A BILL TO BE ENTITLED
AN ACT TO INCREASE PERMIT FEES FOR OUTDOOR ADVERTISING, TO
ESTABLISH A REASONABLE TIMEFRAME FOR MAKING AGENCY DECISIONS
REGARDING PERMITS AND APPEALS, TO CLARIFY THE STANDARDS FOR
DETERMINING JUST COMPENSATION IN STATE AND LOCAL GOVERNMENT
EMINENT DOMAIN ACTIONS THAT CAUSE THE REMOVAL OF LAWFULLY
ERECTED OUTDOOR ADVERTISING, TO CLARIFY PROVISIONS OF THE
OUTDOOR ADVERTISING CONTROL ACT, AND TO PROMOTE UNIFORMITY OF
REGULATION AND MODERNIZATION OF OUTDOOR ADVERTISING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-18.7 reads as rewritten:

"§ 136-18.7. Fees. The fee for a selective vegetation removal permit issued pursuant to G.S. 136-18(5), (7),
and (9) is two hundred dollars ($200.00). The fee for a selective vegetation permit issued
pursuant to Article 11 of this Chapter for an outdoor advertising location is (i) six hundred
dollars ($600.00) for the initial three-year period listed in G.S. 136-133.4 and (ii) two hundred
dollars ($200.00) for any subsequent three-year renewal period."

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. The General
Assembly also finds that outdoor advertising is an integral part of the business and marketing
function and is an established segment of the national economy that serves to promote and
protect investments in commerce and industry and is, therefore, a business that must be allowed
to exist and operate where other business and commercial activities are conducted and that a
reasonable use of property for outdoor advertising and its visibility to the traveling public must
be preserved and fostered. The General Assembly further finds that the erection and
maintenance of outdoor advertising signs and devices in areas in the vicinity of the
right-of-way of the interstate and primary highway systems within the State should be
controlled and regulated as provided in this Article in order to promote the safety, health,
welfare and convenience and enjoyment of travel on and protection of the public investment in
highways within the State, to prevent unreasonable distraction of operators of motor vehicles
and to prevent interference with the effectiveness of traffic regulations and to promote safety on
the highways, to attract tourists and promote the prosperity, economic well-being and general
welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and
areas in the vicinity of the State highways and to promote the reasonable, orderly and effective
display of such signs, displays and devices, and to secure the right of validly permitted outdoor
advertising to be clearly viewed by the traveling public. It is the intention of the General
Assembly to provide and declare herein a public policy and statutory basis for the
establishment of a uniform system for the regulation and control of outdoor
advertising advertising throughout the State."

SECTION 3. G.S. 136-128 reads as rewritten:

"§ 136-128. Definitions.
As used in this Article:

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

(2) Changeable message sign. – An off-premises advertising sign that displays a
series of messages at intervals by means of digital display or mechanical
rotating panels.

(3) "Erect" means to Erect. – To construct, build, raise, assemble, place, affix,
attach, create, paint, draw, or in any other way bring into being or establish.
This term does not include the repair, maintenance, alteration, relocation, or
reconstruction of any outdoor advertising, as authorized under
G.S. 136-131.2.

(1a)(4) "Illegal sign" means one Illegal sign. – One which was erected and/or
maintained in violation of State law.

(1b)(5) "Information center" means an Information center. – An area or site
established and maintained at safety rest areas for the purpose of informing
the public of places of interest within the State and providing such other
information as the Department of Transportation may consider desirab
le.

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

(2a)(7) "Nonconforming sign" shall mean a Nonconforming sign. – A sign which
was lawfully erected but (i) which does not comply with the provisions of
State law or this Article or State Department of Transportation rules and
regulations passed at a later date or (ii) which later fails to comply with State
law or the provisions of this Article or State Department of Transportation rules
or regulations due to changed conditions. Illegally erected or
maintained Illegal signs are not nonconforming signs.

