

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

2

HOUSE BILL 581  
Committee Substitute Favorable 5/23/17

Short Title: Revisions to Outdoor Advertising Laws.

(Public)

Sponsors:

Referred to:

April 6, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE STANDARDS FOR DETERMINING JUST COMPENSATION FOR THE REMOVAL OF OFF-PREMISES OUTDOOR ADVERTISING, TO PROMOTE UNIFORMITY OF REGULATION AND MODERNIZATION OF OUTDOOR ADVERTISING, TO ALLOW FOR THE RELOCATION AND RECONSTRUCTION OF OFF-PREMISES OUTDOOR ADVERTISING, TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, TO CLARIFY STANDARDS FOR SELECTIVE VEGETATION REMOVAL, AND TO ESTABLISH A REASONABLE TIME FRAME FOR MAKING AGENCY DECISIONS REGARDING PERMITS AND APPEALS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 136-93.2 reads as rewritten:

"§ 136-93.2. **Monetary value of trees.**

The monetary value for existing trees removed and eligible for reimbursement to the Department as provided in G.S. 136-93 or G.S. 136-133.1 from State rights-of-way shall be determined on an annual basis by the Department. In determining the value of existing trees removed, the average cost per caliper inch shall be based on the lower value of either the average wholesale commercial nursery prices for hardwood and conifer plants, times a 2.5 multiplier for installation and warranty or the average cost per caliper inch for tree planting contracts let by the Department in the previous calendar year. The values shall be determined and published by the Department no later than December 15 of each year. The values established pursuant to this section shall be used in calculating the monetary value of trees removed from State rights of way beginning January 1 of each year. If the Department fails to publish changes in values by December 15, then the values existing on December 15 shall be applicable to existing trees removed and eligible for reimbursement for the following year. forty-five dollars (\$45.00) per caliper inch."

**SECTION 1.(b)** This section is effective when it becomes law and applies to trees removed on or after that date.

**SECTION 2.** G.S. 136-127 reads as rewritten:

"§ 136-127. **Declaration of policy.**

The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and ~~highways but highways~~. The General Assembly also finds and declares that off-premises outdoor advertising is an important and distinct medium of communication for effectively displaying commercial and noncommercial messages and is an established segment of the national economy that serves to promote and protect investments in commerce and industry. As a result, off-premises outdoor advertising is



1 a use of land that should be preserved and its modernization fostered in order to enable new  
2 technology and more inventive ways of communicating. The General Assembly further finds  
3 that the erection and maintenance of off-premises outdoor advertising signs and devices in  
4 areas in the vicinity of the right-of-way of the interstate and primary highway systems within  
5 the State should be controlled and ~~regulated~~-regulated, as provided in this Article, in order to  
6 promote the safety, health, welfare and convenience and enjoyment of travel on and protection  
7 of the public investment in highways within the State, to prevent unreasonable distraction of  
8 operators of motor vehicles and to prevent interference with the effectiveness of traffic  
9 regulations and to promote safety on the highways, to attract tourists and promote the  
10 prosperity, economic well-being and general welfare of the State, and to preserve and enhance  
11 the natural scenic beauty of the highways and areas in the vicinity of the State highways and to  
12 promote the reasonable, orderly and effective display of such signs, displays and devices, and  
13 to secure the right of validly permitted off-premises outdoor advertising to be clearly viewed by  
14 the traveling public. It is the intention of the General Assembly to provide and declare herein a  
15 public policy and statutory basis for the establishment of a uniform system for the regulation  
16 and control of off-premises outdoor advertising-advertising throughout the State."

17 **SECTION 3.(a)** G.S. 136-128(1) is recodified as G.S. 136-128(1d).

18 **SECTION 3.(b)** G.S. 136-128(1a) is recodified as G.S. 136-128(1e).

19 **SECTION 3.(c)** G.S. 136-128(1b) is recodified as G.S. 136-128(1f).

20 **SECTION 3.(d)** G.S. 136-128(2a) is recodified as G.S. 136-128(2c).

21 **SECTION 3.(e)** G.S. 136-128, as amended by subsections (a), (b), (c), and (d) of  
22 this section, reads as rewritten:

23 **"§ 136-128. Definitions.**

24 As used in this Article:

25 (1) Area zoned commercial or industrial. – An area which is zoned for business,  
26 industry, commerce, or trade pursuant to a State law or local zoning  
27 ordinance or regulation, regardless of how labeled, where uses associated  
28 with business, industry, commerce, or trade are permitted. This term does  
29 not include "zoning designed primarily for the purpose of permitting outdoor  
30 advertising signs," as that term is defined in G.S. 136-133.5(e).

31 (1a) Changeable message sign. – An off-premises outdoor advertising sign that  
32 displays a series of messages at intervals by digital display, mechanical  
33 rotating panels, or other electronic or automated means.

34 (1b) Cross read face. – The left read advertising face for an off-premises outdoor  
35 advertising sign that is intended for viewing and located on the opposite side  
36 of the highway to the flow of traffic on the main travel way.

37 (1c) Customary use. – Compliance with the specific outdoor advertising  
38 standards for size, lighting, and spacing in areas zoned commercial or  
39 industrial under authority of State law or in unzoned commercial or  
40 industrial areas, as the standards and areas are described and defined in the  
41 agreement dated January 7, 1972, as amended, and entered into between the  
42 State and the United States Department of Transportation under  
43 G.S. 136-138 to implement the provisions of the federal Highway  
44 Beautification Act of 1965.

45 (1d) "Erect" means to Erect or erection. – To construct, build, raise, assemble,  
46 place, affix, attach, create, paint, draw, or in any other way bring into being  
47 or establish. This term does not include the repair, maintenance, or  
48 reconstruction of an off-premises outdoor advertising, as authorized under  
49 G.S. 136-131.2, or the relocation of an off-premises outdoor advertising sign  
50 as authorized under applicable State law.

- 1 (1e) ~~"Illegal sign" means one~~ Illegal sign. – One which was erected and/or  
2 maintained in violation of State law.
- 3 (1f) ~~"Information center" means an~~ Information center. – An area or site  
4 established and maintained at safety rest areas for the purpose of informing  
5 the public of places of interest within the State and providing such other  
6 information as the Department of Transportation may consider desirable.
- 7 (2) ~~"Interstate system" means that~~ Interstate system. – That portion of the  
8 National System of Interstate and Defense Highways located within the  
9 State, as officially designated, or as may hereafter be so designated, by the  
10 Department of Transportation, or other appropriate authorities and are also  
11 so designated by interstate numbers. As to highways under construction so  
12 designated as interstate highways pursuant to the above procedures, the  
13 highway shall be a part of the interstate system for the purposes of this  
14 Article on the date the location of the highway has been approved finally by  
15 the appropriate federal authorities.
- 16 (2a) Maintain or maintenance. – To allow to exist in accordance with applicable  
17 State law.
- 18 (2b) Main-traveled way or main travel way. – The through-traffic lanes of a  
19 highway, but not including frontage roads, auxiliary lanes, and ramps.
- 20 (2c) ~~"Nonconforming sign" shall mean a~~ Nonconforming sign. – A sign which  
21 was lawfully erected but which does not comply with the provisions of State  
22 law or ~~State~~ rules adopted and regulations passed by the Department of  
23 Transportation at a later date in accordance with this Article, or which  
24 which, due to changed conditions, later fails to comply with State law or  
25 State rules adopted or regulations due to changed conditions. Illegally  
26 erected or maintained passed by the Department of Transportation in  
27 accordance with this Article. Illegal signs are not nonconforming signs.
- 28 (2d) Off-premises outdoor advertising. – The use of land consisting of a sign  
29 erected and maintained for the purpose of (i) displaying, advertising,  
30 identifying, or directing attention to business products, operations, or  
31 services sold or offered at a property other than the property where the sign  
32 is erected or (ii) promoting an attraction, activity, idea, opinion, or other  
33 noncommercial messaging that is unrelated to the property where the sign is  
34 erected. A sign meeting this definition is commonly known as a billboard,  
35 where space is commonly made available or rented to advertisers to display  
36 their messages to the traveling public.
- 37 (3) ~~"Outdoor advertising" means any~~ Outdoor advertising. – Any outdoor sign,  
38 display, light, device, figure, painting, drawing, message, plaque, poster,  
39 billboard, or any other thing which is designed, intended or used to advertise  
40 or inform, any part of the advertising or information contents of which is  
41 visible from any place on the main-traveled way of the interstate or primary  
42 system, whether the same be permanent or portable installation.
- 43 (4) ~~"Primary systems" means the~~ Primary systems. – The federal-aid primary  
44 system in existence on June 1, 1991, and any highway which is not on that  
45 system but which is on the National Highway System. As to highways under  
46 construction so designated as primary highways pursuant to the above  
47 procedures, the highway shall be a part of the primary system for purposes  
48 of this Article on the date the location of the highway has been approved  
49 finally by the appropriate federal or State authorities.

