concerns at 552-6625 or by email at CityZoner@ci.missoula.mt.us.



MEMORANDUM

TO: Roger Millar

CC: Board of County Commissioners
Denise Alexander

FROM: D. James McCubbin

DATE: Monday, April 12, 2010

RE: County zoning provisions regarding political signs

DSM

Roger,

The County Attorney's Office has been approached by a political candidate with questions about County zoning for political signs. We have consulted with Denise Alexander and conducted research on the matter. This memorandum conveys our findings and recommendation.

Political signs are addressed in County zoning as follows:

Resolution 76-113 - Missoula County Zoning Resolution Section 3.04(F):

2. Permits Not-Required

- a. The following temporary signs are allowed without permit in any zone:
 - i.) Signs which identify the location of rummage and garage sales.
 - ii.) Signs which advertise the activities of a non-profit organization.
 - iii.) Political posters.
 - iv.) Signs which advertise property for sale, lease, or rent.
- b. Such temporary signs allowed shall:
 - i.) Be removed after thirty (30) days of use.
 - ii.) Not exceed one (1) sign per property frontage.
 - iii.) Be limited to a size and height provided in the residential standards of this section.

As a matter of federal and Montana state constitutional law, political communication, or "speech," is one of the most highly protected forms of communication. As such, any regulation of political speech, including yard signs, must be carefully tailored to serve an identified and significant public purpose.

Although County zoning does not require a permit for political signs, such signs are restricted significantly by the provisions of section 3.04(F)2.b. Although it may be possible to put some limitations on size and/or height of political signs, the cumulative restrictions on political signs of this section are overly restrictive. We believe that taken together, the restrictions of section 3.04(F)2.b. would not withstand a legal challenge if they are applied to political signs. Accordingly, we recommend that you consider section 3.04(F)2.b. to be legally void as to political signs, and that you do not apply section 3.04(F)2.b. to political signs.

If you believe that more tailored regulation of political signs is called for, we are available to work with you to develop appropriate regulations that are drafted with the particular interests of political speech in mind.

DJM



POLITICAL CAMPAIGN SIGNS DOs AND DON'Ts

The following is a summary regarding the requirements for political campaign signs in Missoula County.

- All political signs must be located on **private property**. The placement of such signs is subject to the permission of the property owner. These signs are NOT permitted on County road right-of-way or County road easement. This is enforced by County Public Works.
- No permits are necessary to display political signs.
- There is no limit on the number of political signs that may be displayed.
- Political Signs must be at least 100 feet away from any entrance to a Polling Place (a place where voters go to cast their votes in an election) on Election Day.
- Improperly placed political signs may be removed without notice.
- The Missoula County regulations regarding political signs can be found in 3.04.F.2 (In April of 2010, the Missoula County Attorney's Office issued a memorandum stating Section 3.04.F.2.b cannot be legally enforced.).
- State Law can be found at MCA 18.6.246 POLITICAL SIGNS

Please feel free to contact CAPS with any questions or concerns at 258-4657 or by email at zoner@co.missoula.mt.us.

Revised: August 27, 2010, July 31, 2012, October 30, 2013