

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 581  
Committee Substitute Favorable 5/23/17  
Committee Substitute #2 Favorable 6/14/17

Short Title: Revisions to Outdoor Advertising Laws.

(Public)

Sponsors:

Referred to:

April 6, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROMOTE UNIFORMITY OF REGULATION AND MODERNIZATION OF  
3 OUTDOOR ADVERTISING, TO ALLOW FOR THE RELOCATION AND  
4 RECONSTRUCTION OF OFF-PREMISES OUTDOOR ADVERTISING, TO INCREASE  
5 PERMIT FEES FOR OUTDOOR ADVERTISING, TO CLARIFY STANDARDS FOR  
6 SELECTIVE VEGETATION REMOVAL, AND TO ESTABLISH A REASONABLE  
7 TIME FRAME FOR MAKING AGENCY DECISIONS REGARDING PERMITS AND  
8 APPEALS.

9 The General Assembly of North Carolina enacts:

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

11 "§ 136-93.2. Monetary value of trees.

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

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

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

28 "§ 136-127. Declaration of policy.

29 The General Assembly hereby finds and declares that outdoor advertising is a legitimate  
30 commercial use of private property adjacent to roads and ~~highways but highways~~. The General  
31 Assembly also finds and declares that off-premises outdoor advertising is an important and  
32 distinct medium of communication for effectively displaying commercial and noncommercial  
33 messages and is an established segment of the national economy that serves to promote and  
34 protect investments in commerce and industry. As a result, off-premises outdoor advertising is  
35 a use of land that should be preserved and its modernization fostered in order to enable new



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

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

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

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

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

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

22 **"§ 136-128. Definitions.**

23 As used in this Article:

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

30 (1a) Changeable message sign. – An off-premises outdoor advertising sign that  
 31 displays a series of messages at intervals by digital display, mechanical  
 32 rotating panels, or other electronic or automated means.

33 (1c) Customary use. – Compliance with the specific outdoor advertising  
 34 standards for size, lighting, and spacing in areas zoned commercial or  
 35 industrial under authority of State law or in unzoned commercial or  
 36 industrial areas, as the standards and areas are described and defined in the  
 37 agreement dated January 7, 1972, as amended, and entered into between the  
 38 State and the United States Department of Transportation under  
 39 G.S. 136-138 to implement the provisions of the federal Highway  
 40 Beautification Act of 1965.

41 (1d) "Erect" means to Erect or erection. – To construct, build, raise, assemble,  
 42 place, affix, attach, create, paint, draw, or in any other way bring into being  
 43 or establish. This term does not include the repair, maintenance, or  
 44 reconstruction of an off-premises outdoor advertising, as authorized under  
 45 G.S. 136-131.2, or the relocation of an off-premises outdoor advertising sign  
 46 as authorized under applicable State law.

47 (1e) "Illegal sign" means one Illegal sign. – One which was erected and/or  
 48 maintained in violation of State law.

49 (1f) "Information center" means an Information center. – An area or site  
 50 established and maintained at safety rest areas for the purpose of informing

1 the public of places of interest within the State and providing such other  
2 information as the Department of Transportation may consider desirable.

3 (2) ~~"Interstate system" means that Interstate system. – That portion of the~~  
4 National System of Interstate and Defense Highways located within the  
5 State, as officially designated, or as may hereafter be so designated, by the  
6 Department of Transportation, or other appropriate authorities and are also  
7 so designated by interstate numbers. As to highways under construction so  
8 designated as interstate highways pursuant to the above procedures, the  
9 highway shall be a part of the interstate system for the purposes of this  
10 Article on the date the location of the highway has been approved finally by  
11 the appropriate federal authorities.

12 (2a) Maintain or maintenance. – To allow to exist in accordance with applicable  
13 State law.

14 (2b) Main-traveled way or main travel way. – The through traffic lanes of a  
15 highway, but not including frontage roads, auxiliary lanes, and ramps.

16 (2c) ~~"Nonconforming sign" shall mean a Nonconforming sign. – A sign which~~  
17 was lawfully erected but which does not comply with the provisions of State  
18 law or ~~State rules adopted~~ and regulations passed by the Department of  
19 Transportation at a later date in accordance with this Article, or which  
20 which, due to changed conditions, later fails to comply with State law or  
21 State rules adopted or regulations due to changed conditions. Illegally  
22 erected or maintained passed by the Department of Transportation in  
23 accordance with this Article. Illegal signs are not nonconforming signs.

