

1 19A NCAC 02E .0201 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0201 DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL**

4 In addition to the definitions set forth in G.S. 136-128, 136-28 of Article 11 of North Carolina General Statutes, also
5 known as the Outdoor Advertising Act, the following definitions shall apply for purposes of ~~outdoor advertising~~
6 ~~control; the Rules of this Section: A sign that is not being maintained as required by the rules in this Section. The~~
7 ~~absence of a valid lease is one indication of an abandoned sign. An outdoor advertising sign structure shall be~~
8 ~~considered to be abandoned if for a period of 12 months the sign has been without a message, contains obsolete~~
9 ~~advertising matter, or is significantly damaged or dilapidated.~~

10 (1) Abandoned Sign: An outdoor advertising sign structure shall be considered abandoned if it meets
11 one of the following criteria:

12 (a) is not maintained in accordance with the Rules of this Section;

13 (b) does not have a lease; or

14 (c) is without a message, contains out-of-date advertising matter, or is significantly damaged
15 for a period of 12 months.

16 (2) Automatic Changeable Facing Sign: A sign, display, or device ~~which~~ that changes the message or
17 copy on the sign facing electronically by digital means or movement or rotation of panels or slats.
18 ~~slats, [or by digital means.]~~

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

21 (4) Comprehensive Zoning: Zoning by local zoning authorities of each parcel of land under the
22 jurisdiction of the local zoning authority placed in a zoning classification pursuant to a
23 comprehensive plan, or reserved for future classification. [classification;] A comprehensive plan
24 means a development plan that guides decisions of the local zoning authority relating to zoning and
25 the growth and development of the area. Even if comprehensively enacted, the following criteria
26 shall determine whether a zoning is enacted to permit outdoor advertising:

27 (a) the zoning classification provides for commercial or industrial activity only incidental to
28 other primary land uses; A comprehensive plan means a development plan which [that]
29 guides decisions by the local zoning authority relating to zoning and the growth and
30 development of the area. [area;]

31 (b) the commercial or industrial activities are permitted only by variance or special exceptions;
32 or Even if comprehensively enacted, the following criteria shall determine whether such a
33 zoning is enacted primarily to permit outdoor advertising:

34 (i) The [the] zoning classification provides for limited commercial or industrial
35 activity only incidental to other primary land uses;

36 (ii) The [the] commercial or industrial activities are permitted only by variance or
37 special exceptions; or

1 ~~(iii) The the zoning constitutes spot or strip zoning. "Spot [~~spot~~] zoning" or "strip~~
2 ~~zoning" is zoning designed primarily for the purpose of permitting outdoor~~
3 ~~advertising signs in an area which [~~that~~] would not normally [~~otherwise~~] permit~~
4 ~~outdoor advertising.~~

5 (c) the zoning constitutes spot or strip zoning. "Spot zoning" or "strip zoning" is zoning
6 designed primarily for the purpose of permitting outdoor advertising signs in an area that
7 would not otherwise permit outdoor advertising.

- 8 (5) Conforming Sign: A sign legally erected in a zoned or unzoned commercial or industrial area ~~which~~
9 ~~that~~ meets all ~~current legal requirements~~ for of the Rules of this Section and Article 11 of Chapter
10 36 of NC General Statutes ~~[G.S. 136-11]~~ for erecting a new sign at that site.
- 11 (6) Controlled Access Highway: A highway on which entrance and exit accesses are ~~permitted~~ allowed
12 only at designated points.
- 13 (7) Controlled Route: Any interstate or federal-aid primary highway as it existed on June 1, 1991, and
14 any highway ~~which~~ that is or becomes a part of the National Highway System (NHS).
- 15 (8) Destroyed Sign: A sign ~~that has sustained damage by more than 50 percent~~ of damage ~~as~~
16 ~~determined by the criteria set forth in~~ [19A NCAC 02E] Rule .0225(f) of this Section ~~by factors~~
17 ~~other than tortious or criminal acts, including vandalism, no longer in existence due to factors other~~
18 ~~than vandalism or other criminal or tortious acts.~~ An example of a destroyed sign includes a sign
19 ~~damaged which has been blown down by the wind~~ wind, and sustains damage in excess of 50 percent
20 ~~as determined by the criteria in 19A NCAC 02E .0225(f).~~
- 21 (9) Dilapidated Sign: A sign ~~which is shabby, neglected, or in disrepair, or which~~ that fails to be in the
22 same form as originally constructed, or ~~which~~ that fails to perform its intended function of
23 conveying a message. Characteristics of a dilapidated sign ~~include, but are not limited to,~~ include
24 structural support failure, a sign not supported as originally constructed, panels or borders missing
25 or falling off, intended messages cannot be interpreted by the motoring public, or a sign ~~which~~ that
26 is blocked by overgrown vegetation outside the highway right of way.
- 27 (10) Directional Sign: A sign ~~which~~ that contains ~~directional~~ navigation information about public
28 places owned or operated by federal, ~~state,~~ State, or local governments or their agencies; publicly
29 or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites;
30 and areas of natural scenic beauty or naturally suited for outdoor ~~recreation,~~ deemed to be in the
31 ~~interest of the traveling public, recreation.~~ Directional and other official signs and notices ~~include,~~
32 ~~but are not limited to,~~ [include] public utility signs, service club and religious notices, or public
33 service signs. For purposes of this definition, the following shall apply:
- 34 (a) Public Service Sign: A sign located on a school bus stop shelter ~~which~~ that meets all the
35 following requirements:
- 36 (i) identifies the donor, sponsor or contributor of ~~said~~ a shelter;

- 1 (ii) is located on a school bus shelter ~~which~~ that is authorized or approved by city,
2 county, or state law, regulation, or ordinance, and at places approved by the city,
3 county, or state agency controlling the highway involved;
- 4 (iii) contains only safety slogans ~~or messages which~~ that shall occupy not less than 60
5 percent of the area of the sign;
- 6 (iv) does not exceed 32 square feet in area; and
- 7 (v) contains not more than one sign facing in any one direction.
- 8 (b) Public Utility Sign: A warning sign, informational sign, notice or other marker ~~customarily~~
9 erected and maintained by publicly or privately owned ~~utilities, which are essential to their~~
10 ~~operations, utilities.~~
- 11 (c) Service Club and Religious Notices: Any sign or notice ~~authorized by law which~~ that
12 relates to meetings of nonprofit service clubs, charitable associations, or religious services.
13 These signs shall not exceed eight square feet in area.
- 14 (11) Discontinued Sign: A sign no longer in existence. A discontinued sign includes a sign of which
15 any part of a sign face is missing more than 180 days. In some cases, a sign may be both
16 discontinued and dilapidated.
- 17 (12) ~~Fully Controlled Access Highway: Freeway:~~ Fully Controlled Access Highway: A divided ~~arterial~~ highway for through traffic ~~with full~~
18 ~~control of access, that persons, including the owners or occupants of abutting lands have no right of~~
19 ~~access except at the points and in the manner determined by the Department of Transportation.~~
- 20 (13) Highway: A highway that is designated as a part of the interstate or federal-aid primary highway
21 system as of June 1, 1991, or any highway which is or becomes a part of the National Highway
22 System. A highway shall be a part of the National Highway System on the date the location of the
23 highway has been approved ~~finally~~ by the appropriate federal authorities.
- 24 (14) Lease: ~~An agreement, in writing, agreement~~ by which possession or use of land or interests therein
25 is given for a specified purpose and period of time, and which is a ~~valid~~ contract under North
26 Carolina laws.
- 27 (15) Main Traveled Way or Traveled Way: Part of a highway on which through traffic is carried,
28 exclusive of paved shoulders. In the case of a divided highway, the traveled way of each of the
29 separated roadways for traffic in opposite directions is a traveled way. It does not include frontage
30 roads, turning roadways, or parking areas.
- 31 (16) Nonconforming Sign: A non-conforming sign sign, as defined in G.S. 136-128 (2a), shall include
32 ~~which was lawfully erected but which does not comply with the provisions of State law or rules~~
33 ~~passed at a later date or which later fails to comply with State law or rules due to changed conditions.~~
34 ~~[Also includes]~~ a sign legally erected prior to the effective date of the Outdoor Advertising Control
35 Act or prior to the addition of a route to the interstate or federal-aid primary system or National
36 Highway System in a zoned or unzoned commercial or industrial area ~~[which]~~ that does not meet
37 all current standards for erecting a new sign at that site. For purposes of the outdoor advertising

1 ~~rules, nonconforming signs also include those signs which have become nonconforming pursuant~~
2 ~~to 19A NCAC 02E .1002(d) on scenic byways which were part of the interstate or federal aid~~
3 ~~primary highway system as of June 1, 1991, or which are or become a part of the National Highway~~
4 ~~System.~~

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

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

17 (a) ~~Tracts tracts~~ of land separated by a federal, ~~state, State~~, city, or public access maintained
18 road;

19 (b) ~~Tracts tracts~~ of land not under common ownership; or

20 (c) ~~Tracts tracts~~ of land held in different estates or interests.

