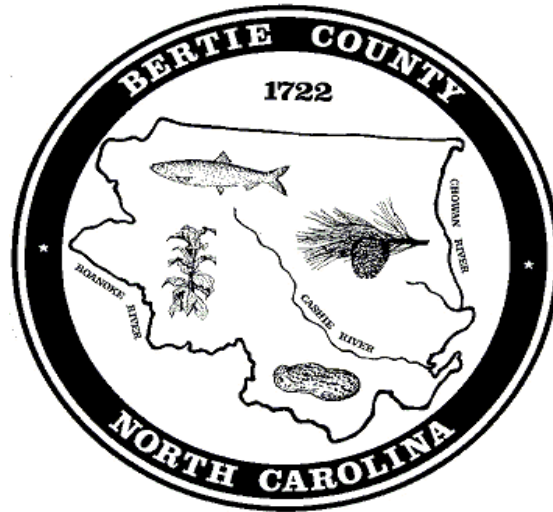


BERTIE COUNTY NORTH CAROLINA



OUTDOOR ADVERTISING SIGN ORDINANCE

Effective November 16, 2009

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**COUNTY OF BERTIE
STATE OF NORTH CAROLINA**

***Findings and Declaration of Policy Concerning
Outdoor Advertising Signs Along Highways***

- WHEREAS,** highways allow for the safe and efficient movement of people, goods, and services and serve as the primary means of presenting the character of Bertie County to travelers; and
- WHEREAS,** outdoor advertising can be considered a legitimate commercial activity adjacent to other commercial activities along highways; and
- WHEREAS,** off-premises outdoor advertising signs serve a different function than on-premises signs and should be regulated accordingly; and
- WHEREAS,** the Bertie County Board of Commissioners has recognized the need to regulate the proliferation of off-premises outdoor advertising signs as to their location, spacing, size, density, and other considerations, and after careful study and consideration and holding public hearings thereon, has developed this ordinance to accomplish these objectives; and
- WHEREAS,** the Bertie County Board of Commissioners declares that control of outdoor advertising signs is necessary to promote the reasonable and orderly display of such signs along highways in order to maintain roadside views, to enhance the attractiveness of the area for residents and tourists, to protect property values, to protect the public investment, to minimize distraction of operators of motor vehicles, and to promote the overall economic welfare of Bertie County; and
- WHEREAS,** the Outdoor Advertising Control Act (N.C.G.S. 136-126, et. seq.) does not adequately achieve these purposes; and
- WHEREAS,** Bertie County is authorized by North Carolina General Statute 153A-121 to adopt necessary ordinances to protect the health, safety, and general welfare of the citizens of Bertie County; and
- WHEREAS,** Bertie County intends to enact outdoor advertising sign regulations which prohibit outdoor advertising signs along freeway corridors and are more restrictive and comprehensive on all other highways than those now in effect and administered by the North Carolina Department of Transportation; therefore,

BE IT RESOLVED, that the Bertie County Board of Commissioners hereby adopts the following Ordinance:

OUTDOOR ADVERTISING SIGN ORDINANCE

Section 1.0 Purpose and Intent

The purpose of this Ordinance is to preserve and improve the roadside appearance along highways in unincorporated Bertie County through the prohibition of outdoor advertising signs on freeways and the control of outdoor advertising signs on all other highways. These regulations are intended to minimize visual distractions to motorists, maintain roadside views of the rural countryside to enhance the attractiveness of the area for residents and visitors, protect property values, protect the public investment in highways, and promote the overall economic welfare of Bertie County.

Section 2.0 Authority

This Ordinance is adopted under the authority granted by North Carolina General Statute 153A-121.

Section 3.0 Jurisdiction

This Ordinance applies to unincorporated Bertie County outside of any municipality's corporate boundaries and extra territorial jurisdiction (ETJ).

Section 4.0 Applicability

These regulations apply along all existing and future freeways and highways in Bertie County, and shall affect all outdoor advertising signs intended to be seen from the traveled portion of the highway within one thousand five hundred (1500) feet of the right-of-way on each side of the highway.

