

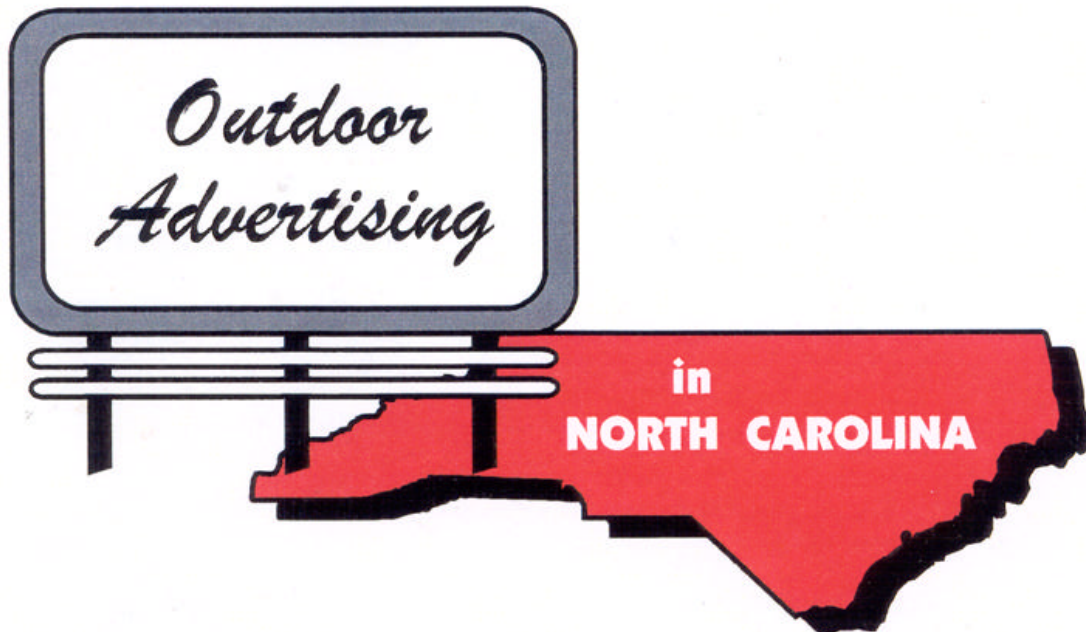


North Carolina Department of Transportation
State Road Maintenance Unit

REGULATIONS

FOR THE CONTROL

OF



August 2000

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PURPOSE

This is intended as a reference guide for those persons concerned with outdoor advertising control adjacent to Interstate and Federal-aid Primary Highways in North Carolina. Reference is made to the Laws of the United States, the General Statutes, the Administrative Code of North Carolina, the Code of Federal Regulations, and ordinances of the various counties and municipalities. These references apply only to laws, statutes, codes and ordinances in effect at the time of printing. Users of this manual should acquaint themselves with all laws, statutes, codes or ordinances adopted, revised or in force after the date of this printing.

HISTORY

National interest in controlling outdoor advertising first appeared in 1956, the year that Congress authorized the creation of the Interstate of Highway System. Public opinion rose sharply concerning the need to control advertising on the Interstate network, and in 1958 Congress took action by providing a voluntary program under which states could enter into agreement with the Federal Government to control outdoor advertising. States that entered into a program that controlled outdoor advertising were eligible for bonus Federal-aid payments. North Carolina was among the twenty-five states that chose not to voluntarily control outdoor advertising.

In 1965 Congress extended the outdoor advertising control to include the Federal-aid Primary System. The Highway Beautification Act of 1965, Public Law 89-285, abandoned the voluntary bonus program and required all states to make provisions for effective control of outdoor advertising within 660 feet of the right of way or lose ten percent of their Federal-aid Highway Funds. This act was amended by the Federal-aid Highway Amendments of 1974 which extended the control of outdoor advertising beyond 660 feet of the right of way.

As a result of the Highway Beautification Act of 1965, the 1967 North Carolina General Assembly enacted the "Outdoor Advertising Control Act," Article 11 General Statute 136-126 through 136-140. General Statute 136-127, Declaration of Policy, states: "The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the right of way of the interstate and primary highways within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operations of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices."

In 1972, an agreement between the US Department of Transportation and NC Department of Transportation (NCDOT) was consummated. The effective date of the program in North Carolina was established as October 15, 1972.

In 1978, under amendments to the Surface Transportation Assistance Act, Congress provided that "just compensation" must be paid for the forced removal of all legally erected outdoor advertising signs adjacent to interstate and/or federal-aid primary routes. This prohibited states and local governments from amortizing signs along Interstate and Federal-aid Primary routes prior to removal. The penalty for failure to provide just compensation was set at loss of ten (10) percent of all Federal-aid highway apportionments.

In 1982, the North Carolina General Assembly enacted legislation requiring local authorities to carry out the just compensation requirement should they require the removal of the sign structure(s) adjacent to interstate and federal-aid primary routes.

General Statute 136-130 authorizes the Department of Transportation to promulgate rules and regulations governing the erection and maintenance of outdoor advertising permitted by the Act.

Title 19A, NC Administrative Code (NCAC), Section 04A .0107 provides the Secretary of Transportation is delegated the authority by the Board of Transportation to adopt all necessary rules to control and regulate outdoor advertising in accordance with related state and federal rules and statutes.

ZONING CHANGES

General Statute 136-136 requires that "All zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any commercial and industrial zones within 660 feet of the right of way of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment."

These zoning changes should be sent to:

**State Road Maintenance Engineer
NC Department of Transportation
P. O. Box 25201
Raleigh, North Carolina 27611**

SIGN RULES AND REGULATIONS

General Overview

In addition to controlling outdoor advertising on the Interstate System, the States must control outdoor advertising in accordance with the Highway Beautification Act (as amended) and State laws, along highways on the Federal-aid primary system. As defined in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), these routes include those on the Federal-aid primary system in existence on June 1, 1991, and any highway which is or becomes a part of the National Highway System (NHS). For purposes of outdoor advertising control, these routes are referred to as "controlled routes." Maps of the controlled routes are included as exhibits. The following types of outdoor advertising are excluded from control and regulation:

- Signs advertising activities conducted on the property upon which it is located
- Signs advertising the sale or lease of property upon which it is located
- Directional and other official signs and notices
- Signs advertising the sale of crops at roadside stands
(*Ref. GS 136-129(1)(2)(2a)(3)*)

