

**SIGN CONTROL ORDINANCE
TRANSYLVANIA COUNTY, NORTH CAROLINA**

ARTICLE I

SHORT TITLE

This Ordinance shall be known and cited as the Sign Control Ordinance of Transylvania County, North Carolina.

ARTICLE II

AUTHORITY

Pursuant to the authority and provision conferred in Chapter 153A-121(a) of the North Carolina General Statutes, and pursuant to the "Scenic Corridor Designation Ordinance of Transylvania County, North Carolina", the Transylvania County Board of Commissioners hereby ordain and enact into law these Articles and Ssections.

ARTICLE III

PURPOSE

1. To guide and regulate the construction and placement of signs in Transylvania County in order to preserve the scenic and aesthetic features and the quality of life for ~~the~~ residents and visitors.

The Board of Commissioners is aware of, and sensitive to, the need for local businesses to adequately identify their products and services and is committed to safeguarding the interests of local businesses while providing reasonable regulations.

2. To insure the safety of ~~the~~ local and visiting motorists on the roads in Transylvania County by reducing the distracting influence of uncontrolled signs throughout the County.

ARTICLE IV

JURISDICTION AND ADMINISTRATION

This Ordinance shall apply to all areas of Transylvania County located outside any incorporated city or town planning or extraterritorial jurisdiction. Municipalities within Transylvania County may elect to allow this Ordinance to be effective within their corporate limits. ~~This Ordinance shall not apply within any municipality's extraterritorial jurisdiction.~~

The Transylvania County Planning and Community Development Department shall administer this Ordinance. The Planning and Community Development Director, or their appointee, shall be known as the Sign Enforcement Officer.

ARTICLE V

DEFINITIONS

SECTION 1: For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- 1.1 Copy - The characters, letters or illustrations displayed on a sign face.
- ~~1.2 Directional Sign - All off-premise signs providing directions to a business, office or other activity. If a sign contains any additional message or exceeds the maximum area, it shall be construed as an off-premise advertising sign.~~
- ~~1.3 Directly Illuminated Sign - A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.~~
- ~~1.4 Dwelling Unit - A house, apartment or a group of homes occupied or intended for occupancy as separate living quarters for one or more humans.~~
- 1.2 Electronic Message Sign, Electronic Message Center or Electronic Message Board (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Electronic message signs typically use light emitting diodes (LEDs) as a lighting source.
- 1.3 Establishment - A business, non-profit organization, public institution, or personal residence.
- 1.4 Exempt Sign - Any sign which is specifically listed as exempt from this Ordinance. Exempt signs are not regulated by the terms of this Ordinance and shall not require a permit.
- 1.5 Flashing Sign - Signs or portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing is defined as occurring if the cyclical period between on-off phases of illumination is less than three (3) seconds.
- 1.6 Freestanding Sign - The general term for any sign ~~that~~ ~~which~~ is supported from the ground and not attached to a building.
- 1.7 Government Sign - A sign constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
- ~~1.7.8 Indirectly Illuminated Sign - A sign designed to have illumination be lighted by lights on or in the sign, or with lights directed toward the sign, from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs.~~
- 1.9 Luminance - A measurement of light output at its source that does not vary with ambient light conditions and can be measured during both the sign fabrication process and after installation.
- 1.10 Moving Signs - Signs or portions of signs characterized by movement powered or activated by natural, manual, mechanical, electrical or other means, including but not limited to banner signs, pennant strings, streamers, spinners, propellers, and search lights.
- 1.11 Nits - A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of computer displays, such as

electronic message signs.

~~1.8~~1.12 Nonconforming Sign - Existing signs that ~~are~~were constructed and in place prior to the adoption of this Ordinance and ~~which that~~ do not conform to the provisions of this Ordinance, as amended, ~~are declared nonconforming signs~~. An illegal sign is not a non-conforming sign.

1.13 North Carolina Scenic Byways - Routes designated by the North Carolina Department of Transportation that provide motorists with an opportunity to experience North Carolina history, geography and scenery while traveling along state maintained roads.

1.14 Nuisance Sign – An unpermitted, temporary portable, illegal sign (excluding election campaign signs). Examples include but are not limited to more than one (1) temporary sign on a single parcel; more than three (3) un-permitted off-premise signs on the same road; small sequential roadside signs; or signs that have moving, flashing or intermittently lighted parts.