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

23 (20) Permit Holder: A permit holder ~~shall be is~~ the sign owner, and for purposes of the rules in this
24 Section the terms and definitions shall be interchangeable, unless the Department of Transportation,
25 through the appropriate district office, has been notified in writing that the permit holder is a person
26 or entity other than the actual owner of the sign. ~~In this case, the actual sign owner's owner and the~~
27 ~~entity whose name,~~ name is on the approved outdoor advertising permit application as "Permit
28 ~~Holder/Sign Owner".~~Holder or Sign Owner", mailing address, and telephone number must be
29 declared.

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

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

- 1 (23) Scenic Byway: A scenic ~~highway byway~~ or scenic byway designated by the Board of
2 Transportation, regardless of whether the route so designated was part of the interstate or federal-
3 aid primary highway system as of June 1, 1991, or any highway ~~which that~~ is or becomes a part of
4 the National Highway System.
- 5 (24) Sign: Any outdoor sign, sign structure, display, light, device, figure, painting, drawing, message,
6 placard, poster, billboard, or other object which is designed, intended, or used to advertise or inform.
7 A sign includes any of the parts or material of the structure, such as beams, poles, posts, and
8 stringers, the only eventual purpose of which is to ultimately display a message or other information
9 for public view. For purposes of these rules, the term "sign" and its definition shall be
10 interchangeable with the following terms: outdoor advertising, outdoor advertising sign, outdoor
11 advertising structure, outdoor advertising sign structure, sign structure, and structure.
- 12 ~~(25) Sign Conforming by Virtue of the "Grandfather Clause:" A sign legally erected prior to the effective~~
13 ~~date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or~~
14 ~~federal aid primary system or NHS in a zoned or unzoned commercial or industrial area which does~~
15 ~~not meet all current standards for erecting a new sign at that site.~~
- 16 ~~(26)(25) Sign Face: The part of the sign, including trim and background, which that contains the message~~
17 ~~or informative contents. For purposes of measuring the maximum area or height of a sign,~~
18 ~~embellishments or extended advertising shall be excluded.~~
- 19 ~~(27)(26) Sign Location/Site: Sign Location: A sign location or site for purposes of these rules shall be is~~
20 ~~measured to the closest 1/100th of a mile, in conformance with Department of Transportation~~
21 ~~methods of measurement for all state roads. the latitude and longitude as determined by recreational~~
22 ~~grade global position system (GPS) equipment. The location or site shall be determined and listed~~
23 ~~on each outdoor advertising permit application by DOT personnel.~~
- 24 ~~(28)(27) Sign Owner: A sign owner shall be is the owner of the physical sign structure, permit holder of~~
25 ~~record, and for purposes of the rules in this Section the terms and definitions shall be~~
26 ~~interchangeable, unless the Department of Transportation, through the appropriate district office,~~
27 ~~has been notified in writing that the sign owner is a person or entity other than the actual holder of~~
28 ~~the permit. In this case, the actual sign owner's name, mailing address, and telephone number must~~
29 ~~be declared.~~
- 30 ~~(29)(28) Significantly Damaged Sign: A sign which that has been damaged or partially destroyed due to~~
31 ~~factors other than vandalism or other criminal or tortious acts to such extent that the damage to the~~
32 ~~sign is greater than fifty 50 percent as determined by the criteria in 19A NCAC 02E .0225(f).Rule~~
33 ~~.0225(f) of this Section. [.0225(d).]~~
- 34 ~~(30)(29) Unzoned Commercial or Industrial Area: An area which that is not zoned by state State or local~~
35 ~~law, regulation, or ordinance, and which that is within 660 feet of the nearest edge of the right of~~
36 ~~way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial~~

1 or industrial activity that meets all requirements specified in 19A NCAC 02E .0203(5)-Rule .0203(5)
2 of this Section.

3 (31) ~~(30)~~ Zoned Commercial or Industrial Area: An area ~~which~~ that is zoned for business, industry,
4 commerce, or trade pursuant to a state State or local zoning ordinance or regulation. Local zoning
5 action ~~must shall~~ be taken pursuant to the state's zoning enabling statute or constitutional ~~authority~~
6 ~~in accordance therewith~~ authority. Zoning ~~which~~ that is not part of comprehensive zoning or ~~which~~
7 that is created ~~primarily~~ to permit outdoor advertising structures shall not be recognized as valid
8 zoning for purposes of the Outdoor Advertising Control Act and the rules promulgated thereunder,
9 unless the land is developed for commercial or industrial activity as defined ~~under~~ in Rule .0203(5)
10 of this Section. [accordance with] 19A NCAC 02E .0203(5).

11
12 *History Note:* Authority G.S. ~~136-11;~~ 136-130;
13 *Eff. July 1, 1978;*
14 *Amended Eff. August 1, 2000; December 1, 1993; March 1, 1993; December 1, 1990; January 1,*
15 *1984.1984;*
16 *Readopted Eff. November 1, 2020.*
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1 19A NCAC 02E .0202 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0202 AGREEMENT**

4 ~~(a)~~—The Department of Transportation has entered into an agreement with the United States Department of
5 Transportation relating to the control of outdoor advertising in areas adjacent to the interstate and federal-aid primary
6 highway systems or NHS in accordance with Section 131~~(b)~~, and Section 104~~(b)~~ of Title 23 of the United States Code
7 and Part 750 of Title 23 of the Code of Federal Regulations. To the extent that these federal regulations and subsequent
8 amendments and editions are more restrictive than North Carolina Department of Transportation rules, these federal
9 regulations **control and** are expressly incorporated by reference as part of this section. **A copy of this agreement may**
10 **be obtained from the Office of the Chief ~~Engineer.~~ Engineer free of charge.** Copies of Title 23 of the **United States**
11 **Code of Federal Regulations** are available at the following website: **<https://www.ecfr.gov>** **[https://www.ecfr.gov/cgi-](https://www.ecfr.gov/cgi-bin/textidx?SID=f078583e8085ae794e5274e0ebf58e7&mc=true&node=sp23.1.750.g&rgn=div6)**
12 **[bin/textidx?SID=f078583e8085ae794e5274e0ebf58e7&mc=true&node=sp23.1.750.g&rgn=div6](https://www.ecfr.gov/cgi-bin/textidx?SID=f078583e8085ae794e5274e0ebf58e7&mc=true&node=sp23.1.750.g&rgn=div6)**. Copies of Title 23
13 **of the United States Code are available at the following website:**
14 **<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section131&num=0&edition=prelim>** from
15 the Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328. The Code of Federal Regulations,
16 Title 23, is available from the same address.

17 ~~(b) A copy of this agreement is on permanent file in the Office of the Chief Engineer.~~

18
19 *History Note: Authority G.S. 136-138; 143B-350(f); 150B-21.6;*
20 *Eff. July 1, 1978;*
21 *Amended Eff. December 1, 2012; August 1, 2000; November 1, 1993; December 1, 1990; June 15,*
22 *1981, 1981;*
23 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0203 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0203 OUTDOOR ADVERTISING ON CONTROLLED ROUTES**

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

10 (1) Configuration and Size of Signs: Signs shall be configured and sized as follows:

11 (a) ~~The the~~ maximum area for any one sign shall be 1,200 square feet with a maximum height
12 of 30 feet and maximum length of 60 ~~feet.~~ feet, inclusive of All measurements shall include
13 any border and ~~trim~~ trim, but ~~excluding~~ shall exclude the base or apron, embellishments,
14 ~~extended~~ embellished advertising space, supports, and other structural ~~members.~~
15 members;

16 (b) ~~The area shall be calculated by measuring the outside dimensions of face, excluding any~~
17 ~~apron, embellishments, or extended advertising space.~~

18 (c) ~~The the~~ maximum size limitations shall apply to each side of a sign ~~structure;~~ structure.
19 ~~The signs~~ Signs may be placed back-to-back, [side-by-side;]side-to-side, or in V-type
20 construction with ~~not no~~ more than two displays to each ~~facing, and such sign structure~~
21 facing shall be considered as one sign. The maximum size limitations shall apply to each
22 facing of a sign [structure.]structure:

23 (d) ~~Side-by-side~~ Side-by-side signs shall be structurally tied together to be considered as one
24 sign ~~structure.~~ structure.