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

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

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

(11) Sign face. – The part of the sign, including trim and background, which contains the message or informative content. For purposes of measuring the maximum area or height of a sign under this Article, embellishments or extended advertising shall be excluded.

(6)(12) "State law" means a state law. – A State constitutional provision or statute, or an ordinance, a rule or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to a State Constitution or statute.

(7)(13) "Unzoned area" shall mean an unzoned area. – An area where there is no zoning in effect.

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

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

SECTION 4. G.S. 136-129 reads as rewritten:

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

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

…

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

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

SECTION 5. G.S. 136-129.2 is amended by adding a new subsection to read:

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

SECTION 6. G.S. 136-130 reads as rewritten:

"§ 136-130. Regulation of advertising.

(a) The Department of Transportation is authorized to promulgate rules and regulations in the form of ordinances governing any of the following:

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

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

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

(4) The administrative procedures for appealing a decision at the agency level to declare any outdoor advertising illegal and a nuisance as pursuant to G.S. 136-134, as may be necessary to carry out the policy of the State declared in this Article.

(b) Notwithstanding any law to the contrary, the Department of Transportation shall not deny or revoke any of the following on the basis that the outdoor advertising fails to conform to ordinances, rules, or regulations of a municipality, county, local or regional zoning authority, or other political subdivision of the State:

(1) Any permit required under this Article for the maintenance of existing outdoor advertising that is subject to the provisions of this Article as a result of the extension of the interstate system or the primary systems.

(2) Any other permit required under this Article, except that the Department of Transportation may (i) deny or revoke any other permit required under this Article for the outdoor advertising sign’s failure to be erected after the effective date of this Article, as determined by G.S. 136-140, in an area zoned at the time of erection industrial or commercial as required by G.S. 136-129(4) or (ii) deny any permit required under this Article for the erection of outdoor advertising for the outdoor advertising sign’s failure to comply at the time of being erected with regulations adopted and enforced by a municipality, county, local or regional zoning authority, or other political subdivision of the State, that are consistent with G.S. 136-131.2(b)."

SECTION 7. G.S. 136-131 reads as rewritten:


(a) The Department of Transportation is authorized to acquire by purchase, gift, or condemnation all outdoor advertising and all property rights pertaining thereto which are prohibited under the provisions of G.S. 136-129, 136-129.1 or 136-129.2, thereto, provided such outdoor advertising is in lawful existence on the effective date of this Article as determined by G.S. 136-140, or provided that it is lawfully erected after the effective date of this Article as determined by G.S. 136-140. Notwithstanding any law to the contrary, this section shall apply to all acquisitions, purchases, or condemnations by the Department of Transportation that cause the removal of any lawfully erected outdoor advertising or any lawfully erected outdoor advertising sign, regardless of the outdoor advertising sign's location and proximity to the interstates or primary systems.

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

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

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

The following factors shall be used in determining just compensation for outdoor
advertising:

1. The sales price of similar outdoor advertising.
2. The physical condition of the outdoor advertising sign.
3. The income generated by the rental of advertising space on the outdoor
   advertising sign.
4. The effects of zoning or other land use restrictions.
5. The value of the outdoor advertising permit issued by an appropriate
governing body.
6. The ability to relocate outdoor advertising as provided in G.S. 136-131.2(c)
to a site reasonably comparable to or better than the condemned location,
taking into account the similarity of advantages arising from lease terms,
visibility, traffic flow, and other criteria that affect the value of outdoor
advertising. The factor in this subdivision shall not be considered if the
zoning jurisdiction allows for numerical increases in outdoor advertising
signs.
7. Any other factor that may affect the value of the property rights affected by
   the condemnation.

(b) Prior to any condemnation by the Department of Transportation under this section,
the Department of Transportation shall undertake the project necessitating the condemnation in
accordance with G.S. 133-11 to minimize adverse impacts to the displaced outdoor advertiser
and reduce the costs of acquiring the outdoor advertising and all property rights thereto,
including allowing the outdoor advertising to remain until actual construction or other work is
commenced on the project and within 100 feet of the outdoor advertising.