Section 5.0 Outdoor Advertising Sign Standards

The following standards shall govern outdoor advertising signs:

5.1 Location.

- A. Freeways.** Off-premises outdoor advertising signs are prohibited.
- B. Scenic highways.** Off-premises outdoor advertising signs are prohibited in accordance with G.S. 136-129.2.
- C. US Highway 17 east to its intersection with SR 1503 Davis Road.** Off premises outdoor advertising signs are prohibited.
- D. All other highways.**
 1. Non-Intersection Locations. Outdoor advertising signs may be placed along the same side of the road within eight hundred (800) feet of each side of any of commercial or industrial activity, as defined in Sec. 12.1, which has both direct frontage and access to the highway. Determination of the area where signs are allowed shall be from the outermost part of the principal structure or structures on the premises extended perpendicular to and measured along the nearest edge of the pavement or traveled portion of the highway, not from the property line, parking areas, driveways, or accessory buildings or structures.
 2. Intersections. Except as otherwise provided, an Outdoor Advertising Sign may be placed near a commercial or industrial activity at an intersection only on the same corner of the intersection and only along the highway from which access to the commercial or industrial activity is gained.

5.2 Spacing of Signs.

No outdoor advertising sign shall be located closer than one thousand five hundred (1500) feet from any other outdoor advertising sign as measured along the same side of a road or highway.

5.3 Total Area.

The maximum area for the face of any outdoor advertising sign shall be four hundred (400) square feet. The area shall be calculated by using the smallest rectangle which will encompass the entire sign face. Any extensions to the sign or any advertising message or copy on the sign structure, including the name of the outdoor advertising company on the border or trim, shall be included as part of the sign's total area.

5.4 Height

The maximum height of an outdoor advertising sign shall be fifty (50) feet and shall be measured as the vertical distance from the ground below the sign to the highest part of the sign.

5.5 Sign Size.

- A.** The maximum vertical height of the outdoor advertising sign face shall be ten and one half (10 ½) feet.
- B.** The maximum horizontal length of the outdoor advertising sign face shall be forty (40) feet.

5.6 Separation from Other Uses.

The minimum distance between outdoor advertising signs and existing churches, schools, or public institutions shall be no less than five hundred (500) feet. The minimum distance between outdoor advertising signs and existing residences shall be three hundred (300) feet, however, if written permission is obtained from the owner of affected residence(s) within the three hundred (300) foot minimum distance, allowing the outdoor advertising sign to be placed closer than three hundred (300) feet, then such permission to place the sign may be granted by the County as long as all other requirements of this Ordinance have been met.

5.7 Setback.

All parts of each outdoor advertising sign shall be set back no less than fifteen (15) feet from any highway right-of-way line and no less than thirty-five (35) feet from each property line.

5.8 General Requirements

- A. Color of Structure.** A freestanding sign structure, including the back, shall be painted in a neutral color to blend in with the background environment of the site.
- B. Illumination.** Outdoor advertising signs may be illuminated in accordance with the following requirements.
 - 1. Lighting shall be directed to the face of the sign and shall be shielded so that the source of light is not visible and does not create a hazard or nuisance for motorists or nearby residents.
 - 2. No flashing, rotating, or intermittent illumination shall be permitted.
 - 3. Liquid crystal display (LCD) signs and similar monitor-type signs are prohibited.
 - 4. Any illuminated sign shall meet the requirements of current National Electrical Code (NEC).
- C. Number and Arrangement of Signs.** Outdoor advertising signs may be of single face, double-faced back-to-back, or V-type design. If signs on the same structure face opposite directions, they shall be considered one sign only for purposes of determining conformance with Sections 5.2 and 5.6.
- D. Obstructions.** Regardless of the requirements of this Ordinance, no outdoor advertising sign shall obscure or interfere with official traffic signs, signals, or devices or create a traffic hazard.
- E. Structural Requirements.** All outdoor advertising signs shall meet the structural requirements of the North Carolina Building Code.

Section 6.0 Administration

The Bertie County Planning Director, or authorized representative, shall administer this Ordinance.

6.1 Interpretation.

If any conflict arises during the enforcement of this Ordinance, or more than one interpretation is possible, Section 1.0, Purpose and Intent, shall be used as a guideline for interpretation. Additionally, the most restrictive interpretation shall apply.

6.2 Permit Procedure.

No construction, reconstruction, alteration, or other work related to an outdoor advertising sign shall commence until the appropriate permits have been secured from the Bertie County Planning & Inspections Department. It is the responsibility of the owner or agent responsible for the sign to comply with these or any other permit requirements.

A. Sign Permit. A sign permit shall be obtained by the property owner or authorized agent. An agent shall provide a letter from the owner of the property on which the sign is to be located granting permission for the agent to act on behalf of the property owner.