Within 660 feet of the right of way, the act regulates the erection and maintenance of outdoor advertising in zoned or unzoned commercial or industrial areas. It prohibits the erection of all outdoor advertising, except as noted above, within 660 feet of the right of way of the controlled route. (*Ref. GS 136-129.*)

The act prohibits the erection and maintenance of outdoor advertising beyond 660 feet of the right of way of the controlled routes, outside of urban areas, which is visible and intended to be read from the main-traveled way. (*Ref. GS 136-129.1.*)

It is the responsibility of the sign owner to insure that all outdoor advertising devices are erected and maintained as prescribed. Any person, firm, corporation or association placing or erecting outdoor advertising along the interstate or federal-aid primary highway system in violation of the act and rules and regulations promulgated pursuant thereto shall be guilty of a misdemeanor. (*Ref. GS 136-135.*)

The Department of Transportation or its agents shall give thirty (30) days notice by certified mail with the exception of the owner of unlawful portable outdoor advertising for which the Department of Transportation shall give five (5) days notice to the owner of the illegal outdoor advertising to remove the outdoor advertising or make it conform to the provisions of the rules and regulations contained herein. The Department of Transportation or its agents have the right to remove the illegal outdoor advertising at the expense of the sign owner if the sign owner fails to act within the time limit after receipt of such notice.
(*Ref. GS 136-129; GS 136-129.1; GS 136-134.*)

Title 19A, NCAC, Section 02E.0200, revised August 1, 2000, provides applicable rules adopted by NCDOT for the regulation of outdoor advertising.

PERMIT PROCEDURES**Permits Required**

No person shall erect and/or maintain any outdoor advertising within 660 feet of the nearest edge of the right of way of the controlled route, including outdoor advertising mounted on trailers or skids, without first obtaining a permit from the Department of Transportation. The following signs do not require permits: on-premise signs; official signs and notices; public utility signs; service club and religious notices; and public service signs.

The district engineer of the Division of Highways of the Department of Transportation for the county in which the outdoor advertising structure is proposed to be located is authorized to issue permits on behalf of the Department of Transportation.

A permit will not be issued for any unlawful outdoor advertising structures as determined by the North Carolina Outdoor Advertising Control Act (G.S. 136-126 et seq.) and the rules and regulations promulgated by the Department of Transportation pertaining to outdoor advertising structures (Title 19A NCAC 2E.0200).

The permit requirements contained herein are in addition to any permit or licensing requirements of local governing bodies, or other state agencies.

Application

No permit shall be issued until an application has been completed for each separate outdoor advertising structure and submitted to the appropriate district office along with the required initial fee and attachments as noted in 19A NCAC 2E.0206. Incomplete applications will be returned to the applicant.

Applications for a permit to erect and/or maintain an existing outdoor advertising device may be obtained from the Division of Highways' district engineer who has jurisdiction over the county in which the sign is located. The district offices for each county are shown as an Exhibit. Questions about outdoor advertising should be directed to the appropriate district office.

Instructions for completing and processing the application are included on the permit form. A sample permit application is also included as an Exhibit.

Fees

Initial application and annual renewal fees shall be paid by the owners of the outdoor advertising structures for each permit requested.

An initial non-refundable fee of one hundred twenty dollars (\$120.00) per outdoor advertising structure shall be submitted with each application. Annual renewal fees of sixty dollars (\$60.00) per sign structure shall be paid by the owners of the outdoor advertising structures by April 15th of each year. If requested by the district engineer, the sign owner must provide a valid lease or other proof of interest in the land where the sign is located.

Permit and Permit Emblem

The erection of new outdoor advertising structures shall not commence until a permit has been approved and the emblem issued. The permit emblem must be placed on the outdoor advertising in such a position as to be visible and readable from the main traveled way of the controlled route.

Any person, firm or corporation owning or maintaining outdoor advertising shall affix the name of the sign owner to the sign structure in sufficient size to be clearly visible from the main traveled way of the controlled route.

SIGNS ON HIGHWAY RIGHT OF WAY

Those signs erected on highway right of way do not fall under the controls of the act. However, they are in violation of the following General Statute and/or North Carolina Administrative Code.

19A NCAC 2E .0415 provides it shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on any highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation. It shall be unlawful for any person, firm or other corporation that has erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain on state highway or right of way thereof.

SCENIC BYWAYS

Outdoor advertising is prohibited adjacent to any highway designated as a Scenic Byway by the NC Board of Transportation after the date of designation. (Ref. NCAC 2E.0224) The routes are clearly marked with highway signs and the Scenic Byways logo. A list of specific routes is available from the appropriate district engineer or may be viewed at the NC Scenic Byway web site at: www.doh.dot.state.nc.us/operations/dp_chief_eng/roadside/scenic

N.C. ADMINISTRATIVE CODE
Title 19A. Department of Transportation
SECTION 2E.0200 OUTDOOR ADVERTISING

.0201 DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL

In addition to the definitions set forth in G.S. 136-128, the following definitions shall apply for purposes of outdoor advertising control:

(1) **Abandoned Sign:** A sign that is not being maintained as required by the rules in this Section. The absence of a valid lease is one indication of an abandoned sign. An outdoor advertising sign structure shall be considered to be abandoned if for a period of twelve (12) months the sign has been without a message, contains obsolete advertising matter, or is significantly damaged or dilapidated.

(2) **Automatic Changeable Facing Sign:** A sign, display, or device which changes the message or copy on the sign facing electronically by movement or rotation of panels or slats.

(3) **Blank Sign:** A sign structure on which all faces contain no message, or which contains only a telephone number advertising its availability.

(4) **Comprehensive Zoning:** Zoning by local zoning authorities of each parcel of land under the jurisdiction of the local zoning authority placed in a zoning classification pursuant to a comprehensive plan, or reserved for future classification.

(a) A comprehensive plan means a development plan which guides decisions by the local zoning authority relating to zoning and the growth and development of the area.

(b) Even if comprehensively enacted, the following criteria shall determine whether such zoning is enacted primarily to permit outdoor advertising:

(i) The zoning classification provides for limited commercial or industrial activity only incidental to other primary land uses.

(ii) The commercial or industrial activities are permitted only by variance or special exceptions; or

(iii) The zoning constitutes spot or strip zoning. "Spot zoning" or "strip zoning" is zoning designed primarily for the purpose of permitting outdoor advertising signs in an area which would not normally permit outdoor advertising.

(5) **Conforming Sign:** A sign legally erected in a zoned or unzoned commercial or industrial area which meets all current legal requirements for erecting a new sign at that site.