24 (2d) Off-premises outdoor advertising. – The use of land consisting of a sign  
25 erected and maintained for the purpose of (i) displaying, advertising,  
26 identifying, or directing attention to business products, operations, or  
27 services sold or offered at a property other than the property where the sign  
28 is erected or (ii) promoting an attraction, activity, idea, opinion, or other  
29 noncommercial messaging that is unrelated to the property where the sign is  
30 erected. A sign meeting this definition is commonly known as a billboard,  
31 where space is commonly made available or rented to advertisers to display  
32 their messages to the traveling public.

33 (3) ~~"Outdoor advertising" means any Outdoor advertising. – Any outdoor sign,~~  
34 display, light, device, figure, painting, drawing, message, plaque, poster,  
35 billboard, or any other thing which is designed, intended or used to advertise  
36 or inform, any part of the advertising or information contents of which is  
37 visible from any place on the main-traveled way of the interstate or primary  
38 system, whether the same be permanent or portable installation.

39 (4) ~~"Primary systems" means the Primary systems. – The federal-aid primary~~  
40 system in existence on June 1, 1991, and any highway which is not on that  
41 system but which is on the National Highway System. As to highways under  
42 construction so designated as primary highways pursuant to the above  
43 procedures, the highway shall be a part of the primary system for purposes  
44 of this Article on the date the location of the highway has been approved  
45 finally by the appropriate federal or State authorities.

46 (5) ~~"Safety rest area" means an Safety rest area. – An area or site established and~~  
47 maintained within or adjacent to the highway right-of-way by or under  
48 public supervision or control, for the convenience of the traveling public.

49 (5a) Sign face. – The part of the sign, including trim and background, which  
50 contains the message or informative content. For purposes of measuring the

1 maximum area or height of a sign under this Article, embellishments or  
 2 extended advertising shall be excluded.

3 (5b) Sign location or site. – A location or site of an off-premises outdoor  
 4 advertising sign measured to the closest 1/100th of a mile, in conformance  
 5 with the Department of Transportation methods of measurement for all State  
 6 roads.

7 (6) ~~"State law" means a State law. – A State constitutional provision or statute,~~  
 8 ~~or an ordinance, a rule or regulation enacted or adopted by a State agency or~~  
 9 ~~political subdivision of a State pursuant to a the State Constitution or a~~  
 10 ~~statute.~~

11 (7) ~~"Unzoned area" shall mean an Unzoned commercial or industrial area. – An~~  
 12 ~~area where there is no zoning in effect.effect that is within 660 feet of the~~  
 13 ~~nearest edge of the right-of-way of the interstate or primary system, in which~~  
 14 ~~there is at least one commercial or industrial activity that meets the criteria~~  
 15 ~~set forth in G.S. 136-130.1.~~

16 (8) ~~"Urban area" shall mean an Urban area. – An area within the boundaries or~~  
 17 ~~limits of any incorporated municipality having a population of five thousand~~  
 18 ~~or more as determined by the latest available federal census.~~

19 (9) ~~"Visible" means capable Visible. – Capable of being seen (whether or not~~  
 20 ~~legible) without visual aid by a person of normal visual acuity."~~

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

23 **"§ 136-130.1. Unzoned commercial or industrial area criteria for outdoor advertising**  
 24 **signs.**

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

28 (1) The activity shall maintain all necessary business licenses as may be  
 29 required by applicable State law.

30 (2) The property used for the activity shall be listed for ad valorem taxes with  
 31 the county and municipal taxing authorities as required by law.

32 (3) The activity shall have all basic utilities, including electricity, water, and  
 33 sewer or septic service.

34 (4) The activity shall have direct or indirect vehicular access and be a generator  
 35 of vehicular traffic.

36 (5) The activity shall have a building designed with a permanent foundation,  
 37 built or modified for its current commercial or industrial use, and the  
 38 building must be located within 660 feet from the nearest edge of the  
 39 highway right-of-way. Where a mobile home unit or recreational vehicle is  
 40 used as a business or office, the following conditions and requirements also  
 41 apply:

42 a. The mobile home unit or recreational vehicle shall meet the State  
 43 Building Code criteria for commercial or business use.

44 b. A self-propelled vehicle shall not qualify for use as a business or  
 45 office for the purpose of these rules.

46 c. All wheels, axles, and springs shall be removed.

47 d. The unit or vehicle shall be permanently secured on piers, pad, or  
 48 foundation.

49 e. The unit or vehicle shall be tied down in accordance with State or  
 50 local requirements.