B. Submittal Requirements. The applicant shall submit the following information for each proposed sign.

1. A sketch plan, at an appropriate scale, which illustrates the following items within one thousand five hundred (1500) feet of the proposed sign:
 - a. location of proposed sign;
 - b. setbacks;
 - c. right-of-way lines;
 - d. buildings
 - e. roads
 - f. existing outdoor advertising signs; and
2. An evaluation drawing and description, if necessary of the proposed sign which includes:
 - a. the dimensions of the sign and sign structure;
 - b. the area of the sign face;
 - c. illumination;
 - d. colors and materials;
 - e. any other relevant features of the sign; and
3. A description of the type of commercial or industrial activity which is being used to qualify for outdoor advertising signs; and
4. Any other information determined necessary by the Planning Director to insure compliance with this Ordinance and the North Carolina Building Code.

C. Fees. Nonrefundable permit fees to cover the costs of administering this Ordinance, including sign inspections, shall be paid in accordance with the following schedule.

1. An initial permit fee of \$250.00 shall be paid when the sign permit application is submitted to Bertie County for review and determination of compliance.
2. An annual permit renewal fee of \$50.00 shall be paid to keep the sign permit valid. This fee will be due on January 1st of each year.

D. Registration Tag. A registration tag shall be issued by Bertie County to the sign owner or agent with the valid sign permit. This tag shall be placed on the sign structure so as to be legible at ground level adjacent to the sign.

E. Registration of Existing Signs. Within six (6) months from the effective date of this Ordinance, all existing outdoor advertising signs shall be registered with the Bertie

County Planning & Inspections Department. The following information concerning each existing sign location shall be provided:

1. Name and address of the owner of the sign;
2. Name, address and parcel identification number of real property on which the sign is to be located; and
3. Height, area, and dimensions of the sign face, and setback from the right-of-way.

No initial permit fees shall be charged, but a registration tag shall be issued by Bertie County to be placed on the sign structure so as to be legible at ground level adjacent to the sign. Following registration, annual permit renewal fees shall be charged as per Sec. 6.2.C.2. Failure to register existing outdoor advertising signs in accordance with these provisions shall be considered a violation of this Ordinance.

F. Expiration of Permit. An outdoor advertising sign permit shall expire six (6) months after the date of issuance if the work authorized by the permit has not commenced. If, after commencement, the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by a permit that has expired may be performed until a new permit has been secured.

G. Revocation of Permits. Following written notice by the Planning Director, an outdoor advertising sign permit may be revoked for any of the following actions or omissions by the applicant:

1. Substantial departure from the approved permit application or plans and specifications;
2. Refusal or failure to comply with the requirements of the North Carolina Building Code or this Ordinance;
3. False statements or misrepresentations made in securing the sign permit; or
4. Failure to pay the annual permit renewal fee.

A permit mistakenly issued in violation of this Ordinance or any other State or county law or ordinance may also be revoked.

Section 7.0 Maintenance

All outdoor advertising signs shall be maintained in accordance with the North Carolina Building Code. In addition, the site must be kept free of litter resulting from deterioration of the sign.

Section 8.0 Nonconforming Signs

Any outdoor advertising sign already legally in existence prior to the effective date of this ordinance may be maintained for the life of the sign. If the sign is destroyed or partially destroyed to the extent that any new permits are required, or the sign owner wishes to secure any permit to replace the sign structure for any other reason, the sign shall be made to conform to this Ordinance except as otherwise provided by State law. Periodic maintenance and repair of a nonconforming sign, including changing the sign copy or advertisements, is permitted, provided such activities are not intended to extend the life of the sign or increase the extent of nonconformity.

Section 9.0 Violations

9.1 Notice.

If any violation of this Ordinance is committed, the Planning Director shall give notice by certified or registered mail, return receipt requested, to the owner of the sign and owner of record of the property upon which the sign is situated. The notice shall give the nature of the violation, with reference to the applicable provisions of this Ordinance; actions necessary to

correct any deficiencies; whether immediate corrective action is to be taken or whether thirty (30) days are allowed to correct or remove the sign in violation; and that the decision of the Planning Director may be appealed as provided in Sec. 11.0. Any required actions shall be at the expense of the sign owner or property owner.

9.2 Failure to Comply.

If no corrective action has been taken after notice has been given, the Planning Director shall initiate or cause to be initiated any legal action or proceedings necessary to enforce this Ordinance.

Section 10.0 Penalties and Remedies

10.1 Criminal Penalty.

Any person, firm, corporation, or association placing or erecting any outdoor advertising sign in violation of this Ordinance shall be guilty of a misdemeanor, punishable as provided by N.C.G.S. 153A-123 and N.C.G.S. 14-4, with each day considered a separate violation.

10.2 Civil Penalty.

In addition, as provided in N.C.G.S. 153A-123, violation of this Ordinance shall also subject the offender to a civil penalty of \$50.00 for each offense. After due notice, as per Sec. 9.1, the Planning Director shall issue a citation to the owner of the sign or to the owner of record of the property where the sign is located, with each day considered a separate violation.