25 (e) ~~V-type~~ V-type and back-to-back signs shall not be considered as one sign if located more
26 than 15 feet apart at their nearest ~~points.~~ points;

27 (f) ~~The the~~ height of any portion of the sign structure, excluding cutouts or embellishments,
28 as measured vertically from the adjacent edge of pavement of the main traveled way shall
29 not exceed 50 ~~feet.~~ feet; and

30 (g) ~~Double-decking~~ Double-decking of sign faces so that one is on top of the other is
31 prohibited.

32 (2) Spacing of Signs: Signs shall be spaced as follows:

33 (a) Signs ~~may~~ shall not be located in a manner to obscure, or otherwise physically interfere
34 with the effectiveness of any ~~official~~ traffic sign, signal, or device, or to obstruct or
35 physically interfere with ~~the a~~ driver's view of approaching, merging, or intersecting ~~traffic.~~
36 traffic;

37 (b) Controlled Routes with Fully Controlled Access: ~~Access (Freeways):~~

- 1 (i) ~~No~~ No two structures shall be spaced less than 500 feet ~~apart.~~ apart. ~~and~~
- 2 (ii) ~~Outside~~ Outside the corporate limits of towns and cities, no structure may be
- 3 located within 500 feet of an interchange, collector distributor, ~~intersection at~~
- 4 ~~grade,~~ safety rest area or information center regardless of whether the main
- 5 traveled way is within or outside the town or city limits. The 500 feet spacing
- 6 shall be measured from the point at which the pavement widens for a ramp and
- 7 the direction of measurement shall be along the edge of pavement away from the
- 8 interchange, collector distributor, ~~intersection at grade,~~ safety rest area or
- 9 information center. In those interchanges where a quadrant does not have a ramp,
- 10 the 500 feet for the quadrant without a ramp shall be measured along the outside
- 11 edge of main traveled way for ~~freeways~~ highways as follows:
- 12 (A) ~~Where a route is bridged over a freeway the 500 foot measurement shall~~
- 13 ~~begin on the outside edge of pavement of the freeway at a point directly~~
- 14 ~~below the edge of the bridge. The direction of measurement shall be~~
- 15 ~~along the edge of pavement away from the interchange.~~
- 16 (A)(iii) Where a route is bridged over a fully controlled access highway, the 500
- 17 foot measurement shall begin on the outside edge of pavement of the
- 18 fully controlled access highway at a point below the edge of the bridge.
- 19 The direction of measurement shall be along the edge of pavement away
- 20 from the interchange;
- 21 (B) ~~Where a freeway is bridged over another route, the 500 foot~~
- 22 ~~measurement shall be made from the end of the bridge in the quadrant.~~
- 23 ~~The direction of measurement shall be along the edge of main traveled~~
- 24 ~~way away from the bridge.~~
- 25 (B)(iv) Where a fully controlled access highway is bridged over another route,
- 26 the 500 foot measurement shall be made from the end of the bridge in
- 27 the quadrant. The direction of measurement shall be along the edge of
- 28 main traveled way away from the bridge; and
- 29 (C) ~~Where the routes involved are both freeways, measurements on both~~
- 30 ~~routes shall be made according to (A) or (B) of this Subitem, whichever~~
- 31 ~~applies.~~
- 32 ~~Should there be a situation where there is more than one point at which~~
- 33 ~~the pavement widens along each road within a quadrant, the~~
- 34 ~~measurement shall be made from the pavement widening which is~~
- 35 ~~farthest from the intersecting roadways.~~
- 36 (C)(v) Where the routes involved are both fully controlled access highways,
- 37 measurements on both routes shall be made according to (A) or (B)(iii)

~~or (ii)]~~ of this Subitem, whichever applies. Should there be a situation where there is more than one point at which the pavement widens along each road within a quadrant, the measurement shall be made from the pavement widening which is farthest from the intersecting roadways.

(c) Controlled Routes Without Fully Controlled Access:

(i) ~~Outside~~ outside of incorporated towns and ~~cities~~ cities no two structures shall be spaced less than 300 feet ~~apart~~ apart; and

(ii) ~~Within~~ within incorporated towns and ~~cities~~ cities no two structures shall be spaced less than 100 feet apart.

(d) ~~The foregoing provisions for the spacing of signs does~~ rules of this section regarding spacing between sign structures shall not apply to structures separated by buildings or other obstructions ~~where in such a manner that~~ only one sign facing located within the ~~above~~ spacing distances ~~set forth in the Rules of this Section~~ is visible from the highway at any one time; time;

(e) Official signs, and "on-premise" on-premise signs, ~~as permitted under the provisions of G.S. 136-129(1), (2), (2a) and (3), and or~~ structures that are not lawfully maintained shall not be ~~included~~ included, nor shall measurements be made from them for purposes of determining compliance with spacing ~~requirements~~ requirements; and

(f) The minimum distance between structures shall be measured along the nearest edge of the main traveled way between points ~~directly~~ opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highways.

(3) ~~Lighting of Signs; Restrictions:~~ Signs shall meet the following lighting requirements:

(a) ~~Signs which~~ No sign shall contain, include, or ~~are~~ be illuminated by any flashing, intermittent, or moving light or ~~lights~~ lights, including animated or scrolling ~~advertising, are prohibited, unless expressly advertising except as allowed under by~~ Item 4, (4) of this Rule ~~rule except those or it is giving public service information~~ information, such as time, date, temperature, or ~~weather;~~ weather; weather, or similar information.

(b) ~~Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the controlled routes and which are of such~~ No light emitted or reflected off of a sign shall be of an intensity or brilliance as to cause glare or to impair the vision of ~~a the driver of any motor vehicle, driver,~~ or which otherwise interfere with the operation of a motor ~~vehicle are prohibited.~~ vehicle; vehicle;

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an ~~official~~ official traffic sign, device, or signal. ~~signal;~~ signal; and

(d) All ~~such sign~~ lighting shall be subject to any other provisions relating to lighting of signs ~~presently~~ applicable to all highways under the jurisdiction of the state. ~~state; and~~ State, including G.S. 136-32.2.

1 ~~(e) Lighting shall not be added to or used to illuminate nonconforming signs or signs~~
2 ~~conforming by virtue of the grandfather clause.~~

3 (4) ~~Automatic Changeable Facing Sign:~~changeable facing signs shall meet the following requirements:

4 ~~(a) Automatic changeable facing signs shall be permitted on the controlled routes under the~~
5 ~~following conditions:~~

6 ~~(a)(i) The~~the sign does not contain or display flashing, intermittent, or moving lights, including
7 animated or scrolling advertising;

8 ~~(b)(i)(ii) The~~the changeable facing remains in a fixed position for at least eight seconds;

9 ~~(c)(iii) If~~if a message is changed electronically, it must be accomplished within an interval of two
10 seconds or less;

11 ~~(d)(iv) The~~the sign is not placed within 1,000 feet of another automatic changeable facing sign
12 on the same side of the highway;

13 ~~(e)(v) The~~the 1000-foot distance shall be is measured along the nearest edge of the pavement
14 and between points directly opposite the signs along each side of the highway;

15 ~~(f)(vi) A~~a legally conforming structure may be modified to an automatic changeable facing
16 ~~structure as set forth in .0225 of this Section. upon compliance with these standards and~~
17 ~~approval by the Department. [An application for an outdoor advertising alteration permit~~

18 ~~shall be made on NCDOT form OA 1A, obtained at any District Office on the NCDOT~~
19 ~~website.] Nonconforming or grandfathered structures shall not be modified to an automatic~~
20 changeable ~~facing; facing:~~