SECTION 8. G.S. 136-131.2 reads as rewritten:


(a) Notwithstanding any law to the contrary, no municipality, county, local or
regional zoning authority, or other political subdivision shall, without the payment of just
compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair, repair,
maintenance, alteration, relocation, or reconstruction of any outdoor advertising for which there
is in effect a valid permit issued by the Department of Transportation at the time of the repair,
maintenance, alteration, relocation, or reconstruction so long as for multi-faced signs
conforming to customary use, the cumulative square footage of the advertising surface area is
not increased. As used in this section, reconstruction includes the changing of an existing
multipole outdoor advertising structure to a new monopole structure, increased and no sign face
exceeds 672 square feet. One additional sign face may be added to a single-face sign
conforming to customary use so long as the additional face does not exceed the size of the
existing sign face. As used in this section, “repair, maintenance, alteration, relocation, or
reconstruction” includes the following:

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

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

(3) The increase in the height of the sign, not to exceed 80 feet measured from the adjoining road grade or base of the sign, whichever allows for the greatest visibility, except that a sign may be 50 feet above the top of a sound wall or noise barrier constructed between the sign and the main-traveled way.

(4) The changing of an outdoor advertising sign to a changeable message sign under subsection (e) of this section.

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

(c) Any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the Federal-aid Primary Highway System for which there is in effect a valid permit issued by the Department of Transportation pursuant to this Article shall be permitted to be relocated subject to all of the requirements listed in subdivisions (1) through (3) of this subsection. The right provided under this subsection to relocate outdoor advertising may be assigned or conveyed by the permittee.

(1) The new site for relocation shall be any area within the same zoning jurisdiction adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the Federal-aid Primary Highway System.

(2) The outdoor advertising sign at the relocated site shall conform with customary use in areas zoned industrial or commercial under authority of State law, subject to the advertising space and height limitations set in subsection (a) of this section.

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

(d) A new site for relocation shall not be denied by the Department of Transportation due to the presence of vegetation obstructing the visibility of the outdoor advertising from the viewing zone. Notwithstanding any law to the contrary, the owner or operator of the outdoor advertising sign shall be permitted to improve the visibility of the sign by removing any vegetation (i) on private property upon receiving written consent of the landowner and (ii) on the right-of-way of the interstate or primary highway systems in this State pursuant to a selective vegetation removal permit issued under this Article.

(e) Any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the Federal-aid Primary Highway System for which there is in effect a valid permit issued by the Department of Transportation, including any sign relocated pursuant to subsection (c) of this section, shall be permitted to be altered or reconstructed to a changeable message sign, subject to all of the following requirements:

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

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

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

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

(5) The light produced does not exceed 0.3 footcandles over ambient light levels
as measured at a distance of:
   a. 150 feet, if the display surface is 12 feet by 25 feet;
   b. 200 feet, if the display surface is 10.5 feet by 36 feet; or
   c. 250 feet, if the display surface is 14 feet by 48 feet.

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

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

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

(g) The Department of Transportation shall not require additional permits, nor revoke
any existing permits, for any action taken pursuant to this section. The Department of
Transportation may require within 30 days of the completion of any action taken pursuant to
this section an addendum to an existing permit showing or describing the changes to the
conditions of the outdoor advertising sign. The rights set forth in this section shall attach to a
permit issued by the Department of Transportation and shall expire with the voluntary
cancellation of such permit or after the permit has been lawfully revoked and any appeals
pursuant to G.S. 136-134.1 have been exhausted."

SECTION 9. G.S. 136-133 reads as rewritten:

"§ 136-133. Permits required.