- 1 (5) ~~"Safety rest area" means an~~ Safety rest area. – An area or site established and  
 2 maintained within or adjacent to the highway right-of-way by or under  
 3 public supervision or control, for the convenience of the traveling public.  
 4 (5a) Sign face. – The part of the sign, including trim and background, which  
 5 contains the message or informative content. For purposes of measuring the  
 6 maximum area or height of a sign under this Article, embellishments or  
 7 extended advertising shall be excluded.  
 8 (5b) Sign location or site. – A location or site of an off-premises outdoor  
 9 advertising sign measured to the closest 1/100th of a mile, in conformance  
 10 with the Department of Transportation methods of measurement for all State  
 11 roads.  
 12 (6) ~~"State law" means a State law. – A State constitutional provision or statute,~~  
 13 ~~or an ordinance, a rule or regulation enacted or adopted by a State agency or~~  
 14 ~~political subdivision of a State pursuant to a the State Constitution or a~~  
 15 ~~statute.~~  
 16 (7) ~~"Unzoned area" shall mean an~~ Unzoned commercial or industrial area. – An  
 17 area where there is no zoning in effect. effect that is within 660 feet of the  
 18 nearest edge of the right-of-way of the interstate or primary system, in which  
 19 there is at least one commercial or industrial activity that meets the criteria  
 20 set forth in G.S. 136-130.1.  
 21 (8) ~~"Urban area" shall mean an~~ Urban area. – An area within the boundaries or  
 22 limits of any incorporated municipality having a population of five thousand  
 23 or more as determined by the latest available federal census.  
 24 (9) ~~"Visible" means capable~~ Visible. – Capable of being seen (whether or not  
 25 legible) without visual aid by a person of normal visual acuity."

26 **SECTION 4.** Article 11 of Chapter 136 of the General Statutes is amended by  
 27 adding a new section to read:

28 **"§ 136-130.1. Unzoned commercial or industrial area criteria for outdoor advertising**  
 29 **signs.**

30 (a) Criteria. – To qualify an area unzoned commercial or industrial for purposes of this  
 31 Article, one or more commercial or industrial activities shall meet all of the following criteria  
 32 prior to submitting an outdoor advertising permit application:

- 33 (1) The activity shall maintain all necessary business licenses as may be  
 34 required by applicable State law.  
 35 (2) The property used for the activity shall be listed for ad valorem taxes with  
 36 the county and municipal taxing authorities as required by law.  
 37 (3) The activity shall have all basic utilities, including electricity, telephone,  
 38 water, and sewer or septic service.  
 39 (4) The activity shall have direct or indirect vehicular access and be a generator  
 40 of vehicular traffic.  
 41 (5) The activity shall have a building designed with a permanent foundation,  
 42 built or modified for its current commercial or industrial use, and the  
 43 building must be located within 660 feet from the nearest edge of the  
 44 right-of-way of the controlled route. Where a mobile home unit or  
 45 recreational vehicle is used as a business or office, the following conditions  
 46 and requirements also apply:  
 47 a. The mobile home unit or recreational vehicle shall meet the State  
 48 Building Code criteria for commercial or business use.  
 49 b. A self-propelled vehicle shall not qualify for use as a business or  
 50 office for the purpose of these rules.  
 51 c. All wheels, axles, and springs shall be removed.

- 1           d. The unit or vehicle shall be permanently secured on piers, pad, or  
2           foundation.
- 3           e. The unit or vehicle shall be tied down in accordance with State or  
4           local requirements.
- 5           (6) The activity must be in active operation a minimum of six months prior to  
6           the date of submitting an application for an outdoor advertising permit.
- 7           (7) The activity shall be open to the public during hours that are normal and  
8           customary for that type of activity in the same or similar communities but  
9           not less than 20 hours per week.
- 10          (8) One or more employees shall be available to serve customers whenever the  
11          activity is open to the public.
- 12          (9) The activity shall be visible and recognizable as commercial or industrial  
13          from the main-traveled way. An activity is visible when that portion on  
14          which the permanent building designed, built, or modified for its current  
15          commercial use can be clearly seen 12 months a year by a person of normal  
16          visual acuity while traveling at the posted speed on the main-traveled way  
17          adjacent to the activity. An activity is recognizable as commercial or  
18          industrial when its visibility from the main-traveled way is sufficient for the  
19          activity to be identified as commercial or industrial.
- 20          (b) Guidelines. – When making a determination as to whether an activity meets the  
21          criteria set forth in subsection (a) of this section, both of the following guidelines shall apply:
- 22                (1) Each side of the highway shall be considered separately.
- 23                (2) All measurements shall begin from the outer edges of regularly used  
24                buildings, parking lots, storage, or processing areas of the commercial or  
25                industrial activity, not from the property line of the activity, and shall be  
26                along the nearest edge of the main-traveled way.
- 27          (c) Nonqualifying Activities. – For purposes of qualifying an area as unzoned  
28          commercial or industrial in accordance with subsection (a) of this section, none of the  
29          following activities shall be considered:
- 30                (1) Outdoor advertising structures.
- 31                (2) On-premise or on-property outdoor advertising signs, if the on-premise or  
32                on-property sign is the only part of the commercial or industrial activity that  
33                is visible from the main-traveled way.
- 34                (3) Agricultural, forestry, ranching, grazing, farming, and related activities,  
35                including temporary wayside fresh produce stands.
- 36                (4) Transient or temporary activities.
- 37                (5) Activities not visible and recognizable as commercial or industrial from the  
38                traffic lanes of the main-traveled way.
- 39                (6) Activities more than 660 feet from the nearest edge of the right-of-way.
- 40                (7) Activities conducted in a building principally used as a residence.
- 41                (8) Railroad tracks and minor sidings.
- 42                (9) Any outdoor advertising activity or any other business or commercial  
43                activity carried on in connection with an outdoor advertising activity.
- 44                (10) Illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards,  
45                as described in G.S. 136-147."

46           **SECTION 5.** G.S. 136-129 reads as rewritten:

47           "**§ 136-129. Limitations of outdoor advertising devices.**

48           No outdoor advertising shall be erected ~~or maintained~~ within 660 feet of the nearest edge of  
49           the right-of-way of the interstate or primary highway systems in this State so as to be visible  
50           from the main-traveled way thereof after the effective date of this Article as determined by  
51           G.S. 136-140, except the following:

1 ...  
 2 (4) Outdoor advertising, in conformity with customary use and the rules and  
 3 regulations promulgated by the Department of Transportation,  
 4 Transportation pursuant to G.S. 136-130, located in areas which are zoned  
 5 industrial or commercial-commercial or industrial by the State, or a political  
 6 subdivision of the State, under authority of State law.