(6) **Controlled Access Highway:** A highway on which entrance and exit accesses are permitted only at designated points.

(7) **Controlled Route:** Any interstate or federal-aid primary highway as it existed on June 1, 1991, and any highway which is or becomes a part of the National Highway System (NHS).

(8) **Destroyed Sign:** A sign no longer in existence due to factors other than vandalism or other criminal or tortious acts. An example of a destroyed sign includes a sign which has been blown down by the wind and sustains damage in excess of 50 percent as determined by the criteria in 19A NCAC 02E.0225(f).

(9) **Dilapidated Sign:** A sign which is shabby, neglected, or in disrepair, or which fails to be in the same form as originally constructed, or which fails to perform its intended function of conveying a message. Characteristics of a dilapidated sign include, but are not limited to, structural support failure, a sign not supported as originally constructed, panels or borders missing or falling off, intended messages cannot be interpreted by the motoring public, or a sign which is blocked by overgrown vegetation outside the highway right of way.

(10) **Directional Sign:** A sign which contains directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Directional and other official signs and notices include, but are not limited to, public utility signs, service club and religious notices, or public service signs.

(a) **Public Service Sign:** A sign located on a school bus stop shelter which meets all the following requirements:

(i) identifies the donor, sponsor or contributor of said shelter;

(ii) is located on a school bus shelter which is authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved;

(iii) contains only safety slogans or messages which shall occupy not less than 60 percent of the area of the sign;

(iv) does not exceed 32 square feet in area; and

(v) contains not more than one sign facing in any one direction.

(b) **Public Utility Sign:** A warning sign, informational sign, notice or other marker customarily erected and maintained by publicly or privately owned utilities, which are essential to their operations.

(c) **Service Club and Religious Notices:** Any sign or notice authorized by law which relates to meetings of nonprofit service clubs, charitable associations, or religious services. These signs shall not exceed eight (8) square feet in area.

(11) **Discontinued Sign:** A sign no longer in existence. A discontinued sign includes a sign of which any part of a sign face is missing more than 180 days. In some cases, a sign may be both discontinued and dilapidated.

(12) **Freeway:** A divided arterial highway for through traffic with full control of access.

(13) **Highway:** A highway that is designated as a part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System. A highway shall be a part of the National Highway System on the date the location of the highway has been approved finally by the appropriate federal authorities.

(14) **Lease:** An agreement, in writing, by which possession or use of land or interests therein is given for a specified purpose and period of time, and which is a valid contract under North Carolina laws.

(15) **Main Traveled Way or Traveled Way:** Part of a highway on which through traffic is carried, exclusive of paved shoulders. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a traveled way. It does not include frontage roads, turning roadways, or parking areas.

(16) **Nonconforming Sign:** A sign which was lawfully erected but which does not comply with the provisions of State law or rules passed at a later date or which later fails to comply with State law or rules due to changed conditions. For purposes of the outdoor advertising rules, nonconforming signs also include those signs which have become nonconforming pursuant to 19A NCAC 02E.1002(d) on scenic byways which were part of the interstate or federal-aid primary highway system as of June 1, 1991, or which are or become a part of the National Highway System.

(17) **Official Sign/Notice:** A sign or notice erected and maintained by public officers or public agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with federal, state, or local law for the purpose of carrying out an official duty or responsibility. Official signs and notices include, but are not limited to, historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies.

(18) **On-premise/On-property Sign:** A sign which advertises the sale or lease of property upon which it is located or which advertises an activity conducted or product for sale on the property upon which it is located. An on-premise sign may not be converted to a permitted outdoor advertising sign unless it meets all rules in effect at the time of the conversion request. An on-premise sign must be located on property contiguous to the property on which the activity is located. Tracts not considered to be contiguous include, but are not limited to:

- (a) Tracts of land separated by a federal, state, city, or public access maintained road;
- (b) Tracts of land not under common ownership; or
- (c) Tracts of land held in different estates or interests.

(19) **Parkland:** Any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(20) **Permit Holder:** A permit holder shall be the sign owner, and for purposes of the rules in this Section the terms and definitions shall be interchangeable, unless the Department of Transportation, through the appropriate district office, has been notified in writing that the permit holder is a person or entity other than the actual owner of the sign. In this case, the actual sign owner's name, mailing address, and telephone number must be declared.

(21) **Salvageable Sign Components:** Components of the original sign structure prior to the damage that can be repaired or replaced on site by the use of labor only. If any materials, other than nuts, bolts, nails or similar hardware, are required in order to repair a component, the component is not considered to be salvageable.

(22) **Scenic Area:** Any area of particular beauty or historical significance as determined by the federal, state, or local official having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation and enhancement of beauty.

(23) **Scenic Byway:** A scenic highway or scenic byway designated by the Board of Transportation, regardless of whether the route so designated was part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System.

(24) **Sign:** Any outdoor sign, sign structure, display, light, device, figure, painting, drawing, message, placard, poster, billboard, or other object which is designed, intended, or used to advertise or inform. A sign includes any of the parts or material of the structure, such as beams, poles, posts, and stringers, the only eventual purpose of which is to ultimately display a message or other information for public view. For purposes of these rules, the term "sign" and its definition shall be interchangeable with the following terms: outdoor advertising, outdoor advertising sign, outdoor advertising structure, outdoor advertising sign structure, sign structure, and structure.

(25) **Sign Conforming by Virtue of the "Grandfather Clause:"** A sign legally erected prior to the effective date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or federal-aid primary system or NHS in a zoned or unzoned commercial or industrial area which does not meet all current standards for erecting a new sign at that site.

(26) **Sign Face:** The part of the sign, including trim and background, which contains the message or informative contents. For purposes of measuring the maximum area or height of a sign, embellishments or extended advertising shall be excluded.

(27) **Sign Location/Site:** A sign location or site for purposes of these rules shall be measured to the closest 1/100th of a mile, in conformance with Department of Transportation methods of measurement for all state roads. The location or site shall be determined and listed on each outdoor advertising permit application by DOT personnel.

(28) **Sign Owner:** A sign owner shall be the permit holder of record, and for purposes of the rules in this Section the terms and definitions shall be interchangeable, unless the Department of Transportation, through the appropriate district office, has been notified in writing that the sign owner is a person or entity other than the actual holder of the permit. In this case, the actual sign owner's name, mailing address, and telephone number must be declared.