21 ~~(g)(vii) The~~the sign must contain a default design that will freeze the sign in one position if a
22 malfunction occurs; and

23 ~~(h)(viii) The~~the sign application meets all ~~other~~ permitting requirements, ~~requirements as set forth~~
24 ~~in .0206 of this Section.~~

25 ~~(b) The outdoor advertising permit shall be revoked for failure to comply with this Item.~~

26 (5) ~~Unzoned Commercial or Industrial Area Qualification for Signs:~~commercial or industrial area
27 ~~qualification for signs shall meet the following requirements:~~

28 (a) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising
29 control, one or more commercial or industrial activities shall meet all of the following
30 criteria prior to submitting an outdoor advertising permit application:

31 (i) The activity shall maintain all necessary business licenses as may be required by
32 applicable state, ~~county-county,~~ or local law or ordinances;

33 (ii) The property used for the activity shall be listed for ad valorem taxes with the
34 county and municipal taxing authorities as required by law;

35 (iii) The activity shall be connected to ~~basic utilities-utilities,~~ including ~~but not limited~~
36 ~~to~~ power, telephone, water, and sewer, or septic service;

- 1 (iv) The activity shall have ~~direct or indirect~~ vehicular access and ~~be a generator of~~
2 ~~vehicular traffic; generate traffic;~~
- 3 (v) The activity shall have a building designed with a permanent foundation, built or
4 modified for its current commercial or industrial use, and the building must be
5 located within 660 feet from the nearest edge of the right of way of the controlled
6 route. Where a mobile home or recreational vehicle is used as a business or office,
7 the following conditions and requirements also apply;
- 8 (A) ~~The the~~ mobile home unit or recreational vehicle shall meet the North
9 Carolina State Building Code criteria for commercial or business
10 ~~use-use;~~
- 11 (B) ~~A a~~ self-propelled vehicle shall not qualify for use as a business or office
12 for the purpose of these ~~rules-rules;~~
- 13 (C) ~~All all~~ wheels, axles, and springs shall be ~~removed-removed;~~
- 14 (D) ~~The the~~ unit shall be permanently secured on piers, pad, or
15 ~~foundation-foundation; and~~
- 16 (E) ~~The the~~ unit shall be tied down in accordance with local, state, or county
17 ~~requirements-requirements.~~
- 18 (vi) The commercial or industrial activity must be in ~~active~~-operation a minimum of
19 six months prior to the date of submitting an application for an outdoor advertising
20 permit;
- 21 (vii) The activity shall be open to the public during hours ~~that are normal and~~
22 ~~customary~~ for that type of activity, ~~activity in the same or similar communities~~
23 ~~[communities,]~~ but not less than 20 hours per week;
- 24 (viii) One or more employees shall be available to serve customers whenever the
25 activity is open to the public; and
- 26 (ix) The activity shall be visible and recognizable as commercial or industrial from
27 the main ~~traveled-travel~~ way ~~of the controlled route.~~ ~~An activity is visible when~~
28 ~~that portion on which the permanent building designed, built, or modified for its~~
29 ~~current commercial use can be clearly seen twelve months a year by a person of~~
30 ~~normal visual acuity while traveling in a vehicle traveling at the posted speed on~~
31 ~~the main traveled way of the controlled route for 12 months of a year.~~ ~~adjacent to~~
32 ~~the activity.~~ ~~An activity is recognizable as commercial or industrial when its~~
33 ~~visibility from the main traveled way of the controlled route is sufficient for the~~
34 ~~activity to be identified as commercial or industrial.~~
- 35 (b) Each side of the controlled route shall be considered separately. All measurements shall
36 begin from the outer edges of ~~buildings where business is~~ ~~conducted including~~
37 ~~conducted.] regularly used buildings, parking lots, storage or processing areas of the~~

1 commercial or industrial activity, not from the property line of the activity and shall be
2 along the nearest edge of the main traveled way of the controlled route.

3 (c) The proposed sign location must be within 600 feet of the activity.

4 (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor
5 advertising control, none of the following activities shall be recognized:

6 (i) ~~Outdoor~~ outdoor advertising structures;

7 (ii) ~~On-premise~~ on-premise or on-property signs defined by Rule .0201(18) of this
8 Section if the ~~on-premise/on-property~~ on-premise sign is the only part of the
9 commercial or industrial activity that is visible from the main-traveled way;

10 (iii) ~~Agricultural,~~ agricultural, forestry, ranching, grazing, farming, and related
11 activities, ~~including, but not limited to~~ including temporary wayside fresh
12 produce stands;

13 (iv) ~~Transient~~ transient or temporary activities;

14 (v) ~~Activities not visible and recognizable as commercial or industrial from the traffic~~
15 ~~lanes of the main traveled way;~~

16 (vi)(v) ~~Activities~~ activities more than 660 feet from the nearest edge of the right of way;

17 (vii)(vi) ~~Activities~~ activities conducted in a building ~~principally~~ used as a residence;

18 (viii)(vii) ~~Railroad~~ railroad tracks and minor sidings;

19 (ix)(viii) ~~Any~~ any outdoor advertising activity or any other business or commercial activity
20 carried on in connection with an outdoor advertising activity; and

21 (x)(ix) ~~Illegal~~ illegal junkyards, as defined in G.S. 136-146, and nonconforming
22 junkyards as set out in G.S. ~~136-147;~~ 136-147.

23
24 *History Note: Authority G.S. 136-130;*

25 *Eff. July 1, 1978;*

26 *Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; November 1, 1988, 1988;*

27 *Readopted Eff. November 1, 2020.*
28

1 19A NCAC 02E .0204 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0204 LOCAL ZONING AUTHORITIES**

4 (a) Local zoning authorities may request from the Chief Engineer control of ~~certify [submit] to the Board of~~
5 ~~Transportation when they have established effective control within zoned commercial and industrial areas, through~~
6 ~~regulations or ordinances with respect to~~ size, lighting and spacing of outdoor advertising signs in commercial and
7 industrial zones in accordance with 23 CFR 750.706(c) when they have established effective control within
8 commercial and industrial zones, through regulations or ordinances with respect to size, lighting and spacing of
9 outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965, Section 131 of Title
10 23 of the United States Code, and with customary use. ~~Upon authorization from the Chief Engineer to the local zoning~~
11 ~~authority, the size, lighting and spacing requirements set forth in G.S. 136 Articles 11 and 11A or 19A NCAC 02E~~
12 ~~.0200, will not apply to those areas and the local zoning authority shall be authorized to issue permits for the erection~~
13 ~~and maintenance of outdoor advertising signs.~~

14 (b) Upon authorization from the Chief Engineer to the local zoning authority, the size, lighting and spacing
15 requirements set forth in this Section shall not apply to those areas and the local zoning authority shall be authorized
16 to issue permits for the erection and maintenance of outdoor advertising signs.

17 (c) The Chief Engineer shall notify the Federal Highway Administration in writing of those zoning jurisdictions
18 wherein local control applies.

19 (d) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas
20 to commercial and industrial zones.

21
22 *History Note: Authority G.S. 136-130;*
23 *Eff. July 1, 1978;*
24 *Amended Eff. December 1, 2012; November 1, ~~1993~~1993;*
25 *Readopted Eff. November 1, 2020.*
26

1 19A NCAC 02E .0206 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0206 APPLICATIONS**

4 (a) An application for an outdoor advertising permit shall be made on NCDOT form OA-1, which may be obtained at any
5 District Office or the NCDOT website at www.ncdot.gov. Upon completion, the application shall be submitted to the
6 district office for the district where the proposed site is located. ~~The application~~ Applications shall ~~be submitted by~~
7 Certified Mail ~~and~~ include the following ~~attachments:~~ information:

- 8 (1) ~~The applicant's contact information;~~ A [a]written lease or written proof of interest in the land where a
9 sign is proposed to be constructed. An applicant may delete/redact information pertaining to term and
10 amount of lease;
- 11 (2) a notarized statement from the property owner and adjacent property owners if the sign can only be
12 accessed from the adjacent property providing the right of entry allowing DOT personnel to enter upon
13 property when necessary for the enforcement of the Outdoor Advertising Control Act or these rules; ~~A~~
14 ~~[a]right of entry form to provide the right of entry from the property owner or adjacent property owners~~
15 ~~to allow DOT personnel to enter upon property when necessary for the enforcement of the Outdoor~~
16 ~~Advertising Control Act or these rules;~~
- 17 (3) Configuration and description of sign structure; and ~~If [if]zoned, a written statement from the local~~
18 zoning authority indicating the present zoning of the parcel and its effective date. Upon request of the
19 district engineer, [District Engineer's Office]the applicant shall submit copies of minutes from the
20 appropriate zoning authority pertinent to the zoning action;
- 21 (4) The applicant's signature. ~~If [if]the area is an unzoned commercial or industrial area, a copy of the~~
22 documentation confirming that the requirements under 19A NCAC 02E[Rule].0203(5)(a)(i) and (ii)
23 of this Section]have been met;
- 24 (5) ~~A [a]sign permit of [or]zoning permit, if required by the local government having jurisdiction over the~~
25 proposed location;
- 26 (6) ~~A [a]written certification from the sign owner [permit applicant]indicating there has been no~~
27 misrepresentation of any material facts regarding the permit application, or other information supplied
28 to acquire a permit; and
- 29 (7) ~~The [the]initial nonrefundable permit fee.~~

30 (b) The application shall include the following attachments:

- 31 (1.) a written lease or written proof of interest in the land where a sign is proposed to be constructed. An
32 applicant may redact information pertaining to term and amount of lease; (2.) a right of entry form to
33 provide the right of entry from the property owner or adjacent property owners to allow DOT personnel
34 to enter upon property when necessary for the enforcement of the Outdoor Advertising Control Act or
35 these rules;

1 (2.) a right of entry form to provide the right of entry from the property owner or adjacent property owners
2 to allow DOT personnel to enter upon property when necessary for the enforcement of the Outdoor
3 Advertising Control Act of these rules;

4 (3.) if zoned, a written statement from the local zoning authority indicating the present zoning of
5 the parcel and its effective date. Upon request of the District Engineer's Office the applicant
6 shall submit copies of minutes from the zoning authority pertinent to the zoning action;

7 (4.) if the area is an unzoned commercial or industrial area, a copy of the documentation confirming
8 that the requirements Rule .0203(5)(a)(i) and (ii) of this Section have been met;

9 (5.) a sign permit or zoning permit, if required by the local government having jurisdiction over the
10 proposed location;

11 (6.) a written certification from the permit applicant indicating there has been no misrepresentation
12 of any facts regarding the permit application, or other information supplied to acquire a permit;
13 and

14 (7.) the initial permit fee of \$120.00.

15 (c)(b) Any omission of ~~attachments-attachments, information,~~ or certification required in ~~this Rule Items [Subparagraphs~~
16 ~~(a)(1)](1) through (7) in this Rule may shall~~ cause the rejection ~~and return~~ of the ~~application and fee application.~~ If the
17 ~~application is incomplete, the entire application package, including application fee, shall be returned to the applicant.~~

18
19 *History Note: Authority G.S. 136-130;*
20 *Eff. July 1, 1978;*
21 *Amended Eff. August 1, 2000; November 1, 1993; December 1, 1990; June 15, 1981;*
22 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0207 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0207 FEES AND RENEWALS**

4 (a) ~~Initial and annual renewal [alteration]All applicable~~ fees shall be paid by the ~~sign owners permit holders~~ for each
5 permit ~~requested. requested in order to defer the costs of the administrative and inspection expenses incurred by the~~
6 ~~Division of Highways of the Department of Transportation in administering the permit procedures.~~

7 (b) An initial nonrefundable fee ~~of \$120 one hundred and twenty dollars (\$120.00)[as defined in G.S. 136-133]~~ per outdoor
8 advertising structure shall be submitted with each ~~new permit application, application and each alteration permit addendum,~~
9 ~~and an annual nonrefundable renewal fee of sixty dollars (\$60.00) per sign structure shall be paid by the sign owners on~~
10 ~~or before April 15 of each year to the appropriate district engineer. Sign owners must return the information required under~~
11 ~~Paragraph (c) of this Rule with their annual renewal fees.~~

12 (c) ~~An annual non-refundable renewal fee of \$60 [as defined in G.S. 136-133] per sign structure shall be paid by the permit~~
13 ~~holders on or before April 15 of each year.[year] to the local District Engineer's office.~~The Division of Highways of the
14 Department of Transportation shall send an invoice for the annual renewal fee to each sign owner/permit holder with a
15 valid permit. For a renewal to be approved, the sign owner/permit holder must submit the signed invoice along with the
16 renewal fee. If requested, the permit holder/sign owner shall provide a valid lease or other proof of interest in the land
17 where the sign is located. Failure to submit this documentation within 30 days of written request from the District
18 ~~[Engineer's office]Engineer by certified mail will subject the permit to revocation under 19A NCAC 2E .0210(4).~~

19 (d) ~~The Division of Highways of the Department of Transportation shall send an invoice for the annual renewal fee to~~
20 ~~each permit holder with a permit. For a renewal to be approved, the permit holder must submit the signed invoice along~~
21 ~~with the renewal fee. If requested, the permit holder shall provide a valid lease or other proof of interest in the land where~~
22 ~~the sign is located. Failure to submit this documentation within 30 days of written request from the District Engineer's~~
23 ~~office by certified mail shall subject the permit to revocation under 19A NCAC 2E .0210(4).~~

24
25 *History Note: Authority G.S. 136-130; 136-133;*
26 *Eff. July 1, 1978;*
27 *Amended Eff. November 1, 1993; October 1, 1991; December 1, 1990; July 1, 1986;*
28 *Temporary Amendment Eff. November 16, 1999;*
29 *Amended Eff. August 1, 2000-2000;*
30 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0208 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0208 PERMIT AND PERMIT EMBLEM**

4 (a) ~~A permit~~Permits shall be issued for signs that are in compliance with any Federal, all federal, State, or local laws
5 ~~lawful-pertaining to~~ outdoor advertising structures by the Division of Highways of the Department of Transportation upon
6 ~~proper~~ application, approval, and the payment of the nonrefundable initial permit [fee-]fee as defined in Rule .0207 of this
7 Section.

8 (b) The erection of new outdoor advertising structures shall not commence until a permit has been approved and the
9 emblem issued. ~~All construction of the~~ The outdoor advertising structure-structure, except all sign faces-faces, must shall
10 ~~be completely constructed and erected-completed~~ within 180 days ~~from the date of~~ the approval of the permit. permit and
11 ~~issuance of the emblem.~~ If the outdoor advertising ~~structure-structure, except sign faces-faces,~~ is not constructed within
12 180 days from the date of approval of the permit and issuance of the emblem then any intervening rule change shall apply
13 to the sign structure. During the 180 day period, the new outdoor advertising structure shall be considered in existence for
14 the purpose of spacing of adjacent signs as set out in Rule .0203 of the rules in this Section.

15 (c) The permit ~~holder/sign holder~~ owner shall notify the appropriate Division of Highways [District Engineer's] office as
16 provided in the permit [designated on the OA-1 form] ~~district engineer~~ by certified mail, return receipt requested, within
17 10 days after the outdoor advertising structure is ~~completed that it is ready for final inspection-completed.~~ Upon completion
18 of the construction and prior to notifying the appropriate District Engineer's Office, the permit holder shall affix the
19 following information to the outdoor advertising structure in a position as to be visible from the main-traveled way of the
20 controlled route:

21 (1) the emblem, with a Department-issued identification number; and

22 (2) the name of the person, firm or corporation owning or maintaining the outdoor advertising structure.

23 ~~(d) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall place~~
24 ~~the emblem, which will have an identifying number, on the outdoor advertising structure in such a position as to be visible~~
25 ~~and readable from the main traveled way of the controlled route.~~

26 ~~(e) Prior to notifying the appropriate District Engineer that the structure has been completed, the sign owner shall affix~~
27 ~~the name of the person, firm, or corporation owning or maintaining the outdoor advertising sign to the sign structure in~~
28 ~~sufficient size to be clearly visible from the main traveled way of the controlled route.~~

29 ~~(f)(d)~~ Within 90 days after receiving notice that an outdoor advertising structure is complete, the appropriate District
30 Engineer's office Engineer shall inspect the structure. If the structure fails to comply with the Outdoor Advertising Control
31 Act or the rules in this Section, the District Engineer's office Engineer shall advise the permit ~~holder/sign owner~~ holder by
32 certified mail of the manner in which the structure fails to ~~comply and that the structure must be made to comply within~~
33 30 days of receipt of the notice or removed-comply. The permit holder shall have 30 days from receipt of the notice to
34 either bring the structure into compliance or have it removed.