7 (5) Outdoor advertising, in conformity with customary use and the rules and  
 8 regulations promulgated by the Department of Transportation,  
 9 Transportation pursuant to G.S. 136-130, located in unzoned commercial or  
 10 industrial areas."

11 **SECTION 6.** G.S. 136-129.2 is amended by adding a new subsection to read:

12 "(d) Nothing in this Article shall be construed to alter or supersede the requirements and  
 13 limitations set forth in Article 10 of Chapter 113A of the General Statutes."

14 **SECTION 7.** G.S. 136-130 reads as rewritten:

15 **"§ 136-130. Regulation of advertising.**

16 (a) The Subject to the limitations set forth in this Article, the Department of  
 17 Transportation is authorized to promulgate rules and regulations in the form of ordinances  
 18 governing governing any of the following:

19 (1) The erection and maintenance of outdoor advertising permitted in  
 20 G.S. 136-129, G.S. 136-129.

21 (2) The erection and maintenance of outdoor advertising permitted in  
 22 G.S. 136-129.1, G.S. 136-129.1.

23 (2a) The erection and maintenance of outdoor advertising permitted in  
 24 G.S. 136-129.2, G.S. 136-129.2.

25 (3) The specific requirements and procedures for obtaining a permit for outdoor  
 26 advertising as required in G.S. 136-133—this Article and for the  
 27 administrative procedures for appealing a decision at the agency level to  
 28 refuse to grant or in revoking a permit previously issued, and issued.

29 ...

30 (b) Notwithstanding any law to the contrary, the Department of Transportation shall not  
 31 deny or revoke a permit for off-premises outdoor advertising required under this Article on the  
 32 basis that the off-premises outdoor advertising fails to conform to ordinances, rules, or  
 33 regulations of a municipality, county, local or regional zoning authority, or other political  
 34 subdivision of the State, except for the proposed erection of a new off-premises outdoor  
 35 advertising sign at a new sign location or site that fails to comply at the time of denial with  
 36 ordinances, rules, or regulations of a municipality, county, local or regional zoning authority, or  
 37 other political subdivision of the State that are consistent with G.S. 136-131.2(b). This  
 38 exception does not apply to the relocation of off-premises outdoor advertising authorized by  
 39 this Article."

40 **SECTION 8.(a)** G.S. 136-131 reads as rewritten:

41 **"§ 136-131. Removal of existing ~~nonconforming~~ off-premises outdoor advertising.**

42 (a) The Department of Transportation is authorized to acquire by purchase, gift, or  
 43 condemnation all off-premises outdoor advertising and all property rights pertaining thereto  
 44 which are prohibited under the provisions of G.S. 136-129, 136-129.1 or 136-129.2, thereto,  
 45 provided such the off-premises outdoor advertising is in lawful existence on the effective date  
 46 of this Article as determined by G.S. 136-140, or provided that it is lawfully erected after the  
 47 effective date of this Article as determined by G.S. 136-140. Notwithstanding any law to the  
 48 contrary, this section shall apply to all acquisitions, purchases, condemnations, or takings by  
 49 the Department of Transportation that cause the removal of any lawfully erected off-premises  
 50 outdoor advertising, regardless of the outdoor advertising sign's location and proximity to the  
 51 interstates or primary systems. The unit rule for valuing property shall not be used in

1 determining just compensation under this section. For purposes of this section, the term "unit  
2 rule" means paying the undivided interest in real property rather than the value of each owner's  
3 partial interest.

4 In any acquisition, ~~purchase or condemnation,~~ purchase, condemnation, or taking, just  
5 compensation to the owner of the off-premises outdoor advertising, where the owner of the  
6 off-premises outdoor advertising does not own the fee, shall be limited to the fair market value  
7 at the time of the taking of the off-premises outdoor advertising owner's interest in the real  
8 property on which the off-premises outdoor advertising is located and such value shall include  
9 the value of the off-premises outdoor advertising.

10 In any acquisition, ~~purchase or condemnation,~~ purchase, condemnation, or taking, just  
11 compensation to the owner of the fee or other interest in the real property upon which the  
12 off-premises outdoor advertising is located where said owner does not own the off-premises  
13 outdoor advertising located thereon shall be limited to the difference in the fair market value of  
14 the entire tract immediately before and immediately after the taking by the Department of  
15 Transportation of the right to maintain such off-premises outdoor advertising thereon and in  
16 arriving at the fair market value after the taking, any special or general benefits accruing to the  
17 property by reason of the acquisition shall be taken into consideration.

18 In any acquisition, ~~purchase or condemnation,~~ purchase, condemnation, or taking, just  
19 compensation to the owner of the fee in the real property upon which the off-premises outdoor  
20 advertising is located, where said owner also owns the off-premises outdoor advertising located  
21 thereon, shall be limited to the fair market value of the off-premises outdoor advertising plus  
22 the difference in the fair market value of the entire tract immediately before and immediately  
23 after the taking by the Department of Transportation of the right to maintain such off-premises  
24 outdoor advertising thereon and in arriving at the fair market value after the taking, any special  
25 or general benefits accruing to the property by reason of the acquisition shall be taken into  
26 consideration.

27 The following factors shall be used in determining just compensation for off-premises  
28 outdoor advertising and all property rights pertaining thereto:

- 29 (1) The sales price of similar off-premises outdoor advertising and all property  
30 rights pertaining thereto.
- 31 (2) The physical condition of the off-premises outdoor advertising sign,  
32 including its useful life.
- 33 (3) The income generated by the rental of advertising space on the off-premises  
34 outdoor advertising sign.
- 35 (4) The effects of zoning or other land-use restrictions.
- 36 (5) The value of possessing an outdoor advertising permit issued by an  
37 appropriate governing body.
- 38 (6) The ability or inability to relocate and reconstruct the off-premises outdoor  
39 advertising to a site reasonably comparable to or better than the condemned  
40 location within the same zoning jurisdiction or, if unzoned, within the same  
41 city or county territorial jurisdiction, taking into account the similarity of  
42 advantages arising from lease terms, visibility, traffic flow, and other criteria  
43 that affect the value of outdoor advertising. The factor in this subdivision  
44 shall not be considered if the applicable governmental jurisdiction allows for  
45 numerical increases in outdoor advertising signs.
- 46 (7) The advantages arising from leasehold or other property interests, including  
47 length or term of property interest, renewal rights, options to purchase, or  
48 rights of first refusal.
- 49 (8) Reasonable expectations of lease renewal for a period in excess of that stated  
50 in the lease for original and renewal terms.

1           (9) Any other factor that may affect the value of the property rights affected by  
2           the condemnation.

3           (b) Prior to any acquisition or taking by the Department of Transportation under this  
4 section, the Department of Transportation shall undertake the project necessitating the  
5 acquisition or taking in accordance with G.S. 133-11 to minimize adverse impacts to the  
6 displaced off-premises outdoor advertiser and reduce the costs of acquiring the off-premises  
7 outdoor advertising and all property rights thereto, including allowing the off-premises outdoor  
8 advertising to remain until actual construction or other physical site work is commenced on the  
9 project and within 100 feet of the off-premises outdoor advertising sign.

10          (c) In addition to receiving just compensation in accordance with this section, the  
11 owner of off-premises outdoor advertising shall be entitled to recover from the governmental  
12 party causing the removal of the off-premises outdoor advertising the reasonable costs of  
13 relocating and reconstructing the displaced off-premises outdoor advertising, including an  
14 amount equivalent to the income received by the off-premises outdoor advertiser from the  
15 availability or rental of space on the off-premises outdoor advertising sign for a period of up to  
16 30 days if the income is lost during the relocation of the sign."