(a) No person shall erect or maintain any outdoor advertising within 660 feet of the
nearest edge of the right-of-way of the interstate or primary highway system, except those
allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the
nearest edge of the right-of-way of the interstate or primary highway system, except those
allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from
the Department of Transportation or its agents pursuant to the procedures set out by rules
adopted by the Department of Transportation. The permit shall be valid until revoked for
nonconformance with this Article or rules adopted by the Department of Transportation. Any
person aggrieved by the decision of the Department of Transportation or its agents in refusing
to grant or in revoking a permit may appeal the decision in accordance with the rules adopted
by the Department of Transportation pursuant to this Article to the Secretary of Transportation
who shall make the final decision on the agency appeal to affirm or reject the appeal within 90
days after the Secretary receives the agency appeal. Failure to provide written notice to the
aggrieved party of the Secretary's decision to affirm or reject the agency appeal within the 90-day period shall result in the appeal being affirmed, entitling the aggrieved party to issuance of the outdoor advertising permit or reversal of the Department of Transportation's decision to revoke. The Department of Transportation shall have the authority to charge permit fees to defray the costs of administering the permit procedures under this Article. The fees for directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not exceed a forty dollar ($40.00) initial fee and a thirty dollar ($30.00) annual renewal fee. The fees for outdoor advertising structures, as set forth in G.S. 136-129(4) and (5) shall not exceed a one hundred twenty dollar ($120.00) two hundred forty dollar ($240.00) initial fee and fee, a sixty dollar ($60.00), seventy-five dollar ($75.00) annual renewal fee, and a two hundred forty dollar ($240.00) fee for an addendum to an existing outdoor advertising permit for (i) relocating outdoor advertising beyond the existing lot or parcel that the outdoor advertising was located on or (ii) altering or reconstructing to a changeable message sign, in accordance with G.S. 136-131.2.

... 
(c) No electrical or building permit shall be denied to an outdoor advertising sign described in G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has not been revoked, and the electrical or building permit is otherwise compliant with technical utility or building code standards."

**SECTION 10.** G.S. 136-133.1 reads as rewritten:

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

(a) The owner of an outdoor advertising sign permitted under G.S. 136-129(a)(4), G.S. 136-129(4) or G.S. 136-129(a)(5), G.S. 136-129(5) who obtains a selective vegetation removal permit, and the owner's designee, may cut, thin, prune, or remove vegetation in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4. The maximum cut or removal zone for vegetation for each sign face shall be determined as follows:

... 
(a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the request of a selective vegetation removal permittee, may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of this section along acceleration or deceleration ramps or within gores, medians, or other areas of the primary highway system so long as the view to the outdoor advertising sign will be improved and the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection (a) of this section safety of the traveling public is protected.

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

SECTION 11. G.S. 136-133.2 reads as rewritten:

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

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

(b) Notwithstanding the two-year period required in subsection (a) of this section, permits to remove vegetation may be granted for outdoor advertising locations (i) where outdoor advertising has been relocated pursuant to G.S. 136-131.2 and (ii) that otherwise comply with the requirements of this section and rules adopted by the Department in accordance with this section."

SECTION 12. G.S. 136-133.4 reads as rewritten:

"§ 136-133.4. Selective vegetation removal permits.

... 

(b) Permits are valid for a period of one year. The permittee may cut, thin, prune, or remove vegetation more than one time per year. A 48-hour notification shall be provided to the Department by the permittee before entering the right-of-way.

... 

(d) Any damage to vegetation designated to remain at the site, to highway fences, signs, paved areas, or other facilities shall be repaired or replaced by the permittee to the condition prior to the occurrence of the damage caused by the permittee or the permittee's agent. All trimmings, laps, and debris shall be removed from the right-of-way and disposed of in areas provided by the Department. No burning or burying of trimmings, laps, or debris shall be permitted on the highway right-of-way. When chipping is used to dispose of trimmings, cut vegetation, chips may be neatly spread on a right-of-way at locations which the Department determines will not be harmful to the environment or affect traffic safety.

..."

SECTION 13. G.S. 136-133.5 reads as rewritten:

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

... 