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

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

45           **"§ 136-129. Limitations of outdoor advertising devices.**

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

50           ...

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

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

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

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

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

14 **"§ 136-130. Regulation of advertising.**

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

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

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

22 (2a) The erection and maintenance of outdoor advertising permitted in  
 23 ~~G.S. 136-129.2,~~G.S. 136-129.2.

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

28 ...

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

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

40 **"§ 136-131.2. Modernization of outdoor advertising devices.**

41 (a) No ~~Notwithstanding any law to the contrary, no~~ municipality, county, local or  
 42 regional zoning authority, or other political subdivision shall, without the payment of just  
 43 compensation as provided for in G.S. 136-131.1, regulate or prohibit the ~~repair~~ repair,  
 44 maintenance, alteration, or reconstruction of any off-premises outdoor advertising for which  
 45 there is in effect a valid permit issued by the Department of Transportation pursuant to this  
 46 Article at the time of the repair, maintenance, alteration, or reconstruction so long as the  
 47 cumulative square footage of ~~its~~ the advertising surface area is not ~~increased.~~ As used in this  
 48 section, reconstruction includes the changing of an existing multipole outdoor advertising  
 49 structure to a new monopole structure ~~increased and no sign face exceeds 672 square feet;~~  
 50 provided, however, the size of a sign face or faces of another off-premises outdoor advertising  
 51 sign that is permanently taken down in the same governmental jurisdiction within 120 days of a

1 sign being reconstructed may be combined to increase the cumulative advertising surface area  
2 of the reconstructed sign, not to exceed 672 square feet for any sign face. One additional sign  
3 face may be added to a single-face sign conforming to customary use so long as the additional  
4 face does not exceed the size of the existing sign face. As used in this section, "repair,  
5 maintenance, alteration, or reconstruction" includes the following:

- 6 (1) The changing of an existing multipole off-premises outdoor advertising  
7 structure to a new monopole structure.
- 8 (2) The changing of wooden poles to steel poles.
- 9 (3) The increase in the height of the sign, not to exceed 50 feet measured from  
10 the adjoining road grade or base of the sign, whichever allows for the  
11 greatest visibility, except that a sign may be 50 feet above the top of a sound  
12 wall or noise barrier constructed between the sign and the main-traveled  
13 way.
- 14 (4) The changing of an off-premises outdoor advertising sign to a changeable  
15 message sign under subsection (c) of this section.

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

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

- 31 (1) The sign is conforming to customary use. A changeable message sign that  
32 complies with the requirements set forth in this subsection shall not be  
33 considered flashing, intermittent, or moving and shall otherwise satisfy the  
34 lighting restrictions set forth in the agreement entered into pursuant to  
35 G.S. 136-138 between the State and the United States Department of  
36 Transportation to implement the provisions of the federal Highway  
37 Beautification Act of 1965.
- 38 (2) The changeable message sign shall not alternate displays more frequently  
39 than once every six seconds, with a maximum change time of two seconds.
- 40 (3) The changeable message sign shall not display video, continuous scrolling  
41 messages, or animation.
- 42 (4) The changeable message sign shall contain a default design that either  
43 freezes the message display in one position, displays a full blank screen, or  
44 turns off if a malfunction occurs.
- 45 (5) The light produced does not exceed 0.3 footcandles over ambient light levels  
46 as measured at the following distances:
  - 47 a. 150 feet, if the display surface is 12 feet by 25 feet.
  - 48 b. 200 feet, if the display surface is 10.5 feet by 36 feet.
  - 49 c. 250 feet, if the display surface is 14 feet by 48 feet.
- 50 (6) The changeable message sign structure shall be a steel monopole.

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

7           (8)    An off-premises outdoor advertising sign shall not be altered or  
8           reconstructed to a changeable message sign within an historic district  
9           lawfully established by a city or county government pursuant to Part 3C of  
10          Article 19 of Chapter 160A of the General Statutes, unless consented to by a  
11          resolution adopted by the applicable local governing board.

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

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

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

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

26          "**§ 136-131.3. Relocation of permitted off-premises outdoor advertising sign.**

27          (a)    Requirements. – Any off-premises outdoor advertising sign for which there is in  
28          effect a valid permit issued by the Department of Transportation pursuant to this Article shall  
29          be authorized to be relocated and reconstructed subject to all of the requirements listed in  
30          subdivisions (1) through (3) of this subsection.

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

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

44                (3)    The construction work related to the relocation of the off-premises outdoor  
45                advertising sign at the new location shall commence within one year after  
46                the date of removal.