~~1.9~~1.15 Off-Premise Sign - Any sign not on the property of the establishment advertised or referenced in the copy advertising a product, service, business or activity, ~~located or conducted elsewhere than on the premises where the sign is located.~~

~~1.10~~1.16 On-Premise Sign - A sign that draws attention to or communicates information about a business, service, ~~or~~ commodity, that exists or is conducted, sold, offered, maintained or provided ~~at a location~~ on the same property premises where the sign is located.

~~1.11~~1.17 Permanent Sign - A sign ~~is~~ permanently affixed to the ground ~~if its supporting elements are set in a concrete base in the ground or the sign is otherwise securely fastened to the ground~~ or another permanent structure, such as a building, and is intended to remain in one location for an indefinite period.

~~1.12~~ ~~Portable Sign~~ - Any freestanding sign that is not permanently affixed to the ground. ~~Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels as well as “V” shaped or sandwich signs that can with little difficulty be moved from place to place.~~

~~1.13~~1.18 Setback - The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member.

~~1.14~~ ~~Shopping Center~~ - A development having five (5) or more establishments located on the same parcel or on abutting parcels and planned as an integrated development.

~~1.15~~1.19 Sight Visibility Distance-Triangle - The land adjoining a road intersection that is to be kept clear of obstructions between three (3) and seven (7) feet above ground ~~as measured along the road flow lines above ground~~ to ensure visibility and the safety of motorists and pedestrians. The protected sight distance ~~area~~ is the length of roadway visible to the driver who is traveling along the roadway or waiting to enter or cross the roadway for the triangle with legs that are the intersecting flow lines of two roads at an intersection. Where local roads meet, the legs shall extend at least -thirty-five (35) feet in each direction ~~way from the intersection of the edge of the traveled way.~~

~~1.16~~1.20 Sign - Any display of letters, words, numbers, figures, devices, emblems, pictures, logos, or any other means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to, or as a part of a structure, surface, ~~or~~ any other object whether natural or man-made.

~~1.17~~1.21 Sign Area (Sign Face) - The area of a sign shall be considered to be that of the smallest rectilinear figure ~~that which~~ encompasses all lettering, wording, design or symbols, together with any background difference on which the sign is located, if such background is designed as an integral part of and related to the sign. All cut-outs or extensions shall be included in the area of a sign. Supports and bracing which are not intended as part of the sign shall be excluded.

~~1.18~~1.22 Sign Height - Sign height shall be measured from the ground directly below the center of the sign or from the road grade of the closest point in the road the sign is located along, whichever is higher, to the sign or sign structure's highest point.

~~1.19~~1.23 Temporary Portable Sign - A sign that is displayed only for a ~~limited specific~~ period of time; ~~is not permanently affixed to the ground; is on wheels or a trailer; v-shaped "sandwich" signs; and/or is made out of materials such as paper, cloth, canvas, plastic sheet, cardboard, wallboard or other like materials that appear to be intended for temporary display and easy movement.~~ If a sign display area is permanent, but the copy displayed is subject to change, that sign shall not be regarded as temporary.

1.24 Transylvania County Scenic Corridors - Roadways designated by the Transylvania County Scenic Corridor Designation Ordinance that are particularly beautiful and offer outstanding views and natural experience of our mountains, as seen and enjoyed by the public while traveling on the roads and highways in Transylvania County.

ARTICLE VI

SIGN REGULATIONS

SECTION 2: Sign Regulations - Signs constructed, placed or maintained, except as otherwise prohibited, ~~or exempted, must comply with the standards, procedures, exemptions and other requirements of this Ordinance or not permitted by this Article, require a sign permit. Signs allowed without a sign permit shall be subject to the requirements of this Ordinance.~~ Signs permitted by this Ordinance shall be constructed in accordance with the North Carolina State Building Codes, as amended.