35 ~~(g)(e)~~ Replacements for emblems that are missing or illegible may be obtained from the ~~district engineer~~ district engineer's
36 office by submitting a written request accompanied by a copy of the permit application ~~which-that~~ approved the original
37 emblem.

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*History Note: Authority G.S. 136-130; 136-133;
Eff. July 1, 1978;
Amended Eff. August 1, 2000; November 1, 1993; December 1, ~~1990~~-1990;
Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0209 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0209 TRANSFER OF PERMIT/CHANGE OF ADDRESS**

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

11 (b) A permit holder must provide the appropriate District Engineer's office with written notice of any change of address
12 within 30 days of the address change.

13 (c) Should a permit holder fail to provide written notice of a transfer of permit or change of address, a revocation of a
14 permit for one of the reasons specified in Rule .0210 of this Section shall stand and shall not be affected **by failure** to notify
15 the District Engineer's office of the changes.

16
17 *History Note: Authority G.S. 136-130;*
18 *Eff. July 1, 1978;*
19 *Amended Eff. August 1, 2000; November 1, ~~1993~~.1993;*
20 *Readopted Eff. November 1, 2020.*
21

1 19A NCAC 02E .0210 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0210 REVOCATION OF OUTDOOR ADVERTISING PERMIT**

4 The appropriate ~~district engineer~~ District Engineer's office shall revoke a permit for a lawful outdoor advertising
5 structure based on any of the following:

- 6 (1) mistake of facts by the issuing District ~~Engineer~~ Engineer's office for which had the correct facts
7 been known, he or she would not have issued the outdoor advertising permit;
- 8 (2) misrepresentations of any facts made by the permit holder ~~or sign owner~~ and on which the District
9 ~~Engineer~~ Engineer's office relied in approving the outdoor advertising permit application;
- 10 (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit
11 ~~holder or sign owner~~, holder, the permit ~~applicant~~ applicant, or the owner of property on which the
12 outdoor advertising structure is located;
- 13 (4) failure to pay annual renewal fees or provide the documentation requested under Rule ~~.0207(e)~~ .0207
14 of this Section;
- 15 (5) failure to construct the outdoor advertising ~~structure~~ structure, except all sign ~~faces~~ faces, within
16 180 days from the date of issuance of the outdoor advertising permit ~~[permit]~~ in accordance with
17 Rule .0208 of this Section;
- 18 (6) a determination upon inspection of an outdoor advertising structure that it fails to comply with the
19 Outdoor Advertising Control Act or the rules ~~Rules~~ in this Section;
- 20 (7) any alteration of an outdoor advertising structure for which ~~[that]~~ a permit has previously been
21 issued which would cause that outdoor advertising structure to fail to comply with the provisions of
22 the Outdoor Advertising Control Act or the rules adopted pursuant thereto; Rules of this Section;
- 23 (8) alterations to a nonconforming sign ~~or a sign conforming by virtue of the grandfather clause~~ other
24 than reasonable repair and maintenance as defined in Rule ~~.0225(e)~~ .0225(c) of this Section. For
25 purposes of this Rule, alterations include:
 - 26 (a) enlarging a dimension of the sign facing or raising the height of the sign;
 - 27 (b) changing the material of the sign structure's support;
 - 28 (c) adding a pole or poles; or
 - 29 (d) adding illumination;
- 30 (9) failure to affix the emblem as required by Rule .0208 of this Section or failure to maintain the
31 emblem so that it is visible ~~and readable~~ from the main-traveled way or controlled route;
- 32 (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor
33 advertising sign to the sign structure in sufficient size to be visible as required by Rule .0208 of this
34 Section;
- 35 (11) unlawful destruction or illegal cutting of trees, shrubs or other vegetation within the right-of-way of
36 any State-owned or State-maintained highway as specified in G.S. 136-133.1(i);

- 1 (12) unlawful use of a controlled access facility for purposes of repairing, ~~maintaining~~ maintaining, or
 2 servicing an outdoor advertising sign where ~~an investigation reveals that~~ the unlawful violation was
 3 conducted actually or by design by the ~~sign owner or permit holder~~, the lessee or advertiser
 4 employing the sign, the owner of the property upon which the sign is located, or any of their
 5 employees, agents, or assigns, including independent contractors hired by any of the above ~~persons~~;
 6 and meets either of the following:~~[following:]~~ and
- 7 (a) involved stopping the use of highway right of way for the purpose of repairing, servicing,
 8 or maintaining a sign including stopping, parking, or leaving any vehicle whether attended
 9 or unattended, on any part or portion of the right of way except as authorized by the
 10 Department of Transportation, including activities authorized by the Department for
 11 selective vegetation removal pursuant to G.S. 136-131.1, G.S. 136-131.2 and G.S. 136-
 12 133.4. Access from the highway main travel way shall be allowed only for surveying or
 13 delineation work in preparation for and in the processing of an application for a selective
 14 vegetation removal permit; or
- 15 (b) involved crossing the control of access fence to reach the sign structure, except as
 16 authorized by the Department, including those activities referenced in Sub-Item (a) of this
 17 Item;
- 18 (13) maintaining a blank sign for a period of 12 consecutive months;
- 19 (14) maintaining an abandoned, dilapidated, or discontinued sign;
- 20 (15) a sign that has been destroyed or significantly damaged as determined by Rule .0201(8) and (29) of
 21 this Section;
- 22 (16) moving or relocating a nonconforming sign ~~or a sign conforming by virtue of the grandfather clause~~
 23 ~~which that changes the location of the sign; sign as determined by Rule .0201(27) of this Section;~~
- 24 (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North
 25 Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, or the Rules of this
 26 Section; and the rules adopted pursuant thereto; and
- 27 (18) ~~willful~~ failure to ~~substantially~~ comply with all the requirements specified in a vegetation removal
 28 permit if such willful failure meets the standards of G.S. ~~136-133.1(i)~~ as specified in G.S. 136-
 29 133.4(e).136-133.1(i).

31 *History Note: Authority G.S. 136-93; 136-130; 136-133; 136-133.1(i); 136-133.4(e);*
 32 *Eff. July 1, 1978;*
 33 *Amended Eff. August 1, 2000; May 1, 1997; November 1, 1993; March 1, 1993; October 1, 1991;*
 34 *December 1, 1990;*
 35 *Temporary Amendment Eff. March 1, 2012;*
 36 *Amended Eff. November 1, 2012;*
 37 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0212 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19 NCAC 02E .0212 NOTICE GIVEN FOR REVOKING PERMIT**

4 (a) Prior to the revocation of an outdoor advertising permit, the ~~district engineer~~ District Engineer's office shall notify the
5 permit holder/sign holder owner by certified mail of the alleged violation under Rule .0210 of this Section. The permit
6 holder/sign holder owner shall be given thirty (30) days in which to bring the sign into compliance, if permissible by these
7 rules, compliance within 30 days of receipt of the notification, the permit holder shall either bring the sign into compliance
8 if permissible by these rules or provide information concerning the alleged violation to the ~~district engineer~~ District
9 Engineer's office to be considered prior to the actual revocation. The ~~district engineer~~ District Engineer's office shall
10 consider the information provided by the permit holder prior to any revocation of a permit.

11 (b) Upon a finding of the District Engineer that a violation of the Rules of this Section or the Outdoor Advertising Act has
12 occurred. When, in the opinion of the District Engineer, a violation of as set forth in Rule .0210 of this Section has occurred,
13 Section, he or she shall so notify the permit holder holder/sign owner [owner] for the outdoor advertising structure by
14 certified mail, return receipt requested. The notification shall include the following information: requested, stating the
15 factual and statutory or regulatory basis for the revocation, and include a copy of the Outdoor Advertising rules. The
16 notification shall also state that because the structure is in violation of the provisions of the Outdoor Advertising Control
17 Act or the rules in this Section, the structure is unlawful and a nuisance and that if the structure is not removed or made to
18 conform to the provisions of the act or the rules within 30 days after receipt of the notification, if permitted by these rules,
19 the Department of Transportation or its agents shall, at the expense of the permit holder/sign owner, remove the outdoor
20 advertising structure.