(29) **Significantly Damaged Sign:** A sign which has been damaged or partially destroyed due to factors other than vandalism or other criminal or tortious acts to such extent that the damage to the sign is greater than fifty percent as determined by the criteria in 19A NCAC 02E.0225(f).

(30) **Unzoned Commercial or Industrial Area:** An area which is not zoned by state or local law, regulation, or ordinance, and which is within 660 feet of the nearest edge of the right of way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial or industrial activity that meets all requirements specified in 02E.0203(5).

(31) **Zoned Commercial or Industrial Area:** An area which is zoned for business, industry, commerce, or trade pursuant to a state or local zoning ordinance or regulation. Local zoning action must be taken pursuant to the state's zoning enabling statute or constitutional authority in accordance therewith. Zoning which is not part of comprehensive zoning or which is created primarily to permit outdoor advertising structures shall not be recognized as valid zoning for purposes of the Outdoor Advertising Control Act and the rules promulgated thereunder, unless the land is developed for commercial or industrial activity as defined under 02E.0203(5).

*History Note: Statutory Authority G.S. 136-130; Eff. July 1, 1978;
Amended Eff. August 1, 2000; December 1, 1993; March 1, 1993; December 1, 1990;
January 1, 1984.*

.0202 AGREEMENT

(a) The Department of Transportation has entered into an agreement with the United States Department of Transportation relating to the control of outdoor advertising in areas adjacent to the interstate and federal-aid primary highway systems or NHS in accordance with Section 131(b), and Section 104 of Title 23 of the United States Code and Part 750 of Title 23 of the Code of Federal Regulations. To the extent that these federal regulations and subsequent amendments and editions are more restrictive than North Carolina Department of Transportation rules, these federal regulations are expressly incorporated by reference as part of this section. Copies of Title 23 of the United States Code are available from the Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328. The Code of Federal Regulations, Title 23, is available from the same address.

(b) A copy of this agreement is on permanent file in the Office of the State Highway Administrator.

*History Note: Statutory Authority G.S. 136-138; 143B-350(f); 150B-21.6; Eff. July 1, 1978
Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.*

.0203 OUTDOOR ADVERTISING ON CONTROLLED ROUTES

The following standards shall apply to the erection and maintenance of outdoor advertising signs in all zoned and unzoned commercial and industrial areas located within 660 feet of the nearest edge of the right of way of the controlled route. The standards shall not apply to those signs enumerated in G.S. 136-129(1),(2), (2a) and (3), which are directional and other official signs and notices, signs advertising the sale or lease of property upon which they are located, signs advertising the sale of crops at roadside stands, and signs which advertise activities conducted on the property upon which they are located.

(1) Configuration and Size of Signs:

- (a) The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, embellishments, extended advertising space, supports, and other structural members.
- (b) The area shall be calculated by measuring the outside dimensions of face, excluding any apron, embellishments, or extended advertising space.
- (c) The maximum size limitations shall apply to each side of a sign structure; the signs may be placed back-to-back, side-by-side; or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.
- (d) Side-by-side signs shall be structurally tied together to be considered as one sign structure.
- (e) V-type and back-to-back signs shall not be considered as one sign if located more than 15 feet apart at their nearest points.
- (f) The height of any portion of the sign structure, excluding cutouts or embellishments, as measured vertically from the adjacent edge of pavement of the main traveled way shall not exceed 50 feet.
- (g) Double-decking of sign faces so that one is on top of the other is prohibited.

(2) Spacing of Signs:

- (a) Signs may not be located in a manner to obscure, or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device, or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
- (b) Controlled Routes with Fully Controlled Access (Freeways):
 - (i) No two structures shall be spaced less than 500 feet apart.

- (ii) Outside the corporate limits of towns and cities, no structure may be located within 500 feet of an interchange, collector distributor, intersection at grade, safety rest area or information center regardless of whether the main traveled way is within or outside the town or city limits. The 500 feet spacing shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of pavement away from the interchange, collector distributor, intersection at grade, safety rest area or information center. In those interchanges where a quadrant does not have a ramp, the 500 feet for the quadrant without a ramp shall be measured along the outside edge of main traveled way for freeways as follows:
 - (A) Where a route is bridged over a freeway, the 500 foot measurement shall begin on the outside edge of pavement of the freeway at a point directly below the edge of the bridge. The direction of measurement shall be along the edge of pavement away from the interchange.
 - (B) Where a freeway is bridged over another route, the 500 foot measurement shall be made from the end of the bridge in the quadrant. The direction of measurement shall be along the edge of main traveled way away from the bridge.
 - (C) Where the routes involved are both freeways measurements on both routes shall be made according to (A) or (B) of this subitem, whichever applies.

Should there be a situation where there is more than one point at which the pavement widens along each road within a quadrant, the measurement shall be made from the pavement widening which is farthest from the intersecting roadways.

(c) **Controlled Routes Without Fully Controlled Access:**

- (i) Outside of incorporated towns and cities --no two structures shall be spaced less than 300 feet apart.
- (ii) Within incorporated towns and cities --no two structures shall be spaced less than 100 feet apart.
- (d) The foregoing provisions for the spacing of signs do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.
- (e) Official and "on-premise" signs, as permitted under the provisions of G.S. 136-129(1) (2), (2a) and (3), and structures that are not lawfully maintained shall not be included nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
- (f) The minimum distance between structures shall be measured along the nearest edge of the main traveled way between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highways.

(3) Lighting of Signs; Restrictions:

- (a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights including animated or scrolling advertising, are prohibited, unless expressly allowed under Item 4, except those giving public service information such as time, date, temperature, weather, or similar information.
- (b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the controlled routes and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
- (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- (d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.
- (e) Lighting shall not be added to or used to illuminate nonconforming signs or signs conforming by virtue of the grandfather clause.

(4) Automatic Changeable Facing Sign:

- (a) Automatic changeable facing signs shall be permitted on the controlled routes under the following conditions:
 - (i) The sign does not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising;
 - (ii) The changeable facing remains in a fixed position for at least eight (8) seconds;
 - (iii) If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less;
 - (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway;
 - (v) The 1000-foot distance shall be measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway;
 - (vi) A legally conforming structure may be modified to an automatic changeable facing upon compliance with these standards and approval by the Department. Nonconforming or grandfathered structures shall not be modified to an automatic changeable facing;
 - (vii) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs; and
 - (viii) The sign application meets all other permitting requirements.
- (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.