SECTION 3: Signs Exempted - The following signs are exempt from this Ordinance:

- 3.1 Government signs including, but not limited to, traffic warning or regulatory signs including building identification, directional, informational and welcome signs.
- 3.2 Trade names and graphics that are located on newspaper, soft drink, gasoline pumps and similar vending devices.
- 3.3 Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.
- 3.4 Warning signs posted by utility or construction companies.
- 3.5 Commemorative tablets, markers or monuments constructed by or with the permission of the Transylvania County Board of Commissioners.
- 3.6 Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended to be used solely for a display of signs.
- 3.7 Signs required by law, statute or ordinance.

~~3.8 Directional signs to commercial business or direction for sale of real estate or personal property, such as temporary realtor's signs and yard sale signs.~~

~~3.8.1 Directional signs shall not exceed thirty two (32) square feet in area per sign face and shall not exceed eight (8) feet in height or length per sign face and shall have a maximum height of twelve (12) feet.~~

~~3.8.2 Not more than three (3) off-premise directional signs shall contain directions to the same activity or business location on the same road.~~

~~3.8.3 Garage sale and/or yard sale signs may be posted for a maximum of seven (7) days.~~

~~3.9 Temporary signs, decorations or displays which are associated with any national, local or religious holiday or celebration for a maximum time period of thirty (30) calendar days before and ten (10) calendar days after.~~

3.8 Signs or sign structures that cannot be seen from a public roadway are not subject to this ordinance; however these signs must comply with the safety and construction provisions of the current North Carolina State Building Code.

3.9 Signs inside a building.

SECTION 4: Signs Prohibited - The following signs are prohibited:

4.1 Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.

4.2 Signs creating unsafe distractions to motorists such as:

- Moving signs or signs which simulate movement
- by incorporating flashing or blinking lights or signs or signs with flashing parts
- Signs that prevent free ingress or egress from a building, driveway or road
- Signs containing strobe lights
- Signs incorporating mirrors or reflective surfaces with moving parts or parts which simulate movement, not including signs having only time and temperature messages.
- Signs with beams or rays of light ~~which that~~ are directed on any ~~residential-dwelling~~ personal residence or at any portion of a roadway and are of such intensity as to impair a driver's vision thereby interfering with the operation of a motor vehicle. No illuminated sign shall interfere with or obscure an official traffic sign, device or signal.

~~4.24.3~~ Any non-governmental sign resembling a public safety warning or traffic sign.

~~4.34.4~~ Signs, whether temporary or permanent, within any public road or highway right-of-way, with the exception of governmental signs.

~~4.44.5~~ Signs constructed or maintained upon trees and utility poles, or painted or drawn upon natural rock formations or other natural features.

~~4.5 Off-premise signs designed to be visible from a road, or a portion thereof, designated as a Scenic Corridor by the Transylvania County Board of Commissioners.~~

4.6 Signs containing words or graphics that are obscene, as defined in Chapter ~~15-14~~ of the North Carolina General Statutes.

4.7 Off-premise electronic message signs.

4.8 Nuisance signs.

SECTION 5: Off-Premise Sign Regulations

5.1 Off-premise signs shall not exceed one hundred and fifty (150) square feet per sign face, shall not exceed twenty (20) feet in horizontal length per sign face and shall have a total height no greater than twenty-five (25) feet.

5.2 Off-premise signs with a sign face of thirty-two (32) square feet or less do not require a sign permit, however, signs shall be securely affixed to the ground and must otherwise follow this Ordinance.

5.3 Off-premise signs for the same establishment, event or location shall be no closer than seventy-five (75) feet apart. Up to three (3) off-premise signs may be placed on the same road, with the total number of signs equaling five (5) or less in Transylvania County, at any one time.

~~5.25.4~~ Off-premise signs shall be no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way, whichever is greater. All signs and sign structures shall be located at least twenty-five (25) feet from abutting property lines and outside of all sight visibility triangles.

~~5.35.5~~ Off-premise signs, with a sign face greater than thirty-two (32) square feet, shall be at least two thousand (2,000) linear feet, as measured along any roadway center line, from any other off-premise sign; at least five hundred (500) linear feet from any intersection of the center line of all roads, at-grade railroad crossings or bridges; and at least five hundred (500) linear feet from the nearest point of any personal residence, dwelling unit, church or building used for worship located within six hundred and sixty (660) linear feet of the right-of-way.