21 (1) the factual and statutory or regulatory basis for the revocation;

22 (2) a copy of the Rules of this Section; and

23 (3) a statement that is unlawful and a nuisance in accordance with G.S. 136-134.

24 (c) ~~An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these Rules~~
25 ~~when the permit is revoked under 19A NCAC 2E .0210 (2),(3),(11), or (12).~~

26 (c) Upon receipt of the notice of revocation, the permit holder shall either remove or bring the outdoor advertising
27 structure into compliance with the Outdoor Advertising Act and Rules of this Section within 30 days. If the permit holder
28 or site owner fails to do so, the Department shall remove the outdoor advertising structure at the expense of the permit
29 holder.

30 (d) An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act or these
31 Rules when the permit is revoked under 19A NCAC 02E .0210 (2), (3), (11), or (12).

32
33 *History Note: Authority G.S. 136-130; 136-134;*

34 *Eff. July 1, 1978;*

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

36 *Readopted Eff. November 1, 2020.*

37

1 19A NCAC 02E .0213 is readopted as published in 34:13 NCR 1251-1253 without changes as follows:

2
3 **19A NCAC 02E.0213 APPEAL OF DECISION OF DISTRICT ~~ENGINEER~~ENGINEER'S OFFICE TO SEC.**
4 **OF TRANS.**

5 (a) Should any permit ~~applicant, permit holder, or sign owner~~ applicant or permit holder/sign owner disagree with a
6 decision of the appropriate ~~district engineer~~ District Engineer's office pertaining to the denial or revocation of a permit for
7 outdoor advertising or the determination that an outdoor advertising structure is illegal, the permit applicant, permit holder,
8 or sign owner ~~permit applicant or permit holder/sign owner shall have the right to~~ may appeal to the Secretary of
9 Transportation ~~pursuant to the procedures hereinafter set out~~ in accordance with this Rule.

10 (b) Within 30 days from the time of the receipt of the decision of the ~~district engineer~~ District Engineer's office, the
11 permit ~~applicant or permit holder/sign owner~~ applicant, permit holder, or sign owner shall submit a written appeal to the
12 Secretary of Transportation setting forth ~~with particularity~~ the facts and arguments upon which the appeal is based. The
13 appeal shall be sent to the Secretary by certified mail, return receipt requested, with a copy to the ~~district engineer~~ District
14 Engineer's office.

15 (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the written appeal and the District
16 Engineer's office's decision, as well as any available documents, exhibits, or other evidence bearing on the appeal, and
17 shall render the final agency decision, supported by findings of fact and conclusions of law. The final agency decision
18 shall be served upon the appealing party by certified mail, return receipt requested, no later than 90 days after the Secretary
19 receives the written appeal. A copy of the final agency decision shall also be mailed to the ~~district engineer~~ District
20 Engineer's office.

21 (d) Judicial review of the final agency decision is governed by G.S. 136-134.1.

22
23 *History Note: Authority G.S. 136-130; 136-133; 136-134;*

24 *Eff. July 1, 1978;*

25 *Amended Eff. August 1, 2000; November 1, 1993; November 1, 1991; June 15, ~~1981~~1981;*

26 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0214 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E. 0214 STANDARDS FOR DIRECTIONAL SIGNS**

4 (a) ~~General~~ For Applications for directional signs shall be made on an OA-1 in accordance with [with] .0206 of these
5 rules. For the purposes of this ~~Section~~ Section, the following ~~directional signs are~~ shall be prohibited:

- 6 (1) signs ~~which that~~ are erected or maintained upon trees or painted or drawn upon rocks or other natural
7 features;
- 8 (2) signs ~~which that~~ move or have any animated or moving parts;
- 9 (3) signs located in rest areas, parklands-parklands, or scenic areas.

10 (b) ~~Size~~ For the purposes of this Section, the following size requirements shall be permissible:

- 11 (1) No directional sign shall exceed the following limits:
 - 12 (a) ~~Maximum~~ maximum area 150 square feet;
 - 13 (b) ~~Maximum~~ maximum height 20 feet; and
 - 14 (c) ~~Maximum~~ maximum length 20 feet.
- 15 (2) ~~All~~ all dimensions include border and trim, but exclude supports.

16 (c) ~~Lighting~~ Directional signs may be illuminated, subject to the following:

- 17 (1) ~~Signs which signs that~~ contain, include, or are illuminated by any flashing, intermittent, or moving
18 light or lights ~~are~~ shall be prohibited;
- 19 (2) ~~Signs which signs that~~ are not effectively shielded so as to prevent beams or rays of light from being
20 directed at any portion of the traveled way of an interstate or primary highway or ~~NHS~~ National
21 Highway System (NHS) route or ~~which that~~ are of such intensity or brilliance as to cause glare or
22 to impair the vision of the driver of any motor vehicle, or ~~which that~~ otherwise interfere with the
23 operation of a motor vehicle ~~are~~ shall be prohibited; and
- 24 (3) ~~No~~ no sign may be so illuminated as to interfere with the effectiveness of or obscure an official
25 traffic sign, device, or signal.

26 (d) ~~Spacing~~ The spacing of signs shall be determined as follows:

- 27 (1) ~~Each~~ each location of a directional sign must be approved by the ~~division of highways;~~ District
28 Engineer's office;
- 29 (2) ~~No~~ no directional sign may be located within 2,000 feet of an interchange, or intersection at grade
30 along the interstate system or other controlled access highways (measured along the highway from
31 the nearest point of the beginning or ending of pavement widening at the exit from or entrance to
32 the main-traveled way);
- 33 (3) ~~No~~ no directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area;
- 34 (4) ~~No~~ no two directional signs facing the same direction of travel shall be spaced less than one mile
35 apart;
- 36 (5) ~~Not~~ No more than three directional signs pertaining to the same activity and facing the same
37 direction of travel may be erected along a single route approaching the activity;

1 (6) ~~Directional~~directional signs located adjacent to the interstate system shall be within 75 air miles of
2 the activity; and

3 (7) ~~Directional~~directional signs located adjacent to the primary system shall be within 50 air miles of
4 the activity.

5 (e) ~~Message Content.~~—The message on directional signs shall be limited to the identification of the attraction or
6 activity and directional information useful to the traveler in locating the attraction, such as mileage, route number, or
7 exit numbers.

8 (f) ~~Selection Criteria:~~[The selection criteria]~~[Private]~~For directional signs for privately-owned activities, the activity
9 [activities] shall meet both of the following criteria: [be as follows:]

10 (1) ~~Privately owned~~privately-owned activities or attractions eligible for directional signing are limited
11 to the following: natural phenomena, scenic attractions; historic, educational, cultural, scientific,
12 and religious sites; and outdoor recreational areas: and areas.

13 (2) ~~Privately owned~~privately-owned attractions or activities must be nationally or regionally known.
14 For purposes of this ~~rule~~Rule, the following meanings shall apply:

15 (A) ~~Nationally~~national known means the attraction has drawn attention through various forms
16 of media within the continental United States; and

17 (B) ~~Regionally~~regionally known means the attraction is known in a specific region of the state
18 State such as the mountains, piedmont, or coastal region, through published articles or paid
19 advertisements available to a regional audience.
20

21 *History Note:* *Authority G.S. 136-130; 136-129; 136-130;*
22 *Eff. July 1, 1978;*
23 *Amended Eff. August 1, 2000; November 1, 1993; 1993;*
24 *Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0215 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

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19A NCAC 02E .0215 PERMITS FOR DIRECTIONAL SIGNS

(a) A permit shall be required for the construction or maintenance of any directional sign permitted by Rule .0214 of this Subchapter, Section, except that no permit shall be required to erect or maintain directional signs to religious sites or for the construction and maintenance of official signs and notices, public utility signs, service club and religious notices, and public service signs, as defined by Rule .0201 (10)(a), (b), (c), and (18) of this Subchapter, Section. An initial fee of forty dollars (\$40.00) shall be paid with each application for a permit. An annual renewal of each permit, along with a renewal fee of thirty dollars (\$30.00), shall be required in order to maintain such directional signs. Permit and renewal of the permits may be obtained from the district engineer.

(b) An application for a directional sign shall be made according to .0206 of this Rule with the exception the initial fee of shall be \$40 paid with each application for a permit.