(5) Unzoned Commercial or Industrial Area Qualification for Signs:

- (a) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising control, one or more commercial or industrial activities shall meet all of the following criteria prior to submitting an outdoor advertising permit application:
 - (i) The activity shall maintain all necessary business licenses as may be required by applicable state, county or local law or ordinances;
 - (ii) The property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law;
 - (iii) The activity shall be connected to basic utilities including but not limited to power, telephone, water, and sewer, or septic service;
 - (iv) The activity shall have direct or indirect vehicular access and be a generator of vehicular traffic;
 - (v) The activity shall have a building designed with a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right of way of the controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:
 - (A) The mobile home unit or recreational vehicle shall meet the North Carolina State Building Code for commercial or business use.
 - (B) A self-propelled vehicle shall not qualify for use as a business or office for the purpose of these rules.
 - (C) All wheels, axles, and springs shall be removed.
 - (D) The vehicle shall be permanently secured on piers, pad, or foundation.
 - (E) The vehicle shall be tied down in accordance with local, state, or county requirements.
 - (vi) The commercial or industrial activity must be in active operation a minimum of six months prior to the date of submitting an application for an outdoor advertising permit;
 - (vii) The activity shall be open to the public during hours that are normal and customary for that type of activity in the same or similar communities but not less than 20 hours per week;
 - (viii) One or more employees shall be available to serve customers whenever the activity is open to the public;
 - (ix) The activity shall be visible and recognizable as commercial or industrial from the main traveled way of the controlled route. An activity is visible when that portion on which the permanent building designed, built, or modified for its current commercial use can be clearly seen twelve months a year by a person of normal visual acuity while traveling at the posted speed on the main traveled way of the controlled route adjacent to the activity. An activity is recognizable as commercial or industrial when its visibility from the main traveled way of the controlled route is sufficient for the activity to be identified as commercial or industrial.
- (b) Each side of the controlled route shall be considered separately. All measurements shall begin from the outer edges of regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity, not from the property line of the activity and shall be along the nearest edge of the main traveled way of the controlled route.
- (c) The proposed sign location must be within 600 feet of the activity.
- (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor advertising control, none of the following activities shall be recognized:
 - (i) Outdoor advertising structures;
 - (ii) On-premise or on-property signs defined by .0201(18) of this section if the on-premise/on-property sign is the only part of the commercial or industrial activity that is visible from the main-traveled way;
 - (iii) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to temporary wayside fresh produce stands;
 - (iv) Transient or temporary activities;
 - (v) Activities not visible and recognizable as commercial or industrial from the traffic lanes of the main traveled way;
 - (vi) Activities more than 660 feet from the nearest edge of the right of way;
 - (vii) Activities conducted in a building principally used as a residence;
 - (viii) Railroad tracks and minor sidings;
 - (ix) Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity;
 - (x) Illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards as set out in G.S. 136-147;

*History Note: Statutory Authority G.S. 136-130; Eff. July 1, 1978;
Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; November 1, 1988.*

.0206 APPLICATIONS

- (a) An application for an outdoor advertising permit shall be made on NCDOT form OA-1, which may be obtained at any District Office. Upon completion, the application shall be submitted to the district office for the district where the proposed site is located. The application shall include the following attachments:

- (1) A written lease or written proof of interest in the land where a sign is proposed to be constructed. An applicant may delete information pertaining to term and amount of lease.
 - (2) A right of entry form to provide the right of entry from the property owner or adjacent property owners to allow DOT personnel to enter upon property when necessary for the enforcement of the Outdoor Advertising Control Act or these rules;
 - (3) If zoned, a written statement from the local zoning authority indicating the present zoning of the parcel and its effective date. Upon request of the district engineer, the applicant shall submit copies of minutes from the appropriate zoning authority pertinent to the zoning action.
 - (4) If the area is an unzoned commercial or industrial area, a copy of the documentation confirming that the requirements under .0203(5)(a)(i) and (ii) have been met;
 - (5) A sign permit or zoning permit, if required by the local government having jurisdiction over the proposed location;
 - (6) A written certification from the sign owner indicating there has been no misrepresentation of any material facts regarding the permit application, or other information supplied to acquire a permit; and
 - (7) The initial nonrefundable permit fee.
- (b) Any omission of attachments or certification required in items (1) through (7) in this rule may cause the rejection of the application. If the application is incomplete, the entire application package, including application fee, shall be returned to the applicant.

*History Note: Statutory Authority G.S. 136-130; Eff. July 1, 1978;
Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.*

.0207 FEES AND RENEWALS

- (a) Initial and annual renewal fees shall be paid by the sign owners for each permit requested in order to defer the costs of the administrative and inspection expenses incurred by the Division of Highways of the Department of Transportation in administering the permit procedures.
- (b) An initial nonrefundable fee of one hundred and twenty dollars (\$120) per outdoor advertising structure shall be submitted with each permit application and an annual nonrefundable renewal fee of sixty dollars (\$60) per sign structure shall be paid by the sign owners on or before April 15 of each year to the appropriate district engineer. Sign owners must return the information required under Paragraph (c) of this Rule with their annual renewal fees.
- (c) The Division of Highways of the Department of Transportation shall send an invoice for the annual renewal fee to each sign owner/permit holder with a valid permit. For a renewal to be approved, the sign owner/permit holder must submit the signed invoice along with the renewal fee. If requested, the permit holder/sign owner shall provide a valid lease or other proof of interest in the land where the sign is located. Failure to submit this documentation within thirty (30) days of written request from the District Engineer by certified mail will subject the permit to revocation under 19A NCAC 2E.0210(4).

*History Note: Statutory Authority G.S. 136-130; 136-133; Eff. July 1, 1978;
Amended Eff. November 1, 1993; October 1, 1991; December 1, 1990; July 1, 1986;
Filed as a Temporary Rule Eff. November 16, 1999.*

.0208 PERMIT AND PERMIT EMBLEM

- (a) A permit shall be issued for lawful outdoor advertising structures by the Division of Highways of the Department of Transportation upon proper application, approval, and the payment of the nonrefundable initial permit fee.
- (b) The erection of new outdoor advertising structures shall not commence until a permit has been approved and the emblem issued. The outdoor advertising structure except all sign faces must be completely constructed and erected within 180 days from the date of approval of the permit and issuance of the emblem. If the outdoor advertising structure except sign faces is not constructed within 180 days from the date of approval of the permit and issuance of the emblem then any intervening rule change shall apply to the sign structure. During the 180 day period, the new outdoor advertising structure shall be considered in existence for the purpose of spacing of adjacent signs as set out in the rules in this Section.
- (c) The permit holder/sign owner shall notify the appropriate Division of Highways district engineer by certified mail, return receipt requested, within ten (10) days after the outdoor advertising structure is completed that it is ready for final inspection.
- (d) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall place the emblem, which will have an identifying number, on the outdoor advertising structure in such a position as to be visible and readable from the main traveled way of the controlled route.
- (e) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall affix the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in sufficient size to be clearly visible from the main traveled way of the controlled route.