~~5.53.1~~ A property owner may have an off-premise sign placed on his-their property closer than the five hundred (500) feet-foot requirement from his-their personal residence provided that they submit a written and notarized statement identifying him-themselves as the property owner and certifying that the proposed sign will meet all other requirements of this Ordinance.

~~5.45.6~~ Off-premise signs shall not be attached to or painted onto any building or structure.

~~5.55.7~~ Off-premise signs shall have only one (1) sign face per side and for no more than a total of two (2) sign faces per sign structure.

~~5.65.8~~ No off-premise sign shall be located on the same parcel as an on-premise sign or within fifty (50) feet of an on-premise sign.

~~5.7— Off premise temporary portable signs are prohibited.~~

5.9 Off-premise illuminated signs shall be lighted by fixtures located, aimed, and fully shielded so that light is directed only onto the sign face. Lighting fixtures shall not be aimed upward, toward adjacent streets, roads or properties.

5.10 Off-premise signs that are illuminated at night may not exceed a maximum luminance level of seven hundred and fifty (750) cd/m² or Nits, regardless of the method of illumination.

5.11 Off-premise signs designed to be visible from a road, or a portion thereof, designated as a Scenic Corridor by the Transylvania County Board of Commissioners shall be no greater than twenty (20) square feet with a limit of one sign per establishment per Scenic Corridor.

5.12 Off-premise signs designed to be visible from a road, or a portion thereof, designated as a North Carolina Scenic Byway shall follow the North Carolina Department of Transportation Regulations for the Control of Outdoor Advertising.

SECTION 6: On-Premise Sign Regulations

- 6.1 On-premise freestanding signs shall not exceed one hundred and fifty (150) square feet per sign face and shall have a total height no greater than twenty-five (25) feet.
- 6.2 On-premise attached signs shall not exceed a cumulative area of one hundred and fifty (150) square feet per sign face and shall have a total height no greater than twenty-five (25) feet.
- 6.3 On-premise freestanding signs shall have only one (1) sign face per side for no more than a total of two (2) sign faces per sign structure.
- 6.4 On-premise signs shall be no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way, whichever is greater. All signs and sign structures shall be located at least twenty-five (25) feet from abutting property lines and outside of all sight visibility triangles.
- 6.5 Single parcels with one establishment may have one (1) freestanding sign and one (1) sign attached to the building per state maintained ~~public~~ road frontage.

6.6 Multiple establishments on a single parcel ~~or shopping centers~~ may ~~construct~~ share one (1) on-premise freestanding ~~group or identification~~ sign per public road frontage. In addition, each establishment may construct one (1) on-premise attached sign to the building per state maintained ~~public~~ road frontage ~~of each establishment~~.

6.7 Electronic message signs are permitted in accordance with the on-premise sign regulations with the following additional stipulations:

6.7.1 The sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

6.7.2 All signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the sign lighting level into compliance at night.

6.7.3 Signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and/or other transition effects.

6.7.4 The following display features and functions are prohibited: blinking, flashing, spinning, rotating, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

6.7.5 Full motion video or film display via an electronic file imported into the sign software or streamed in real time into the sign is prohibited.

6.8 On-premise lighted signs shall be lighted by fixtures located, aimed, and fully shielded so that light is directed only onto the sign face and glare is significantly reduced. Lighting fixtures shall not be aimed upward, toward adjacent streets, roads, or properties.

6.9 On-premise signs that are illuminated at night may not exceed a maximum luminance level of seven hundred and fifty (750) cd/m² or Nits, regardless of the method of illumination. All illuminated signs must comply with this maximum luminance level throughout the night until apparent sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions.

6.10 On-premise signs located on Scenic Corridors are limited to eighty (80) square feet in area and

shall have a total height no greater than fifteen (15) feet.

SECTION 7: Temporary Portable Sign Regulations

7.1 Temporary portable signs do not require a permit or fee, but must otherwise follow this Ordinance.

~~7.1.2~~ On-premise temporary portable signs shall be displayed allowed for a maximum of ninety (90) days per calendar year. fourteen (14) consecutive calendar days and may be displayed once at six-month period intervals. If the sign is displayed more than ninety (90) days during a calendar year, it shall be considered a permanent sign and will be considered in violation of this Ordinance unless the on-premise sign regulations in Section 6 are followed.