17           **SECTION 8.(b)** G.S. 136-131.1 reads as rewritten:

18 **"§ 136-131.1. Just compensation required for the removal of billboards on federal-aid**  
19 **primary highways by local authorities.**

20           No municipality, county, local or regional zoning authority, or other political subdivision,  
21 shall, without the payment of just compensation in accordance with the provisions that are  
22 applicable to the Department of Transportation as provided in paragraphs 2, 3, and 4 of G.S.  
23 136-131, G.S. 136-131(a), remove or cause to be removed any off-premises outdoor advertising  
24 adjacent to a highway on the National System of Interstate and Defense Highways or a  
25 highway on the Federal-aid Primary Highway System for which there is in effect a valid permit  
26 issued by the Department of Transportation pursuant to the provisions of Article 11 of Chapter  
27 136 of the General Statutes and regulations promulgated pursuant thereto."

28           **SECTION 8.(c)** This section is effective when it becomes law and applies to  
29 determinations of just compensation on or after that date.

30           **SECTION 9.(a)** G.S. 136-131.2 reads as rewritten:

31 **"§ 136-131.2. Modernization of outdoor advertising devices.**

32           ~~No~~ Notwithstanding any law to the contrary, no municipality, county, local or  
33 regional zoning authority, or other political subdivision shall, without the payment of just  
34 compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair—repair,  
35 maintenance, alteration, or reconstruction of any off-premises outdoor advertising for which  
36 there is in effect a valid permit issued by the Department of Transportation pursuant to this  
37 Article at the time of the repair, maintenance, alteration, or reconstruction so long as for  
38 multi-faced signs conforming to customary use the cumulative square footage of its—the  
39 advertising surface area is not increased. As used in this section, reconstruction includes the  
40 changing of an existing multipole outdoor advertising structure to a new monopole  
41 structure. increased and no sign face exceeds 672 square feet; provided, however, the size of a  
42 sign face or faces of another off-premises outdoor advertising sign that is permanently taken  
43 down in the same governmental jurisdiction within 120 days of a sign being reconstructed may  
44 be combined to increase the cumulative advertising surface area of the reconstructed sign, not  
45 to exceed 672 square feet for any sign face. One additional sign face may be added to a  
46 single-face sign conforming to customary use so long as the additional face does not exceed the  
47 size of the existing sign face. As used in this section, "repair, maintenance, alteration, or  
48 reconstruction" includes the following:

49           (1) The changing of an existing multi-pole off-premises outdoor advertising  
50 structure to a new monopole structure.

51           (2) The changing of wooden poles to steel poles.



1           (3)   The increase in the height of the sign, not to exceed 50 feet measured from  
2           the adjoining road grade or base of the sign, whichever allows for the  
3           greatest visibility, except that a sign may be 50 feet above the top of a sound  
4           wall or noise barrier constructed between the sign and the main-traveled  
5           way.

6           (4)   The changing of an off-premises outdoor advertising sign to a changeable  
7           message sign under subsection (c) of this section.

8           (b)   Nothing in this section shall prohibit a municipality, county, local or regional zoning  
9           authority, or other political subdivision from using its zoning authority to regulate (i) the initial  
10          erection of an off-premises outdoor advertising sign that has not been relocated pursuant to  
11          applicable law or (ii) outdoor advertising in which a permit issued by the Department of  
12          Transportation pursuant to this Article has been voluntarily cancelled or lawfully revoked and  
13          any appeals under G.S. 136-134.1 have been exhausted. No decision of an administrative  
14          official charged with enforcement of a local ordinance, rule, or regulation shall be effective  
15          against an owner or operator of off-premises outdoor advertising for any activity authorized by  
16          this Article, and no appeal under G.S.153A-345.1 or G.S. 160A-388 shall be required to protect  
17          the outdoor advertiser's rights under this section.

18          (c)   Any off-premises outdoor advertising for which there is in effect a valid permit  
19          issued by the Department of Transportation pursuant to this Article, including any sign  
20          relocated pursuant to applicable law, shall be permitted to be altered or reconstructed to a  
21          changeable message sign, subject to the limitations set forth in subsection (a) of this section and  
22          all of the following requirements:

23           (1)   The sign is conforming to customary use. A changeable message sign that  
24           complies with the requirements set forth in this subsection shall not be  
25           considered flashing, intermittent, or moving and shall otherwise satisfy the  
26           lighting restrictions set forth in the agreement entered into pursuant to  
27           G.S. 136-138 between the State and the United States Department of  
28           Transportation to implement the provisions of the federal Highway  
29           Beautification Act of 1965.

30           (2)   The changeable message sign shall not alternate displays more frequently  
31           than once every six seconds, with a maximum change time of two seconds.

32           (3)   The changeable message sign shall not display video, continuous scrolling  
33           messages, or animation.

34           (4)   The changeable message sign shall contain a default design that either  
35           freezes the message display in one position, displays a full blank screen, or  
36           turns off if a malfunction occurs.

37           (5)   The light produced does not exceed 0.3 footcandles over ambient light levels  
38           as measured at the following distances:

39           a.    150 feet, if the display surface is 12 feet by 25 feet.

40           b.    200 feet, if the display surface is 10.5 feet by 36 feet.

41           c.    250 feet, if the display surface is 14 feet by 48 feet.

42           (6)   The changeable message sign structure shall be a steel monopole.

43           (7)   The changeable message sign shall not be located within 1,000 feet of any  
44           other changeable message sign permitted by the Department of  
45           Transportation that is facing the same direction of traffic on the same side of  
46           the highway. The 1,000-foot distance shall be measured along the nearest  
47           edge of the main-traveled way and between points directly opposite the  
48           applicable signs along each side of the highway.

49           (8)   An off-premises outdoor advertising sign shall not be altered or  
50           reconstructed to a changeable message sign within an historic district  
51           lawfully established by a city or county government pursuant to Part 3C of

1 Article 19 of Chapter 160A of the General Statutes, unless consented to by a  
2 resolution adopted by the applicable local governing board.

3 (d) The Department of Transportation may adopt or enforce rules that restrict the rights  
4 set forth in this section for outdoor advertising that does not conform to customary use and  
5 whose failure to conform to customary use cannot be eliminated through any repair,  
6 maintenance, alteration, relocation, or reconstruction authorized under this section.

7 (e) The Department of Transportation shall not require additional permits, nor revoke  
8 any existing permits, for any action taken pursuant to this section or G.S. 136-131.3. The  
9 Department of Transportation may require within 30 days of the completion of any action taken  
10 pursuant to this section or G.S. 136-131.3 an addendum to an existing permit showing or  
11 describing the changes to the conditions of the outdoor advertising sign. The rights set forth in  
12 this section shall attach to a permit issued by the Department of Transportation and shall expire  
13 with the voluntary cancellation of the permit or after the permit has been lawfully revoked and  
14 any appeals pursuant to G.S. 136-134.1 have been exhausted. The rights set forth in this section  
15 shall not run with the land. The permit issued by the Department, and all rights associated with  
16 it, may be assigned.

17 (f) Notwithstanding any law to the contrary, in order to promote the outdoor  
18 advertiser's right to be clearly viewed as set forth in G.S. 136-127, the owner of an off-premises  
19 outdoor advertising sign, or the owner's designees, shall be permitted to cut or remove  
20 vegetation on the private property on which the sign is located with the written consent of the  
21 landowner. A city or county shall not enforce any ordinance or regulation in conflict with the  
22 rights set forth herein or to otherwise cause the withholding of consent by the landowner."