47          (b)    Vegetation Removal. – A new site for relocation shall not be denied by the  
48          Department of Transportation due to the presence of vegetation obstructing the visibility of the  
49          outdoor advertising sign from the viewing zone. Notwithstanding any law to the contrary, the  
50          owner or operator of the off-premises outdoor advertising sign shall be authorized to improve  
51          the visibility of the sign by removing any vegetation (i) on private property upon receiving



1 written consent of the landowner and (ii) on the right-of-way of the interstate and primary  
2 systems of the State pursuant to a selective vegetation removal permit issued under this Article.  
3 A city or county shall not enforce any ordinance or regulation in conflict with the rights set  
4 forth herein or to otherwise cause the withholding of consent by the landowner.

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

9 (1) The structural members of the sign at the relocated site are of like material.

10 (2) The size of the sign face or faces are not increased.

11 (3) The height of the sign at the relocated site does not exceed 50 feet measured  
12 from the adjoining road grade or base of the sign, whichever allows for the  
13 greatest visibility, except that a sign may be 50 feet above the top of a sound  
14 wall or noise barrier constructed between the sign and the main-traveled  
15 way.

16 (4) The relocation on the same sign location or site is not denied by the Federal  
17 Highway Administrator or such other federal official delegated the  
18 responsibility for enforcing the federal-State agreement referenced in the  
19 definition of customary use in G.S. 136-128."

20 **SECTION 10.(b)** This section is effective when it becomes law and applies to  
21 off-premises outdoor advertising signs removed on or after January 1, 2014. For any  
22 off-premises outdoor advertising sign removed on or after January 1, 2014, but prior to the date  
23 this section becomes effective, construction work on relocation in accordance with  
24 G.S. 136-131.3(a), as enacted by this section, shall commence within one year of the date this  
25 section becomes effective.

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

27 **"§ 136-133. Permits required.**

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

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

1 (\$240.00) fee for an addendum to an existing outdoor advertising permit for (i) relocating  
2 outdoor advertising beyond the existing sign location or site where the outdoor advertising was  
3 located immediately prior to the relocation or (ii) altering or reconstructing to a changeable  
4 message sign, in accordance with G.S. 136-131.2.

5 ...

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

14 (d) The Department of Transportation shall not require additional permits, nor revoke  
15 any existing permits, for any action taken pursuant to G.S. 136-131.2 or G.S. 136-131.3. The  
16 Department of Transportation may require an addendum to an existing permit stating the  
17 changes to the conditions of the outdoor advertising sign within 30 days of the completion of  
18 any action taken pursuant to G.S. 136-131.2 or G.S. 136-131.3.

19 (e) The rights set forth in G.S. 136-131.2 shall attach to a permit issued by the  
20 Department of Transportation and shall expire with the voluntary cancellation of the permit or  
21 after the permit has been lawfully revoked and any appeals pursuant to G.S. 136-134.1 have  
22 been exhausted. The rights set forth in G.S. 136-131.2 shall not run with the land.

23 (f) The permit issued by the Department and all rights associated with it, including the  
24 right to relocate the off-premises outdoor advertising under G.S. 136-131.3, may be assigned."

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

29 **SECTION 12.** G.S. 136-133.1 reads as rewritten:

30 **"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

31 ...

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

48 ...."

49 **SECTION 13.** G.S. 136-133.2 reads as rewritten:

50 **"§ 136-133.2. Issuance or denial of a selective vegetation removal permit.**

1       (a) Except as provided in subsection (b) of this section and G.S. 136-133.1(g), permits  
2 to remove vegetation may be granted for off-premises outdoor advertising locations that have  
3 been permitted for at least ~~two years~~ one year prior to the date of application. The Department  
4 shall approve or deny an application submitted pursuant to this section, including the fee  
5 required by G.S. 136-18.7 and all required documentation, within 30 days of the receipt of an  
6 application for a selective vegetation removal permit. If written notice of approval or denial is  
7 not given to the applicant within the 30-day period, then the application shall be deemed  
8 approved. If the application is denied, the Department shall advise the applicant, in writing, by  
9 registered or certified mail, return receipt requested, addressed to the party to be noticed, and  
10 delivering to the addressee, the reasons for the denial.

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

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

17       **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

18       ...

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

27       ...."

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

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

32       **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

33       ...

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

44       ...