~~7.2.3~~ Only one (1) on-premise temporary portable sign shall be allowed per establishment. In no instance shall any two (2) portable signs be closer than seventy-five (75) feet apart.

~~7.3.4~~ Temporary portable signs shall be located no closer than the edge of the right-of-way or no closer than twenty (20) feet from the edge of the traveled way and outside of all sight visibility triangles.

~~7.4.5~~ Temporary portable signs shall not exceed ~~an area of~~ thirty-two (32) square feet or a height of five (5) feet.

~~7.5.6~~ Temporary portable signs shall not be illuminated, ~~or~~ employ flashing lights, or have intermittent or moving parts.

7.7 Off-premise temporary signs for the same establishment, event or location shall be no closer than seventy-five (75) feet apart, and up to three (3) may be placed on the same road with the total number of signs equaling five (5) or less in Transylvania County at any one time.

~~7.6 Temporary portable off premise signs are prohibited.~~

ARTICLE VII

SIGN MAINTENANCE, ABANDONED SIGNS AND TREE CUTTING

SECTION 8: Maintenance - All signs and their structures shall be maintained in good repair and safe condition by the sign owner and/or the owner of record of the real property upon which the sign is located ~~in good repair, and safe condition and shall conform to the standards in this section.~~ Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner ~~which that~~ would create or increase a nonconforming condition. Any sign violating these requirements shall be repaired or removed as required.

8.1 No sign shall be allowed to have more than twenty percent (20%) of its total surface area covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions for more than thirty (30) consecutive days.

8.2 No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which causes the sign to stand more than fifteen (15) degrees from ~~the~~ perpendicular for more than thirty (30) consecutive days.

8.3 No sign or sign structure shall be allowed to have weeds, vines or other vegetation obscuring more than twenty percent (20%) of the sign from the road or highway from which it is intended to be viewed for more than thirty (30) consecutive days.

- 8.4 No illuminated sign shall be allowed to stand with only partial illumination for more than thirty (30) consecutive days.
- 8.5 No sign or sign structure shall be allowed to stand if a business no longer exists ~~and the issued permit is not transferred within one year.~~

SECTION 9: Unlawful Cutting of Trees or Shrubs - No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim or remove any trees, shrubs or other vegetation located within any public road or highway right-of-way, except where a legal permit has been obtained from the North Carolina ~~NC~~ Department of Transportation.

~~**SECTION 10: Modification of Support Structures**—A sign’s structure may be modified by removing wooden poles and replacing them with a single metal support pole. If a nonconforming sign’s support structure is modified, the entire sign structure and sign face shall be made to conform to all requirements of this Ordinance except for the established minimum spacing distance. Before such modification can take place, the sign owner must obtain a permit for the proposed modification.~~

ARTICLE VIII

PERMITS, FEES AND NONCONFORMING SIGNS

SECTION ~~11~~10: Permits - All signs, except as otherwise provided in Article VI of this Ordinance, shall require a sign permit prior to being constructed, placed or ~~repaired~~ altered. Sign permits shall be issued by the Sign Enforcement Officer upon proper application and approval. New sign structure construction or installation shall not commence until a permit and emblem are issued. The sign structure must be completely constructed and erected with the permit emblem affixed within one hundred and eighty (180) days from the date of the permit issuance. During the one hundred and eighty (180) day period, newly permitted sign structures shall be considered in existence for the purpose of spacing signs. If a sign permit is denied, the decision may be appealed to the Transylvania County Planning Board within thirty (30) days of the decision.

SECTION ~~12~~11: Permit Application - No permit shall be issued until an application for each separate sign or sign structure is completed, submitted and approved by the Sign Enforcement Officer. The initial permit shall be valid until revoked by the Sign Enforcement Officer.

~~**SECTION 13: Permit and Permit Emblem**—A permit along with a permit emblem shall be issued upon proper application and approval. New sign structure construction shall not commence until a permit and emblem are issued. The sign structure must be completely constructed and erected with the permit emblem affixed within 180 days from the date of the permit issuance. During the 180 day period newly permitted sign structures shall be considered in existence for the purpose of spacing signs.~~

~~The permit emblem shall be placed on sign structures in such a position as to be visible from the nearest adjacent road.~~

SECTION ~~14~~12: Permit Fees - ~~Initial~~ A fee is ~~are~~ required to be paid for ~~the~~ permitting of significant sign modifications and all new signs ~~structures. Existing sign structures are exempt from the initial permit fee.~~ A fee schedule shall be determined by the Transylvania County Board of Commissioners and posted on-line or in the Transylvania County ~~Building Inspections~~ Planning and Community Development Department Office.