23 **SECTION 9.(b)** This section is effective when it becomes law and applies to  
24 repairs, maintenance, alterations, and reconstructions on or after that date.

25 **SECTION 10.(a)** Article 11 of Chapter 136 of the General Statutes is amended by  
26 adding a new section to read:

27 **"§ 136-131.3. Relocation of permitted off-premises outdoor advertising sign.**

28 (a) Requirements. – Any off-premises outdoor advertising sign for which there is in  
29 effect a valid permit issued by the Department of Transportation pursuant to this Article shall  
30 be permitted to be relocated and reconstructed subject to all of the requirements listed in  
31 subdivisions (1) through (3) of this subsection. The right provided under this subsection to  
32 relocate off-premises outdoor advertising may be assigned or conveyed by the permittee.

33 (1) The new site for relocation shall be any area within 660 feet of the nearest  
34 edge of the right-of-way of a highway on the National System of Interstate  
35 and Defense Highways or the federal-aid primary highway system (i) within  
36 the same zoning jurisdiction or (ii) within the same city or county limits if  
37 the off-premises outdoor advertising sign was located in an unzoned area.

38 (2) Except as provided in subsection (c) of this section, the off-premises outdoor  
39 advertising sign at the relocated site shall conform with customary use (i) in  
40 areas zoned commercial or industrial under authority of State law or (ii) if  
41 the relocated site is unzoned, in unzoned commercial or industrial areas. The  
42 new site for relocation shall not be within an historic district lawfully  
43 established by a city or county government pursuant to Part 3C of Article 19  
44 of Chapter 160A of the General Statutes, unless consented to by a resolution  
45 adopted by the applicable local governing board.

46 (3) The construction work related to the relocation of the off-premises outdoor  
47 advertising sign at the new location shall commence within one year after  
48 the later of the date of removal or the effective date of this Article.

49 (b) Vegetation Removal. – A new site for relocation shall not be denied by the  
50 Department of Transportation due to the presence of vegetation obstructing the visibility of the  
51 outdoor advertising sign from the viewing zone. Notwithstanding any law to the contrary, the

1 owner or operator of the off-premises outdoor advertising sign shall be permitted to improve  
2 the visibility of the sign by removing any vegetation (i) on private property upon receiving  
3 written consent of the landowner and (ii) on the right-of-way of the interstate and primary  
4 systems of the State pursuant to a selective vegetation removal permit issued under this Article.  
5 A city or county shall not enforce any ordinance or regulation in conflict with the rights set  
6 forth herein or to otherwise cause the withholding of consent by the landowner.

7 (c) Customary Use Exception. – Any off-premises outdoor advertising sign that is  
8 legally existing but would not be conforming to customary use if relocated on the same sign  
9 location or site may still be relocated on the same sign location or site, subject to the following  
10 requirements:

- 11 (1) The structural members of the sign at the relocated site are of like material.
- 12 (2) The size of the sign face or faces are not increased.
- 13 (3) The height of the sign at the relocated site does not exceed 50 feet measured  
14 from the adjoining road grade or base of the sign, whichever allows for the  
15 greatest visibility, except that a sign may be 50 feet above the top of a sound  
16 wall or noise barrier constructed between the sign and the main-traveled  
17 way.
- 18 (4) The relocation on the same sign location or site is not denied by the Federal  
19 Highway Administrator or such other federal official delegated the  
20 responsibility for enforcing the federal-State agreement referenced in the  
21 definition of customary use in G.S. 136-128."

22 **SECTION 10.(b)** This section is effective when it becomes law and applies to  
23 off-premises outdoor advertising signs removed on or after January 1, 2014.

24 **SECTION 11.(a)** G.S. 136-133 reads as rewritten:

25 **"§ 136-133. Permits required.**

26 (a) No person shall erect or maintain any outdoor advertising within 660 feet of the  
27 nearest edge of the right-of-way of the interstate or primary highway system, except those  
28 allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the  
29 nearest edge of the right-of-way of the interstate or primary highway system, except those  
30 allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from  
31 the Department of Transportation or its agents pursuant to the procedures set out by rules  
32 adopted by the Department of Transportation. The permit shall be valid until revoked for  
33 nonconformance with this Article or rules adopted by the Department of Transportation. Any  
34 person aggrieved by the decision of the Department of Transportation or its agents in refusing  
35 to grant or in revoking a permit may appeal the decision in accordance with the rules adopted  
36 by the Department of Transportation pursuant to this Article to the Secretary of Transportation  
37 who shall make the final decision ~~on the agency appeal to affirm or reject the appeal within 90~~  
38 days after the Secretary receives the agency appeal. Failure to provide written notice to the  
39 aggrieved party of the Secretary's decision to affirm or reject the agency appeal within the  
40 90-day period shall result in the appeal being affirmed, entitling the aggrieved party to issuance  
41 of the outdoor advertising permit or reversal of the Department of Transportation's decision to  
42 revoke.

43 (a1) The Department of Transportation shall have the authority to charge permit fees to  
44 defray the costs of administering the permit procedures under this Article. The fees for  
45 directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not exceed a forty  
46 dollar (\$40.00) initial fee and a thirty dollar (\$30.00) annual renewal fee. The fees for outdoor  
47 advertising structures, as set forth in G.S. 136-129(4) and (5) shall not exceed a ~~one hundred~~  
48 ~~twenty dollar (\$120.00) two hundred forty dollar (\$240.00) initial fee and fee, a sixty dollar~~  
49 ~~(\$60.00) seventy-five dollar (\$75.00) annual renewal fee fee, and a two hundred forty dollar~~  
50 ~~(\$240.00) fee for an addendum to an existing outdoor advertising permit for (i) relocating~~  
51 outdoor advertising beyond the existing sign location or site where the outdoor advertising was

1 located immediately prior to the relocation or (ii) altering or reconstructing to a changeable  
2 message sign, in accordance with G.S. 136-131.2.

3 ...  
4 (c) No electrical or building permit shall be denied to an outdoor advertising sign  
5 described in G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a  
6 permit which has not been revoked, and the electrical or building permit is otherwise compliant  
7 with technical utility or building code standards. No building permit or local building  
8 inspection authorized under Chapter 153A or 160A of the General Statutes shall be required for  
9 off-premises advertising if the proposed construction is evaluated by a professional engineer,  
10 acting within the scope of the engineer's authority, and the construction is certified by the  
11 engineer as being in compliance with the State Building Code."

12 **SECTION 11.(b)** G.S. 136-133(a), as amended by this section, is effective when it  
13 becomes law and applies to appeals filed on or after that date. G.S. 136-133(a1), as enacted by  
14 this section, is effective when it becomes law and applies to permits issued on or after that date.  
15 The remainder of this section is effective when it becomes law.

16 **SECTION 12** G.S. 136-133.1 reads as rewritten:  
17 **"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

18 ...  
19 (a2) Notwithstanding any law to the contrary, in order to promote the outdoor  
20 advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of  
21 Transportation, at the request of an owner of an off-premises outdoor advertising sign permitted  
22 under G.S. 136-129(4) or G.S. 136-129(5), shall approve plans for the cutting, thinning,  
23 pruning, or removal of vegetation along or within medians of the interstate or federal-aid  
24 primary highway system so long as the view to the cross road face of the off-premises outdoor  
25 advertising sign will be improved and the sign owner replants the disturbed median area with  
26 low growth hardy shrubs at the sign owner's expense.