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

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

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

4       "**§ 136-134.2. Notification requirements.**

5           (a) Notice of Application Denial or Nonconformance of Structure. – When the  
6 Department of Transportation notifies a permit applicant, permit holder, or the owner of an  
7 outdoor advertising structure that the application is ~~denied, the permit revoked, denied~~ or the  
8 structure is in violation of this Article or rules issued pursuant to this Article, it shall do so in  
9 writing by certified mail, return receipt requested, and shall include a copy of this Article and  
10 all rules issued pursuant to this Article.

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

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

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

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

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

31       "**§ 136-138. Agreements with United States authorized.**

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

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

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

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

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

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

(a) The Department of Transportation shall work together with owners of changeable message signs, the North Carolina Division of Emergency Management, the Department of Public Safety, the Secretary of State, the State Highway Patrol, the North Carolina Center for Missing Persons, the Federal Emergency Management Agency, and any other federal, State, or local agencies the Department of Transportation determines may be of assistance to develop a public notification plan for the purpose of using changeable message signs to display notifications to the traveling public related to public safety and emergencies. Public notifications include information about Silver Alerts, Amber Alerts, inclement weather, natural disasters, and other emergencies.

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

- (1) The criteria to be applied in determining when it is appropriate to request that an owner of a changeable message sign display a public notification.
- (2) The procedures used to determine the expiration of a notification and to recall the request once the information is no longer needed."

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

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

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

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

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

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

- (1) The county and the owner of the nonconforming off-premises outdoor advertising enter into a relocation agreement pursuant to subsection (g) of this section.
- (2) The county and the owner of the nonconforming off-premises outdoor advertising enter into an agreement pursuant to subsection (k) of this section.
- (3) The off-premises outdoor advertising is determined to be a public nuisance or detrimental to the health or safety of the populace.
- (4) The removal is required for establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 153A-274, and the county allows the off-premises outdoor advertising to be relocated to a comparable location.
- (5) The off-premises outdoor advertising is subject to removal pursuant to statutes, ordinances or regulations generally applicable to the demolition or removal of damaged structures.

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

(d2) Notwithstanding any provision of this section to the contrary, no county may enact, amend, or enforce an ordinance to prohibit the relocation and reconstruction of any off-premises outdoor advertising sign (i) pursuant to G.S. 136-131.3 or (ii) that meets the requirements set forth in subdivisions (1) through (3) of this subsection and the relocation and

1 reconstruction was caused by a project authorized by law and undertaken by the State, a local  
2 government, or any other entity possessing the power of eminent domain. Building materials  
3 different from the materials used to initially construct an off-premises outdoor advertising sign  
4 may be used to reconstruct the off-premises outdoor advertising sign at the site of relocation.  
5 The right provided under this subsection to relocate off-premises outdoor advertising may be  
6 assigned or conveyed by the permittee.

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

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

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

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

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

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

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.

45 ...."

46 **SECTION 21.(b)** G.S. 153A-143(d2), as enacted by this section, is effective when  
47 it becomes law and applies to off-premises outdoor advertising signs removed on or after  
48 January 1, 2014. G.S. 153A-143(e), as amended by this section, is effective when it becomes  
49 law and applies to determinations of just compensation on or after that date. The remainder of  
50 this section is effective when it becomes law and applies to off-premises outdoor advertising  
51 that has not been removed as of that date.

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

2   "**§ 160A-199. Regulation of outdoor advertising.**

3           ...  
4           (d) No city may ~~enact or amend~~ enact, amend, or enforce an ordinance ~~of general~~  
5 ~~applicability to require or regulation that causes or requires~~ the removal of any nonconforming,  
6 lawfully erected off-premises outdoor advertising sign without the payment of monetary  
7 compensation to the owners of the off-premises outdoor advertising, except as provided below.  
8 The payment of monetary compensation is not required if:

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

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

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

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

1 sign may be 50 feet above the top of a sound wall or noise barrier  
 2 constructed between the sign and the main-traveled way.

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

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

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

14 ...

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

22 (n) ~~The~~ Except as specifically provided otherwise in this section, the provisions of this  
 23 section shall not be used to interpret, construe, alter or otherwise modify (i) the exercise of the  
 24 power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General  
 25 ~~Statutes.~~ Statutes or (ii) the rights of off-premises outdoor advertising set forth in Article 11 of  
 26 Chapter 136 of the General Statutes.

27 ...."

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

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

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

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

47 (3) Accept written comments on the proposed rule for at least 15 business days  
 48 prior to adoption of the rule.

49 (4) Hold at least one public hearing on the proposed rule no less than five days  
 50 after the rule and notice have been published.



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

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

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

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