~~**SECTION 15: Registering Existing Signs**—If the existence of a sign prior to the adoption of this ordinance~~

~~is questioned, the issue will be determined by the Sign Enforcement Officer with the advice of the Planning Director and the sign owner using a county roadway video tape made on September 20, 1991. Signs found to be in violation shall be removed at the owner's expense.~~

SECTION 1613: Permit Revocations - Sign permits for new and permitted nonconforming signs may be revoked for any one of the following reasons:

- 13.1 Misrepresenting material facts by the applicant on the permit application form.
- 13.2 Failing to construct the sign structure ~~and affix the permanent emblem~~ within one hundred and eighty (180) days from the permit issue date.
- 13.3 Altering, enlarging or relocating a permitted sign structure, except in conformance with the requirements of this Ordinance.
- 13.4 Allowing a sign to remain blank for a period of twelve (12) consecutive months or reaching a state of dilapidation or disrepair as determined by the Sign Enforcement Officer.

SECTION 1714: Nonconforming Signs - Legal nonconforming signs may continue to exist provided ~~that no nonconforming sign shall be:~~

- ~~17.1~~ 14.1 The sign is not changed or replaced with another nonconforming sign, except that copy may be changed on an existing sign.
- ~~17.2~~ 14.2 The sign is not expanded or modified in any way, which increases the sign's nonconformity.
- ~~17.3~~ 14.3 An existing nonconforming sign that is damaged or destroyed may be re-established provided that all requirements of this Ordinance are met except distance between signs and the sign is no larger than the one damaged or destroyed.
- 14.4 If a nonconforming sign's support structure is modified, the entire sign structure and sign face shall be made to conform to all requirements of this Ordinance except for the established minimum spacing distance. Before such modification can take place, the sign owner must obtain a permit for the proposed modification.

SECTION 1815: Reason Given for Denial of Notice Given for Refusing to Issue Permit Application - ~~Any permit application not containing all information and not meeting specifications set forth in this Ordinance shall be rejected and returned to the applicant together with the reason(s) for rejection. The Sign Enforcement Officer may allow the applicant thirty (30) calendar days or a reasonable time period agreed upon by both parties in writing, to cure any deficiencies in the application, which if cured, would make the application complete. The Sign Enforcement Officer shall refuse to issue a permit for a proposed sign structure that will not conform to this Ordinance and shall notify the owner of the proposed sign structure by first class mail as to why the proposed sign does not comply.~~

SECTION 1916: Reconstruction of Damaged Signs or Sign Structures - Any conforming sign or sign structure ~~that which~~ has been damaged may be repaired or replaced and used as before, by the sign owners and/or the owners of record of the real property where the sign is located, provided all repairs are initiated within thirty (30) working days and completed within sixty (60) working days of such damage. However, if the sign should be declared unsafe by the Sign Enforcement Officer, the owner of the sign or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions to the Sign Enforcement Officer's satisfaction.

As a courtesy to the sign owner, if the Sign Enforcement Officer discovers that a sign is damaged or is in an

unsafe condition, the Sign Enforcement Officer will promptly notify ~~either~~ the sign owner and/or the owner of record of the real property whereon the sign is located. The affirmative duty and liability shall, however, remain with the owner of each sign to keep each sign in a safe and undamaged condition in accordance with the terms of this Ordinance.

ARTICLE IX

ADMINISTRATION, ENFORCEMENT, APPEALS AND PENALTIES

SECTION 2017: Enforcement Administration - ~~The Board of Commissioners appointed the Building Permitting and Enforcement Department to administer this Ordinance. The Building Director or his appointee shall be known as the Enforcement Officer.~~ The Sign Enforcement Officer shall enforce all provisions of this Ordinance. The Sign Enforcement Officer shall also have the following authority:

~~20.1~~ 17.1 Violation Notice. A Violation Notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the Ordinance. Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located. The time period provided herein shall commence upon receipt of such Violation Notice. The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the section of the Ordinance violated, specify in detail what action must be taken to correct the violation and specify all potential enforcement penalties that may apply. Violations shall be corrected within fifteen (15) calendar days unless the Sign Enforcement Officer grants an extension.