- (f) Within ninety (90) days after receiving notice that an outdoor advertising structure is complete, the appropriate District Engineer shall inspect the structure. If the structure fails to comply with the Outdoor Advertising Control Act or the rules in this Section, the District Engineer shall advise the permit holder/sign owner by certified mail of the manner in which the structure fails to comply and that the structure must be made to comply within thirty (30) days of receipt of the notice or removed.
- (g) Replacements for emblems that are missing or illegible may be obtained from the district engineer by submitting a written request accompanied by a copy of the permit application which approved the original emblem.

*History Note: Statutory Authority G.S. 136-130;
Eff. July 1, 1978; Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990.*

.0209 TRANSFER OF PERMIT/CHANGE OF ADDRESS

Within thirty (30) days after ownership of a permitted outdoor advertising sign is transferred, the previous or new owner shall submit a written notice, signed by the transferring owner and notarized, to the district engineer for the county in which the sign is located. A permit holder/sign owner must provide the appropriate district engineer with written notice of any change of address within 30 days of the address change. Should a permit holder/sign owner fail to provide written notice of a transfer of permit or change of address, a revocation of a permit for one of the reasons specified in Rule .0210 of this Section shall stand and shall not be affected by failure to notify the district engineer of such changes.

*History Note: Statutory Authority G.S. 136-130;
Eff. July 1, 1978; Amended Eff. August 1, 2000; November 1, 1993.*

.0210 REVOCATION OF PERMIT

The appropriate district engineer shall revoke a permit for a lawful outdoor advertising structure based on any of the following:

- (1) mistake of facts by the issuing District Engineer for which had the correct facts been known, he would not have issued the outdoor advertising permit;
- (2) misrepresentations of any facts made by the permit holder/sign owner and on which the District Engineer relied in approving the outdoor advertising permit application;
- (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit holder/sign owner, the permit applicant or the owner of property on which the outdoor advertising structure is located;
- (4) failure to pay annual renewal fees or provide the documentation requested under Rule .0207(c) of this Section;
- (5) failure to construct the outdoor advertising structure except all sign faces within 180 days from the date of issuance of the outdoor advertising permit;
- (6) a determination upon initial inspection of a newly erected outdoor advertising structure that it fails to comply with the Outdoor Advertising Control Act or the rules in this Section;
- (7) any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act or the rules adopted by the Board of Transportation pursuant thereto;
- (8) alterations to a nonconforming sign or a sign conforming by virtue of the grandfather clause other than reasonable repair and maintenance as defined in Rule .0225(c). For purposes of this-subsection, alterations include, but are not limited to:
 - (a) enlarging a dimension of the sign facing, or raising the height of the sign;
 - (b) changing the material of the sign structure's support;
 - (c) adding a pole or poles; or
 - (d) adding illumination;
- (9) failure to affix the emblem within as required by .0208 of this Section or failure to maintain the emblem so that it is visible and readable from the main-traveled way or controlled route;
- (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in sufficient size to be clearly visible as required by .0208 of this Section;
- (11) destruction or cutting of trees, shrubs or other vegetation located on the state-owned or maintained right of way where an investigation by the Department of Transportation reveals that the destruction or cutting:
 - (a) occurred on the state-owned or maintained right of way within 500 feet on either side of the sign location along the edge of pavement of the main traveled way of the nearest controlled route;
 - (b) was conducted by a person or persons other than the Department of Transportation or its authorized agents or assigns, or without permission from the Department of Transportation; and
 - (c) was conducted by one or more of the following: the sign owner, the permit holder, the lessee or advertiser employing the sign, the owner of the property upon which the sign is located, or any of their employees, agents or assigns, including, but not limited to, independent contractors hired by the permit holder/sign owner, the lessee/agents or advertiser employing the sign, or the owner of the property upon which the sign is located;

- (12) unlawful use of a controlled access facility for purposes of repairing, maintaining or servicing an outdoor advertising sign where an investigation reveals that the unlawful violation:
 - (a) was conducted actually or by design by the sign owner/permit holder, the lessee or advertiser employing the sign, the owner of the property upon which the sign is located, or any of their employees, agents, or assigns, including, but not limited to, independent contractors hired by any of the above persons; and,
 - (b) involved the use of highway right of way for the purpose of repairing, servicing, or maintaining a sign including stopping, parking, or leaving any vehicle whether attended or unattended, on any part or portion of the right of way; or
 - (c) involved crossing the control of access fence to reach the sign structure;
- (13) maintaining a blank sign for a period of 12 consecutive months;
- (14) maintaining an abandoned, dilapidated, or discontinued sign;
- (15) a sign that has been destroyed or significantly damaged as determined by .0201(8) and (29) of this Section;
- (16) moving or relocating a nonconforming sign or a sign conforming by virtue of the grandfather clause which changes the location of the sign as determined by .0201(27) of this Section;
- (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, and the rules adopted by the Board of Transportation.

History Note: Statutory Authority G.S. 105-86(e); 136-133; Eff. July 1, 1978;

Amended Eff. August 1, 2000; May 1, 1997; November 1, 1993; March 1, 1993; October 1, 1991; December 1, 1990.