(d) Except for relocations authorized under G.S. 136-131.2, the Department shall not issue permits for new outdoor advertising signs at a sign location where existing trees, if they were to reach the average mature size for that species, would make the proposed sign faces, when erected, not completely visible from the viewing zone. "Existing trees" are those trees that at the time of the permit application are four inches or greater in diameter as measured six inches from the ground. "Viewing zone" means the area which is 500 feet as measured along the edge of the main travel way of the controlled route on each side of the proposed sign structure which will have a sign face.
An outdoor advertising permit requested pursuant to G.S. 136-129(a)(4) shall not be issued to a location if the zoning to commercial or industrial zones was adopted within one year prior to the filing of the permit application and is not part of comprehensive zoning or constitutes spot zoning, which, for purposes of this subsection, shall be defined as zoning designed primarily for the purpose of permitting outdoor advertising signs and in an area which would not normally permit outdoor advertising. Zoning shall not be considered "primarily for the purpose of permitting outdoor advertising signs" if the zoning would permit more than one principal commercial or industrial use, other than outdoor advertising, and the size of the land being zoned can practically support any one of the commercial or industrial uses.

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

SECTION 14. G.S. 136-138 reads as rewritten:

§ 136-138. Agreements with United States authorized.

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

SECTION 15. Article 11 of Chapter 136 of the General Statutes is amended by 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 16. G.S. 153A-143 reads as rewritten:

§ 153A-143. Regulation of outdoor advertising.
(d) No county may enact or amend an ordinance of general applicability to cause or require 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, and permits authorized by quasi-judicial proceedings.

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

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

(2) The listed property tax value of the property and any documents regarding value submitted to the taxing authority in accordance with G.S. 136-131.

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

…

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

(n) Except as specifically provided otherwise in this section, the provisions of this section shall not be used to interpret, construe, alter, or otherwise modify (i) the exercise of the power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General Statutes or (ii) the rights of outdoor advertising set forth in Article 11 of Chapter 136 of the General Statutes. The standards set forth in G.S. 136-131 shall apply to any county that causes the removal of outdoor advertising through exercise of its power of eminent domain.
SECTION 17. G.S. 160A-199 reads as rewritten:

§ 160A-199. Regulation of outdoor advertising.

(d) No city may enact or amend an ordinance of general applicability to cause or require 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 city and the owner of the nonconforming off-premises outdoor advertising enter into a relocation agreement pursuant to subsection (g) of this section.

(2) The city 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 opening, widening, extending or improving streets or sidewalks, or for establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311, and the city 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 city 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, and permits authorized by quasi-judicial proceedings.

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

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

(2) The listed property tax value of the property and any documents regarding value submitted to the taxing authority in accordance with G.S. 136-131.

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

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

SECTION 18. Notwithstanding any provision of Article 2A of Chapter 150B of
the General Statutes, no later than 12 months after the effective date of this act, the Department
of Transportation shall adopt rules to implement the provisions of this act. The Department of
Transportation shall use the following procedure to adopt rules to implement the provisions of
this act:

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

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

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

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

A rule adopted in accordance with this section becomes effective on the first day of
the month following the month the Department of Transportation adopts the rule and submits
the rule to the Codifier of Rules for entry into the North Carolina Administrative Code. Any
rule adopted more than 12 months after the effective date of this act shall comply with the
requirement of Article 2A of Chapter 150B of the General Statutes.

SECTION 19. If any provision of this act or its application is held invalid, the
invalidity does not affect other provisions or applications of this act that can be given effect
without the invalid provisions or applications and to this end the provisions of this act are
severable.

SECTION 20. Sections 1 and 12 of this act are effective when this act becomes
law, and apply to applications for permits received on or after that date. Section 7 of this act is
effective when this act becomes law, and applies to determinations of just compensation made
on or after that date. Section 9 of this act is effective when this act becomes law and applies to
appeals filed on or after that date. Section 14 of this act is effective when this act becomes law
and applies to changes to the agreement made on or after that date. Sections 16 and 17 of this
act are effective when this act becomes law and apply to outdoor advertising that has not been
removed as of that date. The remainder of this act is effective when this act becomes law.