27 (b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any  
28 tree, shrub, or underbrush within the zone created by points A, B, D, and E. Any existing tree  
29 that was in existence at the time that an outdoor advertising structure was erected shall only be  
30 eligible for removal in accordance with subsections (c), (d), and (e) of this section. ~~Native~~To  
31 the extent possible, native dogwoods and native redbuds shall be preserved. A selective  
32 vegetation removal permittee may relocate, and replace if necessary, any native dogwoods or  
33 native redbuds existing within the cut or removal zone established in subsection (a) of this  
34 section to a location within 2,500 feet on either side of the outdoor advertising structure, as  
35 measured along the edge of the pavement of the main travel way of the nearest controlled route.  
36 If a native dogwood or native redbud cannot be preserved during relocation, a selective  
37 vegetation removal permittee shall replace the native dogwood or native redbud with the same  
38 species of any quantity that total the same caliper inches. For the purposes of this section, an  
39 existing tree is defined as a tree that had a diameter of four inches or greater as measured six  
40 inches from the ground at the time that the outdoor advertising structure was erected. An  
41 outdoor advertising sign is considered erected when the sign is completely constructed with a  
42 sign face.

43 ...."

44 **SECTION 13.** G.S. 136-133.2 reads as rewritten:  
45 **"§ 136-133.2. Issuance or denial of a selective vegetation removal permit.**

46 (a) Except as provided in subsection (b) of this section and G.S. 136-133.1(g), permits  
47 to remove vegetation may be granted for off-premises outdoor advertising locations that have  
48 been permitted for at least ~~two years~~ one year prior to the date of application. The Department  
49 shall approve or deny an application submitted pursuant to this section, including the fee  
50 required by G.S. 136-18.7 and all required documentation, within 30 days of the receipt of an  
51 application for a selective vegetation removal permit. If written notice of approval or denial is

1 not given to the applicant within the 30-day period, then the application shall be deemed  
2 approved. If the application is denied, the Department shall advise the applicant, in writing, by  
3 registered or certified mail, return receipt requested, addressed to the party to be noticed, and  
4 delivering to the addressee, the reasons for the denial.

5 (b) Notwithstanding the one-year period required in subsection (a) of this section,  
6 permits to remove vegetation may be granted for off-premises outdoor advertising locations (i)  
7 where outdoor advertising has been relocated as allowed by law and (ii) that otherwise comply  
8 with the requirements of this section and rules adopted by the Department in accordance with  
9 this section."

10 **SECTION 14.(a)** G.S. 136-133.5 reads as rewritten:

11 **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

12 ...  
13 (d) ~~The~~ Except for relocations authorized under G.S. 136-131.3, the Department shall  
14 not issue permits for new outdoor advertising signs at a sign location where existing trees, if  
15 they were to reach the average mature size for that species, would make the proposed sign  
16 faces, when erected, not completely visible from the viewing zone. "Existing trees" are those  
17 trees that at the time of the permit application are four inches or greater in diameter as  
18 measured six inches from the ground. "Viewing zone" means the area which is 500 feet as  
19 measured along the edge of the main travel way of the controlled route on each side of the  
20 proposed sign structure which will have a sign face.

21 ...."  
22 **SECTION 14.(b)** This section is effective when it becomes law and applies to  
23 off-premises outdoor advertising signs relocated on or after that date.

24 **SECTION 15.(a)** G.S. 136-133.5, as amended by Section 14 of this act, reads as  
25 rewritten:

26 **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

27 ...  
28 (e) An outdoor advertising permit requested pursuant to ~~G.S. 136-129(a)(4)~~  
29 G.S. 136-129(4) shall not be issued to a location if the zoning to commercial or industrial zones  
30 was adopted within one year prior to the filing of the permit application and is not part of  
31 comprehensive zoning or constitutes spot zoning, which, for purposes of this subsection, shall  
32 be defined as zoning designed primarily for the purpose of permitting outdoor advertising signs  
33 and in an area which would not normally permit outdoor advertising. Zoning shall not be  
34 considered "primarily for the purpose of permitting outdoor advertising signs" if the zoning  
35 would permit more than one principal commercial or industrial use, other than outdoor  
36 advertising, and the size of the land being zoned can practically support any one of the  
37 commercial or industrial uses.

38 ...  
39 (h) The Department shall approve or deny an application for a permit for a new outdoor  
40 advertising sign within 30 days of the receipt of an application, including any fee required by  
41 G.S. 136-133 and any other required documentation. Failure to provide written notice to the  
42 applicant of the Department's decision to approve or deny the application within the 30-day  
43 period shall result in the appeal being automatically approved, entitling the applicant to  
44 issuance of the permit for a new outdoor advertising structure."

45 **SECTION 15.(b)** This section is effective when it becomes law and applies to  
46 applications received on or after that date.

47 **SECTION 16.(a)** G.S. 136-134.2 reads as rewritten:

48 **"§ 136-134.2. Notification requirements.**

49 (a) Notice of Application Denial or Nonconformance of Structure. – When the  
50 Department of Transportation notifies a permit applicant, permit holder, or the owner of an  
51 outdoor advertising structure that the application is ~~denied, the permit revoked, denied~~ or the

1 structure is in violation of this Article or rules issued pursuant to this Article, it shall do so in  
2 writing by certified mail, return receipt requested, and shall include a copy of this Article and  
3 all rules issued pursuant to this Article.

4 (b) Notice of Revocation. – At least 30 days prior to the effective date of a revocation  
5 of an outdoor advertising permit, the Department of Transportation shall provide notice of the  
6 impending revocation to the permit holder in accordance with the process set forth in  
7 subsection (a) of this section. Within that 30-day period, the Department of Transportation shall  
8 allow the permit holder to cure the reason for revocation or provide information for the  
9 Department of Transportation to consider prior to the revocation. The Department of  
10 Transportation shall consider any information provided pursuant to this subsection prior to  
11 revocation of the relevant permit.

12 (c) Notice of Cancellation. – Unless plainly and expressly waived in writing by the  
13 permit holder, and at least 30 days prior to the effective date of a cancellation of an outdoor  
14 advertising permit, the Department of Transportation shall provide notice of the impending  
15 cancellation to the permit holder in accordance with the process set forth in subsection (a) of  
16 this section.

17 (d) Tolling of Review Hearing. – If the Department of Transportation fails to include a  
18 copy of this Article and the rules, the time period during which the permit applicant, permit  
19 holder, or owner of the outdoor advertising structure has to request a review hearing shall be  
20 tolled until the Department of Transportation provides the required materials."

21 **SECTION 16.(b)** This section is effective when it becomes law and applies to  
22 revocations and cancellations on or after that date.

23 **SECTION 17.(a)** G.S. 136-138 reads as rewritten:

24 **"§ 136-138. Agreements with United States authorized.**

25 The Department of Transportation is authorized to enter into agreements with ~~other~~  
26 ~~governmental authorities~~ the United States government, or any department or agency thereof,  
27 relating to the control of outdoor advertising in areas adjacent to the interstate and primary  
28 highway systems, including the establishment of information centers and safety rest areas, and  
29 to take action in the name of the State to comply with the terms of the agreements. Any  
30 revisions to the agreement dated January 7, 1972, and entered into between the State and the  
31 United States Department of Transportation to implement the provisions of the federal  
32 Highway Beautification Act of 1965 shall require the approval of the General Assembly in  
33 order to be effective. Notwithstanding any law to the contrary, the Department shall not enter  
34 into any agreement or otherwise transfer or delegate the Department's regulatory authority set  
35 forth in this Article to any other governmental authority."

36 **SECTION 17.(b)** This section is effective when it becomes law and applies to  
37 revisions made on or after that date.

38 **SECTION 18.** G.S. 136-18(9) is amended by adding a new sub-subdivision to  
39 read:

40 "d. To the extent allowed by federal law, and as permitted by the local  
41 government or the designated authority, outdoor advertising on or  
42 within any transit shelter or rail or bus facility."