(c) An annual renewal of each permit shall be made according to .0207 of this Rule with the exception the renewal fee shall be \$30 and shall be required to maintain such directional signs.

*History Note: Authority G.S. 136-130; 136-133;
Eff July 1, 1978;
Amended Eff. November 1, 1993; July 1, 1986, March 1, 1983, June 15, 1981;
Temporary Amendment Eff. November 1, 1999;
Amended Eff. August 1, 2000-2000;
Readopted Eff. November 1, 2020.*

1 19A NCAC 02E .0224 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

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3 **19A NCAC 02E .0224 SCENIC BYWAYS**

4 (a) Outdoor advertising is prohibited adjacent to any highway designated as a scenic byway by the Board of
5 Transportation after the date of the designation as scenic, regardless of the highway classification, except for outdoor
6 advertising permitted in G.S. 136-129 (1), (2), (2a) or (3).

7 (b) All lawfully erected outdoor advertising signs adjacent to a Scenic Byway that is on a controlled route for outdoor
8 advertising shall become nonconforming signs and shall be subject to all applicable outdoor advertising regulations
9 provided in this Section. 19A NCAC 02E.0200.—Any sign erected on a controlled route adjacent to a Scenic Byway
10 after the date of official designation shall be an illegal sign as defined in G.S. 136-128 and G.S. 136-134.

11 (c) Permits shall not be required for signs adjacent to scenic byways which that were not on a controlled route for
12 outdoor advertising. The department shall maintain an inventory of signs that were in existence at the time the route
13 was designated a Scenic byway. Any sign erected after its designation as a Scenic Byway, except for outdoor
14 advertising permitted in G.S. 136-129(1), (2), or (3), shall be an illegal sign as defined by G.S. 136-128 and G.S. 136-
15 134.

16 (d) Outdoor advertising signs adjacent to Scenic Byways that are not required to obtain permits are nonetheless
17 governed by shall comply with the rules in this section.

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19 *History Note: Authority G.S. 136-129.2;*
20 *Eff. August 1, 2000-2000;*
21 *Readopted Eff. November 1, 2020.*

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1 19A NCAC 02E .0225 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

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3 **19A NCAC 02E .0225 REPAIR/MAINTENANCE/ALTERATION/RECONSTRUCTION OF**

4 **~~{CONFORMING} SIGNS AND REPAIR AND MAINTENANCE OF NON-~~**
5 **~~CONFORMING SIGNS~~**

6 (a) Signs ~~may shall~~ not be serviced from or across the ~~right of way~~ right-of-way, or the right-of-way of interstates and
7 fully controlled access primary routes ~~freeways~~ or from or across controlled access barriers or fences of controlled routes.

8 (b) Conforming signs may be altered ~~within the limits of~~ in accordance with the following rules in ~~Rules of~~ this Section.

9 (1) A conforming sign that has been destroyed or significantly damaged may be reconstructed ~~within the~~
10 ~~limits of~~ at its permitted location in accordance with the ~~rules in~~ Rule .0203 of this Section.
11 Section by notifying the district engineer in writing of any substantial changes that would affect the
12 original dimensions of the initial permit application. ~~Conforming sign structures may be reconstructed~~
13 ~~so long as the reconstruction does not conflict with any applicable state or federal rules, regulations, or~~
14 ~~ordinances.~~

15 (2) Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with
16 any applicable [state,] State, federal or local rules, regulations or ordinances.

17 (3) A nonrefundable alteration permit fee is required with the application. Conforming sign structures may
18 be reconstructed by changing an existing multi-pole structure to a monopole structure so long as the
19 square footage of the advertising surface area is not increased.

20 (4) Conforming sign structures ~~may~~ shall not be changed from a static face to an automatic changing face,
21 and the sign height cannot be increased without local approval.

22 (4)(2)(5) The alteration of a conforming [outdoor advertising] sign structure shall not commence until [an
23 alteration application has been submitted to the District Engineer's office. An application for an outdoor
24 advertising alteration permit shall be made on NCDOT form OA 1A, which may be obtained at any
25 District Office or the NCDOT website at www.ncdot.gov.] the permit holder provides written notice to
26 the North Carolina Department of Transportation stating the proposed alteration and the schedule for
27 alteration work. This documentation [will] shall be attached to the sign permit as an alteration permit
28 addendum. The [outdoor advertising] sign structure, except sign faces, shall be completed within 180
29 days from the date of the issuance of the alteration [permit.] addendum. If the [outdoor advertising] sign
30 structure, except sign faces, is not constructed within 180 days of issuance of the alteration permit
31 addendum then any intervening rule change shall apply to the sign structure. [During the 180 day period,
32 the altered][outdoor advertising]] sign structure shall be considered in existence for the purpose of
33 spacing of adjacent signs. A nonrefundable alteration permit addendum fee is required with the
34 [application.][submittal.]

35 (c) Alteration to a noneconforming sign or sign conforming by virtue of the grandfather clause is prohibited. Nonconforming
36 signs shall not be [altered,] altered or reconstructed. [except that reasonable repairs and maintenance shall be permitted or
37 to bring the sign into conformance of the Rules of this Section and the Outdoor Advertising Control Act,] Reasonable repair

1 ~~repairs and maintenance are shall be permitted, permitted including changing the advertising message or copy.~~ The
2 following activities are considered to be reasonable repair and maintenance:

- 3 (1) ~~Change change~~ of advertising message or copy on the sign face;
- 4 (2) ~~Replacement replacement~~ of border and trim;
- 5 (3) ~~Repair repair~~ and replacement of a structural member, including a pole, stringer, or panel, with like
6 material;
- 7 (4) ~~Alterations alterations~~ of the dimensions of painted bulletins incidental to copy change; and
- 8 (5) ~~Any any~~ net decrease in the outside dimensions of the advertising copy portion of the sign; but if the
9 sign face or faces are reduced they ~~may shall~~ not thereafter be increased beyond the size of the sign on
10 the date it became nonconforming.

11 (d) The addition of lighting or illumination ~~either affixed or adjacent~~ to existing nonconforming signs ~~or signs conforming~~
12 ~~by virtue of the grandfather clause~~ is specifically prohibited as reasonable maintenance; however, ~~such the~~ lighting may
13 be permanently removed from such sign structure.

14 (e) A nonconforming sign ~~or sign conforming by virtue of the grandfather clause~~ may continue to be maintained as long
15 as it is not abandoned, destroyed, discontinued, or significantly damaged.

16 (f) When the combined damage to the face and support poles appears to be significant, as defined in 19A NCAC 02E
17 ~~.0201(29), .0201(28)~~, the ~~sign owner permit holder~~ may request the Department to review the damaged sign, including
18 salvageable sign components, prior to repairs being ~~made made to determine the extent or percentage of the damage.~~
19 Should the ~~sign owner permit holder~~ perform repairs without notification to the Department, and the Department later
20 determines the damage is greater than 50%50 percent of the combination of the sign face and support pole(s), poles,
21 permit ~~may shall~~ be revoked. To determine the percent of damage to the sign structure, the only components to be used to
22 calculate this value are the sign face and support pole(s), poles. The percent damage shall be calculated by dividing the
23 unsalvageable sign components by the original sign structure component quantities, using the following criteria:

- 24 (1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be 50%50
25 percent and the percentage of damage attributable to sign face shall be 50%;50 percent;
- 26 (2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be
27 80%80 percent and the percentage of damage attributable to sign face shall be 20%; 20 percent; and
- 28 (3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be 80%80
29 percent and the percentage of damage attributable to sign face shall be 20%.20 percent.

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31 *History Note: Authority G.S. 136-89.58; 136-30; 136-131.2; 136-130; 136-89.58;*
32 *Eff. August 1, 2000;*
33 *Amended Eff. August 1, 2000-2000;*
34 *Readopted Eff. November 1, 2020.*
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1 19A NCAC 02E .0226 is repealed through readoption as published in 34:13 NCR 1251-1253 without changes as follows:

2

3 **19A NCAC 02E .0226 ORDER TO STOP WORK ON UNPERMITTED OUTDOOR ADVERTISING**

4

5 *History Note: Authority G.S. 136-130; 136-133;*

6 *Temporary Adoption Eff. November 16, 1999;*

7 *Eff. August 1, ~~2000~~2000;*

8 *Repealed Eff. November 1, 2020.*

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