10.3 Removal of Sign.

Except where it may cause a breach of the peace, Bertie County may physically remove the sign or have the sign removed from the property where a sign is in violation to insure compliance with these provisions; provided however that the owners must have had notice sent pursuant to section 9.1 and further provided that the owners have been requested by certified mail to remove the sign which is in violation of this ordinance. The sign shall be removed at the owner's expense.

10.4 Other Remedies.

Bertie County may seek injunctive relief, and all other appropriate remedies to insure compliance with these provisions.

Section 11.0 Appeals

Interpretations and decisions of the Planning Director regarding this Ordinance may be appealed in writing to the Bertie County Board of Commissioners, provided such appeal is initiated within ten (10) days of denial of a sign permit or receipt of a violation notice.

11.1 Review by Board of Commissioners

The Board of Commissioners may, in instances where practical difficulties or unnecessary hardships would result from the strict application of this Ordinance, modify or waive certain provisions if such modification or waiver serves to preserve the purpose and intent of these regulations and will not negatively affect the public safety and welfare of the residents of Bertie County.

11.2 Limitations.

Sections 5.1 through 5.6 of this Ordinance shall not be subject to review for waivers or modification.

11.3 Suspension of Time Limits.

When an appeal is filed, any time limitations imposed by the Planning Director shall be suspended until the Board of Commissioners renders decision.

11.4 Further Appeals.

Decisions of the Bertie County Board of Commissioners are subject to judicial review in Bertie County Superior Court.

Section 12.0 Definitions

For purposes of this Ordinance, certain words or terms are defined in this section. Words or terms not specifically defined shall be interpreted by common usage or meaning.

12.1 Commercial or Industrial Activity:

Any accepted or recognized commercial or industrial operation, except that the following uses shall not be considered commercial or industrial for purposes of this Ordinance:

- A. Outdoor advertising structures;
- B. Agricultural, forestry, ranching grazing, farming, and related activities, including, but not limited to, roadside fresh produce stands;
- C. Transient or temporary activities;
- D. Activities not visible from the highway;
- E. Activities more than one thousand (1000) feet from the nearest edge of the right-of-way;
- F. Activities conducted in a building principally used as a residence;
- G. Railroad tracks and minor sidings;
- H. Any outdoor advertising activity or any other business or commercial activity carried on in connection with an outdoor advertising activity; or
- I. Any commercial or industrial activity engaged in or established primarily for the purpose of qualifying an area for the establishment of outdoor advertising signs.

12.2 Double-Faced Sign:

Sign structures placed back to back with a distance between the backs of the signs of not greater than three (3') feet.

12.3 Freestanding Sign:

A sign supported by a sign structure placed in or upon the ground which is independent of any other object for support.

12.4 Freeway:

A divided arterial highway for through traffic with full control of access.

12.5 Nonconforming Sign:

A sign which was legally erected prior to the effective date of this Ordinance, but which does not conform to these regulations.

12.6 Outdoor Advertising Sign:

A sign, whether freestanding or painted on or attached to a building, which directs attention to a business, product, accommodation, service, event, or other activity which is conducted, sold, offered, or provided at a location other than the premises where the sign is located. Such signs are also known as billboards or off-premises signs. On-premises business identification signs, temporary political signs, directional signs twenty (20) square feet or less in size, official signs, or highway and historic markers shall not be considered outdoor advertising signs.

12.7 Sign:

Any object, display, or structure, or portion thereof, which is located outdoors and is used to advertise, identify, display, direct, or attract attention to an object, person, institution,

organization, business, product, service, event, or location through the use of words, letters, figures, designs, symbols, colors, or illumination.

12.8 Sign Face:

The surface of a sign where copy, messages, or advertisements are attached for display to the public, including any parts of the sign structure upon which such information is located.

12.9 Sign Structure:

The supporting poles, braces, struts, trim, or border; or building or structure to which an outdoor advertising sign is attached.

12.10 V-Type Sign:

A sign structure constructed in the form of a "V" with an angle no greater than forty-five degrees (45°) and at no point separated by a distance greater than five (5') feet.

Section 13.0 Repeal of Conflicting Ordinances

Any resolution, ordinance, or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 14.0 Seperability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be unconstitutional or invalid.

Section 15.0 Effective Date

This ordinance shall take effect and shall be in force on and after November 16, 2009. Duly adopted by the Board of Commissioners of the County of Bertie, North Carolina, this the 16th day of November 2009.

ATTEST:

Norman M. Cherry, Sr., Chairman of the Board of Commissioners