43 **SECTION 19.(a)** Article 11 of Chapter 136 of the General Statutes is amended by  
44 adding a new section to read:

45 **"§ 136-140.2. Public notification plan.**

46 (a) The Department of Transportation shall work together with owners of changeable  
47 message signs, the North Carolina Division of Emergency Management, the Department of  
48 Public Safety, the Secretary of State, the State Highway Patrol, the North Carolina Center for  
49 Missing Persons, the Federal Emergency Management Agency, and any other federal, State, or  
50 local agencies the Department of Transportation determines may be of assistance to develop a  
51 public notification plan for the purpose of using changeable message signs to display

1 notifications to the traveling public related to public safety and emergencies. Public  
2 notifications include information about Silver Alerts, Amber Alerts, inclement weather, natural  
3 disasters, and other emergencies.

4 (b) The public notification plan established under subsection (a) of this section shall be  
5 in writing and shall, at a minimum, address all of the following:

6 (1) The criteria to be applied in determining when it is appropriate to request  
7 that an owner of a changeable message sign display a public notification.

8 (2) The procedures used to determine the expiration of a notification and to  
9 recall the request once the information is no longer needed."

10 **SECTION 19.(b)** This section becomes effective October 1, 2017.

11 **SECTION 20.** G.S. 87-1(b) is amended by adding a new subdivision to read:

12 "(4) Any person engaged in the construction of outdoor advertising signs subject  
13 to Article 11 of Chapter 136 of the General Statutes."

14 **SECTION 21.(a)** G.S. 153A-143 reads as rewritten:

15 **"§ 153A-143. Regulation of outdoor advertising.**

16 ...

17 (d) No county may ~~enact or amend an ordinance of general applicability to cause or~~  
18 ~~require the removal of any nonconforming, lawfully erected off-premises outdoor advertising~~  
19 ~~sign without the payment of monetary compensation to the owners of the off-premises outdoor~~  
20 ~~advertising, except as provided below. The payment of monetary compensation is not required~~  
21 ~~if:~~

22 (1) The county and the owner of the nonconforming off-premises outdoor  
23 advertising enter into a relocation agreement pursuant to subsection (g) of  
24 this section.

25 (2) The county and the owner of the nonconforming off-premises outdoor  
26 advertising enter into an agreement pursuant to subsection (k) of this section.

27 (3) The off-premises outdoor advertising is determined to be a public nuisance  
28 or detrimental to the health or safety of the populace.

29 (4) The removal is required for establishing, extending, enlarging, or improving  
30 any of the public enterprises listed in G.S. 153A-274, and the county allows  
31 the off-premises outdoor advertising to be relocated to a comparable  
32 location.

33 (5) The off-premises outdoor advertising is subject to removal pursuant to  
34 statutes, ordinances or regulations generally applicable to the demolition or  
35 removal of damaged structures.

36 (d1) No county may condition the grant of any development approval on the removal of  
37 off-premises outdoor advertising without the payment of monetary compensation as prescribed  
38 by this section. For purposes of this section, the term "development approval" includes  
39 approval for rezoning, variances, building permits, zoning permits, and permits authorized by  
40 quasi-judicial proceedings.

41 (d2) Notwithstanding any provision of this section to the contrary, no county may enact,  
42 amend, or enforce an ordinance to prohibit the relocation and reconstruction of any  
43 off-premises outdoor advertising sign (i) pursuant to G.S. 136-131.3 or (ii) that meets the  
44 requirements set forth in subdivisions (1) through (3) of this subsection and the relocation was  
45 caused by a project authorized by law and undertaken by the State, a local government, or any  
46 other entity possessing the power of eminent domain. Building materials different from the  
47 materials used to initially construct an off-premises outdoor advertising sign may be used to  
48 reconstruct the off-premises outdoor advertising sign at the site of relocation. The right  
49 provided under this subsection to relocate off-premises outdoor advertising may be assigned or  
50 conveyed by the permittee.

1           (1) The new site for relocation shall be within the same county's zoning  
2 jurisdiction in an area zoned commercial or industrial or, if unzoned, within  
3 the same county's territorial jurisdiction in an unzoned commercial or  
4 industrial area.

5           (2) The cumulative advertising surface area for the off-premises outdoor  
6 advertising sign at the relocated site shall not be increased and no sign face  
7 shall exceed 672 square feet; provided, however, the size of a sign face or  
8 faces of another off-premises outdoor advertising sign that is permanently  
9 taken down in the same county jurisdiction within 120 days of a sign being  
10 reconstructed may be combined to increase the cumulative advertising  
11 surface area of the reconstructed sign, not to exceed 672 square feet for any  
12 sign face.

13           (3) The height of the reconstructed off-premises outdoor advertising sign shall  
14 not exceed 50 feet, as measured from the adjoining road grade or base of the  
15 sign, whichever allows for the greatest visibility of the sign, except that a  
16 sign may be 50 feet above the top of a sound wall or noise barrier  
17 constructed between the sign and the main-traveled way.

18           (e) Monetary compensation is the fair market value of the off-premises outdoor  
19 advertising in place immediately prior to its ~~removal~~-removal, including consideration of the  
20 value of (i) the off-premises outdoor advertising owner's interest in the real property on which  
21 the off-premises outdoor advertising is located, (ii) the off-premises outdoor advertising sign  
22 structure, and (iii) any rights, including permits, appurtenant to the off-premises outdoor  
23 advertising use, and without consideration of the effect of the ordinance or any diminution in  
24 value caused by the ordinance requiring its removal. Monetary compensation shall be  
25 determined based on: in accordance with G.S. 136-131.

26           (1) ~~The factors listed in G.S. 105-317.1(a); and~~

27           (2) ~~The listed property tax value of the property and any documents regarding~~  
28 ~~value submitted to the taxing authority.~~

29           (f) If the parties are unable to reach an agreement on monetary compensation to be paid  
30 by the county to the owner of the nonconforming off-premises outdoor advertising sign for its  
31 removal, and the county elects to proceed with the removal, the county may bring an action in  
32 superior court for a determination of the monetary compensation to be paid. In determining  
33 monetary compensation, the court shall consider the factors set forth in subsection (e) of this  
34 section. Upon payment of monetary compensation for the sign, the county shall own the sign.

35           ...  
36           ~~(m) This section does not apply to any ordinance in effect on the effective date of this~~  
37 ~~section. A county may repeal or amend an ordinance in effect on the effective date of this~~  
38 ~~section so long as an amendment to the existing ordinance does not reduce the period of~~  
39 ~~amortization in effect on the effective date of this section.~~

40           ~~(n) The~~ Except as specifically provided otherwise in this section, the provisions of this  
41 section shall not be used to interpret, construe, alter, or otherwise modify (i) the exercise of the  
42 power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General  
43 Statutes. Statutes or (ii) the rights of off-premises outdoor advertising set forth in Article 11 of  
44 Chapter 136 of the General Statutes. The standards set forth in G.S. 136-131 shall apply to any  
45 county that causes the removal of off-premises outdoor advertising through exercise of its  
46 power of eminent domain.

47           ...."

48           **SECTION 21.(b)** G.S. 153A-143(d2), as enacted by this section, is effective when  
49 it becomes law and applies to off-premises outdoor advertising signs removed on or after  
50 January 1, 2014. G.S. 153A-143(e), as amended by this section, is effective when it becomes  
51 law and applies to determinations of just compensation on or after that date. The remainder of



1 this section is effective when it becomes law and applies to off-premises outdoor advertising  
2 that has not been removed as of that date.

3 **SECTION 22.(a)** G.S. 160A-199 reads as rewritten:

4 **"§ 160A-199. Regulation of outdoor advertising.**

5 ...