~~20.2~~ 17.2 Compliance Order. A Compliance Order shall be issued for any sign or sign structure violation not corrected within the time allotted under the Violation Notice ~~or for a prohibited sign or any temporary portable sign not permitted as established by this Ordinance.~~ ~~A~~ The Compliance Order shall be delivered to the sign owner and to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice and shall not be effective until received. The Compliance Order recipient shall be allowed thirty (30) calendar days to remove the subject sign at owner's expense. After the thirty (30) calendar days, Transylvania County will remove the sign at the sign owner's expense. Owners of temporary portable signs shall have five (5) working days to remove the subject sign at owner's expense. The Compliance Order shall identify the sign and refer to the section of the ordinance violated. ~~Any reoccurring temporary portable sign violation(s) occurring within a six (6) month time period shall be deemed, for purposes of assessing a penalty, a continued violation.~~

~~22.3~~ 17.3 Unsafe Sign Notice. Should any sign or sign structure become imminently unstable or in danger of falling or otherwise unsafe, an Unsafe Sign Notice shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a Violation Notice except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the Sign Enforcement Officer in conformance with the provisions of this Ordinance. If the condition prompting the notice is not corrected within twenty-four (24) hours after receipt of the notice, the Sign Enforcement Officer shall have the authority to remove the sign at the recipient's expense.

17.4 Nuisance Signs. These signs may be removed by the Sign Enforcement Officer who shall contact the nuisance sign owner or representative and inform them they have fifteen (15) days to retrieve the removed signs. If not retrieved within that timeframe, the signs shall be thrown away.

SECTION 23 18: Appeals - Violation Notices and Compliance Orders issued by the Sign Enforcement

Officer may be appealed to the Transylvania County Planning Board within thirty (30) working days of receipt of notice. Pending appeal, the time limits set out in the notice or order shall be suspended. If the Planning Board finds that the action of the Sign Enforcement Officer has been taken for good cause and in accordance with this Ordinance, it shall so declare and the time period for compliance shall run from the issuance of that Board's finding. If the Planning Board sustains the appeal of the petitioner, no further action will be taken by the Sign Enforcement Officer.

SECTION 2419: Violations and Penalties - ~~After due notice and order as provided above for any violation of the terms of this Ordinance Upon receipt of the Compliance Order,~~ the Sign Enforcement Officer or the County Attorney may issue a citation imposing a penalty, in addition to legal expenses, of not more than one hundred dollars (\$100.00) ~~on to~~ the owner of the sign in question or ~~on to~~ the owner of record of the real property whereon the sign is located whenever the owner of the sign cannot be located and notified of said citation. ~~In the case of continuing violation, e~~Each twenty-four (24) hour period in which the violation exists shall constitute a separate violation. In addition to the above described penalty, the county may enforce this Ordinance by any one or more of the remedies authorized by Chapter 153A-123 of the General Statutes, with the exception of 153A-123(b).

ARTICLE X

LEGAL STATUS PROVISIONS

SECTION 2520: Conflict With Other Laws - Whenever the regulations of this Ordinance conflict with the requirements of another statute, the more restrictive standard shall govern.

SECTION 2621: Variances - Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Planning Board may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any variance thus authorized is required to be entered in writing in the minutes of the meeting of the Planning Board and the reasoning on which the departure was justified set forth.

SECTION 2722: Noncommercial Messages - Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing, or other requirements of this Ordinance.

SECTION 2823: Separability - Should any section of provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 2924: Effective Date - This Ordinance shall take effect and be enforced on and after the date of its adoption by the Board of Commissioners of Transylvania County, this 23rd day of September, 1991. Amended September 26, 1994, June 26, 1997, ~~and~~ December 8, 2003, and 2017.

/s/ _____
Jason R. Chappell
Larry Chapman,
Chairman Board of Commissioners

/s/ _____
Trisha Hogan, Clerk to Board
of Commissioners