.0211 DENIAL OF PERMIT

- (a) Should the appropriate district engineer determine that a proposed outdoor advertising structure would not conform to the standards of outdoor advertising as set out in the Outdoor Advertising Control Act or the rules in this Section, the district engineer shall refuse to issue a permit for that proposed outdoor advertising structure.
- (b) When such noncompliance of the Outdoor Advertising Control Act or these Rules has been determined, the district engineer shall notify the permit applicant by certified mail, return receipt requested, in the form of a letter setting forth the factual and statutory or regulatory basis for the denial, and include a copy of the Act and rules.
- (c) The Department of Transportation shall not issue permits for new outdoor advertising signs at a sign location (as defined by .0201 of this Section) as follows:
 - (1) for a period of five years where the unlawful destruction or illegal cutting of vegetation has occurred within 500 feet on either side of the proposed sign location, and as measured along the edge of pavement of the main traveled way of the nearest controlled route. For purposes of this paragraph only:
 - (A) "Unlawful destruction or illegal cutting" is the destruction or cutting of trees, shrubs, or other vegetation on the state-owned or maintained right of way which was conducted by a person or persons other than the Department of Transportation or its authorized agents or without the permission of the Department of Transportation.
 - (B) The Department of Transportation's investigation shall reveal some evidence that the unlawful destruction or illegal cutting would create, increase, or improve a view to a proposed outdoor advertising sign from the main-traveled way of the nearest controlled route.
 - (C) The five-year period shall run from the date on which the Department of Transportation has actual knowledge of the unlawful destruction or illegal cutting to be documented by the appropriate district engineer.
 - (D) The five-year prohibition period for a new sign permit shall apply equally to all sign locations including the following examples:
 - (i) sign locations where the unlawful destruction or illegal cutting of vegetation occurs prior to the time the location becomes a conforming location;
 - (ii) sign locations where a revocation of an existing permit has been upheld and a sign has been removed;
 - (iii) sign locations where the unlawful destruction or illegal cutting occurs prior to receipt of an outdoor advertising permit application; and
 - (iv) sign locations where the unlawful destruction or illegal cutting occurs following receipt of an outdoor advertising permit application, but prior to final issuance of the permit by the Department of Transportation.
 - (2) Where existing trees, if they were to reach the average mature size for that species, would make the proposed sign faces, when erected, not completely visible from the viewing zone. For purposes of this subsection only:
 - (A) "Existing trees" are those trees four inches or greater in diameter measured six inches from the ground.
 - (B) "Average mature size" shall be determined by reference to the most recent edition of Hortus 3rd, A Concise Dictionary of Plants Cultivated in the United States and Canada, McMillan Publishing Co., Inc., New York, NY, published in 1976 or Manual of Woody Landscape Plants, Michael Dirr, Stipes Publishing Company.
 - (C) Viewing Zone is the area which is 500 feet as measured along the edge of the main traveled way of the controlled route on each side of the proposed sign structure which will have a sign face.
 - (3) Where the zoning is not part of comprehensive zoning or was zoned primarily to permit outdoor advertising structures or constitutes spot zoning or strip zoning as defined in 02E.0201(4)(b)(iii).
 - (4) For a period of twelve months prior to the proposed letting of a new construction contract that may affect the spacing or location requirements for an outdoor advertising structure until the project is completed.
 - (5) On a route designated as a scenic byway.

History Note: Statutory Authority G.S. 136-130; Eff. July 1, 1978;

Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.

.0212 NOTICE GIVEN FOR REVOKING PERMIT

- (a) Prior to the revocation of an outdoor advertising permit, the district engineer shall notify the permit holder/sign owner by certified mail of the alleged violation under Rule .0210. The permit holder/sign owner shall be given thirty (30) days in which to bring the sign into compliance, if permissible by these rules, or provide information concerning the alleged violation to the district engineer to be considered prior to the actual revocation. The district engineer shall consider the information provided by the permit holder prior to any revocation of a permit.
- (b) When in the opinion of the District Engineer a violation of Rule .0210 of this Section has occurred, he shall so notify the permit holder/sign owner for the outdoor advertising structure by certified mail, return receipt requested, stating the factual and statutory or regulatory basis for the revocation, and include a copy of the Outdoor Advertising rules. The notification shall also state that because the structure is in violation of the provisions of the Outdoor Advertising Control Act or the rules in this Section, the structure is unlawful and a nuisance and that if the structure is not removed or made to conform to the provisions of the act or the rules within 30 days after receipt of the notification, if permitted by these rules, the Department of Transportation or its agents shall, at the expense of the permit holder/sign owner, remove the outdoor advertising structure.
- (c) An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these Rules when the permit is revoked under 19A NCAC 2E .0210 (2), (3), (11), or (12).

*History Note: Statutory Authority G.S. 136-130; 136-134; Eff. July 1, 1978;
Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981.*

.0213 APPEAL OF DECISION OF DISTRICT ENGINEER TO SECRETARY OF TRANSPORTATION

- (a) Should any permit applicant or permit holder/sign owner disagree with a decision of the appropriate district engineer pertaining to the denial or revocation of a permit for outdoor advertising or the determination that an outdoor advertising structure is illegal, the permit applicant or permit holder/sign owner shall have the right to appeal to the Secretary of Transportation pursuant to the procedures hereinafter set out.
- (b) Within thirty (30) days from the time of the receipt of the decision of the district engineer, the permit applicant or permit holder/sign owner shall submit a written appeal to the Secretary of Transportation setting forth with particularity the facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary by certified mail, return receipt requested, with a copy to the district engineer.
- (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the District Engineer's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision, supported by findings of fact and conclusions of law. The final agency decision shall be served upon the appealing party by certified mail, return receipt requested, no later than ninety (90) days after the Secretary receives the written appeal. A copy of the final agency decision shall also be mailed to the district engineer.
- (d) Judicial review of the final agency decision is governed by G.S. 136-134.1.

*History Note: Statutory Authority G.S. 136-130; 136-133; 136-134; Eff. July 1, 1978;
Amended Eff. August 1, 2000; November 1, 1993; November 1, 1991; June 15, 1981.*

.0214 STANDARDS FOR DIRECTIONAL SIGNS

- (a) General. For the purposes of this Section the following directional signs are prohibited:
 - (1) signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
 - (2) signs which move or have any animated or moving parts;
 - (3) signs located in rest areas, parklands or scenic areas.
- (b) Size.
 - (1) No directional sign shall exceed the following limits:
 - Maximum area 150 square feet
 - Maximum height 20 feet
 - Maximum length 20 feet
 - (2) All dimensions include border and trim, but exclude supports.
- (c) Lighting. Directional signs may be illuminated, subject to the following:
 - (1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
 - (2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway or NHS route or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.

- (3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- (d) Spacing
 - (1) Each location of a directional sign must be approved by the division of highways.
 - (2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other controlled access highways (measured along the highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way).
 - (3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
 - (4) No two directional signs facing the same direction of travel shall be spaced less than one mile apart.
 - (5) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.
 - (6) Directional signs located adjacent to the interstate system shall be within 75 air miles of the activity.
 - (7) Directional signs located adjacent to the primary system shall be within 50 air miles of the activity.
- (e) Message Content. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route number, or exit numbers.
- (f) Selection Criteria
 - (1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena, scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas
 - (2) Privately owned attractions or activities must be nationally or regionally known. For purposes of this rule the following meanings shall apply:
 - (A) Nationally known means the attraction has drawn attention through various forms of media within the continental United States.
 - (B) Regionally known means the attraction is known in a specific region of the state such as the mountains, piedmont, or coastal region, through published articles or paid advertisements available to a regional audience.