6 (d) No city may ~~enact or amend an ordinance of general applicability to cause or require~~  
7 the removal of any nonconforming, lawfully erected off-premises outdoor advertising sign  
8 without the payment of monetary compensation to the owners of the off-premises outdoor  
9 advertising, except as provided below. The payment of monetary compensation is not required  
10 if:

- 11 (1) The city and the owner of the nonconforming off-premises outdoor  
12 advertising enter into a relocation agreement pursuant to subsection (g) of  
13 this section.
- 14 (2) The city and the owner of the nonconforming off-premises outdoor  
15 advertising enter into an agreement pursuant to subsection (k) of this section.
- 16 (3) The off-premises outdoor advertising is determined to be a public nuisance  
17 or detrimental to the health or safety of the populace.
- 18 (4) The removal is required for opening, widening, extending or improving  
19 streets or sidewalks, or for establishing, extending, enlarging, or improving  
20 any of the public enterprises listed in G.S. 160A-311, and the city allows the  
21 off-premises outdoor advertising to be relocated to a comparable location.
- 22 (5) The off-premises outdoor advertising is subject to removal pursuant to  
23 statutes, ordinances, or regulations generally applicable to the demolition or  
24 removal of damaged structures.

25 (d1) No city may condition the grant of any development approval on the removal of  
26 off-premises outdoor advertising without the payment of monetary compensation as prescribed  
27 by this section. For purposes of this section, the term "development approval" includes  
28 approval for rezoning, variances, building permits, zoning permits, and permits authorized by  
29 quasi-judicial proceedings.

30 (d2) Notwithstanding any provision of this section to the contrary, no city may enact,  
31 amend, or enforce an ordinance to prohibit the relocation of any off-premises outdoor  
32 advertising sign (i) pursuant to G.S. 136-131.3 or (ii) that meets the requirements set forth in  
33 subdivisions (1) through (3) of this subsection and the relocation was caused by a project  
34 authorized by law and undertaken by the State, a local government, or any other entity  
35 possessing the power of eminent domain. Building materials different from the materials used  
36 to initially construct an off-premises outdoor advertising sign may be used to reconstruct the  
37 off-premises outdoor advertising sign at the site of relocation. The right provided under this  
38 subsection to relocate off-premises outdoor advertising may be assigned or conveyed by the  
39 permittee.

- 40 (1) The new site for relocation shall be within the same city's zoning jurisdiction  
41 in an area zoned commercial or industrial or, if unzoned, within the same  
42 city's corporate limits in an unzoned commercial or industrial area.
- 43 (2) The cumulative advertising surface area for the off-premises outdoor  
44 advertising sign at the relocated site shall not be increased and no sign face  
45 shall exceed 672 square feet; provided, however, the size of a sign face or  
46 faces of another off-premises outdoor advertising sign that is permanently  
47 taken down in the same city jurisdiction within 120 days of a sign being  
48 reconstructed may be combined to increase the cumulative advertising  
49 surface area of the reconstructed sign, not to exceed 672 square feet for any  
50 sign face.

1           (3)    The height of the reconstructed off-premises outdoor advertising sign shall  
 2           not exceed 50 feet, as measured from the adjoining road grade or base of the  
 3           sign, whichever allows for the greatest visibility of the sign, except that a  
 4           sign may be 50 feet above the top of a sound wall or noise barrier  
 5           constructed between the sign and the main-traveled way.

6           (e)    Monetary compensation is the fair market value of the off-premises outdoor  
 7           advertising in place immediately prior to its ~~removal~~ removal, including consideration of the  
 8           value of (i) the off-premises outdoor advertising owner's interest in the real property on which  
 9           the off-premises outdoor advertising is located, (ii) the off-premises outdoor advertising sign  
 10          structure, and (iii) any rights, including permits, appurtenant to the off-premises outdoor  
 11          advertising use, and without consideration of the effect of the ordinance or any diminution in  
 12          value caused by the ordinance requiring its removal. Monetary compensation shall be  
 13          determined ~~based on~~ in accordance with G.S. 136-131.

14           (1)    The factors listed in G.S. 105-317.1(a); and

15           (2)    The listed property tax value of the property and any documents regarding  
 16           value submitted to the taxing authority.

17          ...

18          (m)    ~~This section does not apply to any ordinance in effect on the effective date of this~~  
 19          ~~section. A city may amend an ordinance in effect on the effective date of this section to extend~~  
 20          ~~application of the ordinance to off-premises outdoor advertising located in territory acquired by~~  
 21          ~~annexation or located in the extraterritorial jurisdiction of the city. A city may repeal or amend~~  
 22          ~~an ordinance in effect on the effective date of this section so long as the amendment to the~~  
 23          ~~existing ordinance does not reduce the period of amortization in effect on the effective date of~~  
 24          ~~this section.~~

25          (n)    ~~The~~ Except as specifically provided otherwise in this section, the provisions of this  
 26          section shall not be used to interpret, construe, alter or otherwise modify (i) the exercise of the  
 27          power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General  
 28          ~~Statutes.~~ Statutes or (ii) the rights of off-premises outdoor advertising set forth in Article 11 of  
 29          Chapter 136 of the General Statutes. The standards set forth in G.S. 136-131 shall apply to any  
 30          city that causes the removal of off-premises outdoor advertising through exercise of its power  
 31          of eminent domain.

32          ...."

33           **SECTION 22.(b)** G.S. 160A-199(d2), as enacted by this section, is effective when  
 34           it becomes law and applies to off-premises outdoor advertising signs removed on or after  
 35           January 1, 2014. G.S. 160A-199(e), as amended by this section, is effective when it becomes  
 36           law and applies to determinations of just compensation on or after that date. The remainder of  
 37           this section is effective when it becomes law and applies to off-premises outdoor advertising  
 38           that has not been removed as of that date.

39           **SECTION 23.** Notwithstanding any provision of Article 2A of Chapter 150B of  
 40           the General Statutes, no later than six months after the effective date of this act, the Department  
 41           of Transportation shall adopt rules to implement the provisions of this act. The Department of  
 42           Transportation shall use the following procedure to adopt rules to implement the provisions of  
 43           this act:

44           (1)    At least 15 business days prior to adopting a rule, submit the rule and a  
 45           notice of public hearing to the Codifier of Rules. The Codifier of Rules shall  
 46           publish the proposed rule and the notice of public hearing on the Internet  
 47           within five business days.

48           (2)    At least 15 business days prior to adopting a rule, notify persons on the  
 49           mailing list maintained pursuant to G.S. 150B-21.2(d) and any other  
 50           interested parties of the Department of Transportation's intent to adopt a rule  
 51           and of the public hearing.

- 1           (3)     Accept written comments on the proposed rule for at least 15 business days  
2                     prior to adoption of the rule.
- 3           (4)     Hold at least one public hearing on the proposed rule no less than five days  
4                     after the rule and notice have been published.

5           A rule adopted in accordance with this section becomes effective on the first day of  
6 the month following the month the Department of Transportation adopts the rule and submits  
7 the rule to the Codifier of Rules for entry into the North Carolina Administrative Code. Any  
8 rule adopted more than six months after the effective date of this act shall comply with the  
9 requirement of Article 2A of Chapter 150B of the General Statutes.

10           **SECTION 24.** Any rule or policy adopted by the Department of Transportation  
11 that does not comply with the provisions of this act shall be null, void, and without effect.

12           **SECTION 25.** If any provision of this act or its application is held invalid, the  
13 invalidity does not affect other provisions or applications of this act that can be given effect  
14 without the invalid provisions or applications, and to this end, the provisions of this act are  
15 severable.

16           **SECTION 26.** Except as otherwise provided, this act is effective when it becomes  
17 law.