History Note: Statutory Authority G.S. 136-130; 136-129; Eff. July 1, 1978; Amended Eff. August 1, 2000; November 1, 1993.

.0215 PERMITS FOR DIRECTIONAL SIGNS

A permit shall be required for the construction or maintenance of any directional sign permitted by Rule .0214 of this Subchapter, except that no permit shall be required to erect or maintain directional signs to religious sites or for the construction and maintenance of official signs and notices, public utility signs, service club and religious notices, and public service signs, as defined by Rule .0201 (10)(a), (b), (c), and (18) of this Subchapter. An initial fee of forty dollars (\$40) shall be paid with each application for a permit. An annual renewal of each permit, along with a renewal fee of thirty dollars (\$30), shall be required in order to maintain such directional signs. Permit and renewal of the permits may be obtained from the district engineer.

History Note: Statutory Authority G.S. 136-130; 136-133; Eff. July 1, 1978; Amended Eff. November 1, 1993; July 1, 1986; March 1, 1983; June 15, 1981; Filed as a Temporary Amendment Eff. November 16, 1999.

.0224 SCENIC BYWAYS

- (a) Outdoor advertising is prohibited adjacent to any highway designated as a scenic byway by the Board of Transportation after the date of the designation as scenic, regardless of the highway classification, except for outdoor advertising permitted in G.S. 136-129 (1), (2), (2a) or (3).
- (b) All lawfully erected outdoor advertising signs adjacent to a Scenic Byway that is on a controlled route for outdoor advertising shall become nonconforming signs and shall be subject to all applicable outdoor advertising regulations provided in 19A NCAC 02E.0200. Any sign erected on a controlled route adjacent to a Scenic Byway after the date of official designation shall be an illegal sign as defined in G.S. 136-128 and 136-134.
- (c) Permits shall not be required for signs adjacent to scenic byways which were not on a controlled route for outdoor advertising. The department shall maintain an inventory of signs that were in existence at the time the route was designated a Scenic byway. Any sign erected after its designation as a Scenic Byway, except for outdoor advertising permitted in G.S. 136-129(1), (2), or (3), shall be an illegal sign as defined by G.S. 136-128 and 136-134.
- (d) Outdoor advertising signs adjacent to Scenic Byways that are not required to obtain permits are nonetheless governed by the rules in this section.

History Note: Statutory Authority G.S. 136-129.2; Eff. August 1, 2000.

.0225 REPAIR/MAINTENANCE/ALTERATION OF SIGNS

- (a) Signs may not be serviced from or across the right of way of freeways or from or across controlled access barriers or fences of controlled routes.
- (b) Conforming signs may be altered within the limits of the rules in this Section.
 - (1) A conforming sign that has been destroyed or significantly damaged may be reconstructed within the limits of the rules in this Section by notifying the district engineer in writing of any substantial changes that would affect the original dimensions of the initial permit application.
 - (2) Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with any applicable state, federal or local rules, regulations or ordinances.
- (c) Alteration to a nonconforming sign or sign conforming by virtue of the grandfather clause is prohibited. Reasonable repair and maintenance are permitted including changing the advertising message or copy. The following activities are considered to be reasonable repair and maintenance:
 - (1) Change of advertising message or copy on the sign face.
 - (2) Replacement of border and trim.
 - (3) Repair and replacement of a structural member, including a pole, stringer, or panel, with like material.
 - (4) Alterations of the dimensions of painted bulletins incidental to copy change.
 - (5) Any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign face or faces are reduced they may not thereafter be increased beyond the size of the sign on the date it became nonconforming.
- (d) The addition of lighting or illumination to existing nonconforming signs or signs conforming by virtue of the grandfather clause is specifically prohibited as reasonable maintenance; however, such lighting may be permanently removed from such sign structure.
- (e) A nonconforming sign or sign conforming by virtue of the grandfather clause may continue as long as it is not abandoned, destroyed, discontinued, or significantly damaged.
- (f) When the combined damage to the face and support poles appears to be significant, as defined in 19A NCAC 02E.0201(29), the sign owner may request the Department to review the damaged sign, including salvageable sign components, prior to repairs being made. Should the sign owner perform repairs without notification to the Department, and the Department later determines the damage is greater than fifty (50) percent of the combination of the sign face and support pole(s), the permit may be revoked.

To determine the percent of damage to the sign structure, the only components to be used to calculate this value are the sign face and support pole(s). The percent damage shall be calculated by dividing the unsalvageable sign components by the original sign structure component quantities, using the following criteria:

- (1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be fifty (50) percent and the percentage of damage attributable to sign face shall be fifty (50) percent.
- (2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be eighty (80) percent and the percentage of damage attributable to sign face shall be twenty (20) percent.
- (3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be eighty (80) percent and the percentage of damage attributable to sign face shall be twenty (20) percent.

History Note: Statutory Authority G.S. 136-130; G.S. 136-89.58; Eff. August 1, 2000.

.0226 ORDER TO STOP WORK ON UNPERMITTED OUTDOOR ADVERTISING

- (a) If outdoor advertising is under construction and the Department determines that a permit has not been issued for the outdoor advertising as required under the provisions of this chapter, the District Engineer may require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work shall be in writing and prominently posted on the outdoor advertising structure, and no further notice of the stop work order is required. The failure of a sign owner to comply immediately with the stop work order shall subject the outdoor advertising structure to removal by the Department of Transportation or its agents.
- (b) For purposes of this rule only, outdoor advertising is under construction when it is in any phase of construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public.
- (c) The cost of removing outdoor advertising by the Department of Transportation or its agents shall be assessed against the sign owner.
- (d) No stop work order may be issued when the Department of Transportation process agent has been served with a court order allowing the sign to be constructed. The District Engineer shall consult with the Outdoor Advertising coordinator to determine whether such an order has been served on the Department.

History Note: Statutory Authority G.S. 136-130; 136-133; Temporary Adoption Eff. November 16, 1999.

SVR Regulations

Note: The Administrative Code Section is no longer valid.
Those pages have been removed.

Please refer to the new Selective Vegetation Removal (SVR)
rules and regulations at:

http://www.ncdot.gov/doh/operations/dp_chief_eng/roadside/vegetation/maintenance/VegRemoval.html
