

# SIGN ORDINANCES

Complaints about the timing of placement, location of placement and ultimate removal are not matters that the county boards of elections or the state board of elections can address. The Carteret County Board of Elections or State Board of Elections does not enforce the placement of signs or investigate any alleged crimes associated with harming or removing signs. Citizens should contact their local DOT District Office, or call the NCDOT toll free line at (877) 368-4968 during normal business hours, or contact each municipality or the candidates and/or file a police report with the appropriate jurisdiction.

DOT rules apply in the Right-of-ways: Carteret County, Town of Beaufort, Town of Morehead City, Town of Newport, Town of Atlantic Beach, Town of Cape Carteret, Town of Cedar Point, Town of Emerald Isle, Town of Pine Knoll Shores, Town of Bogue, Town of Indian Beach, Town of Peletier.

## **§91.03 PLACEMENT, AND THE LIKE, OF OBSTRUCTIONS ON STREETS, SIDEWALKS, AND THE LIKE.**

No brick, stone, or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alleyways, streets, or public sidewalks of the City, and no person shall place on or in any of the streets, public sidewalks, or alleyways of the City any boxes, crates, or any other obstruction of any kind.

(1989 Code §14-3) (Ord. passed 5-8-1972) Penalty, see §10.99

## **§91.10 POSTING SIGNS**

It shall be unlawful for any person to post any bill, placard, poster, sign, or advertisement on any telegraph, telephone, or electric light pole, tree, or any traffic-control sign or supporting structure thereof along any of the streets or sidewalks of the City. (1989 Code §14-9) (Ord. passed 5-8-1972) Penalty, see §10.99

## **§91.17 HANGING OR SUSPENDING SIGNS**

It shall be unlawful for any person to hang or suspend any sign at less than eight feet from the ground over or above the sidewalks or streets. Any sign permitted by this section shall be kept securely fastened at all times.

(1989 Code §14-16) (Ord. passed 5-8-1972) Penalty, see §10.99

## **§ 157.09 SIGNS.**

(A) *Purpose.* The purpose of this section is to regulate signs using reasonable restrictions based on aesthetic, traffic and public health and safety concerns; protection of property values; promotion of tourism and economic development; and preservation of the character and integrity of the community.

(B) *General provisions.*

(1) All signs constructed, placed, located or erected in the city's jurisdiction after the effective date of this chapter shall conform to the regulations of this section.

(2) No sign or any part of a sign or portion thereof shall be constructed, placed, located or erected that:

(a) Obstructs the sight distance along a public right-of-way or at intersection;

(b) Is located in public right-of-way, except government traffic signs;

(c) Would tend by its location, color or nature to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle; or

(d) Uses words or symbols such as "stop", "go", "slow", "danger" and the like, which might be confused with traffic directional signals or signs.

(3) No flashing or intermittent illumination shall be permitted on any advertising or business sign or structure visible from any public right-of-way. The strength of light from an illuminated sign shall not exceed standards set forth in § 157.09(H)(1)(c).

(4) Signs, together with any supports, braces, guys and/or anchors shall be kept in a mechanically safe state of repair and preservation.

(5) No sign or any part of a sign or portion thereof shall be higher than 50 feet from the ground to the highest point, except as specified in § 157.09(H)(1)(d). No sign shall exceed 200 square feet in sign area except as specified in § 157.09(H)(1)(b).

(6) All signs shall comply with all requirements of the State Building Code and other applicable state and federal laws and regulations (including, without limitation, the North Carolina Outdoor Advertising Act).

(7) Removal or destruction of a violating sign shall not relieve the responsible person from liability for violation of this chapter, including any applicable fines.

(8) A sign shall not be located on any sidewalk or in any doorway or required parking space.

(9) A sign shall not be placed, located or erected in a manner so as to materially impair vision between a height of two and one-half and ten feet above the centerline of grade of intersecting streets, drives or access ways (public or private) in the areas bounded by the lines of the streets.

(10) A sign requiring a permit shall not be erected on a property without an existing establishment or business located on the same property.

(11) In order to maintain historical integrity and promote the city, the restrictions and requirements of this section and §§ 157.09(B)(2)(b) and 157.09(B)(9) shall not apply to any signs existing as of the effective date of this section for the site identified as County Tax Parcel Number 6-054-3000 and located on Miller Boulevard. All other provisions of the requirements of § 157.09(B) shall continue to apply.

*(C) Signs which do not require permits.*

(1) The following signs do not require permits. In addition, the following signs are exempt from certain provisions of this chapter only as follows:

(a) Signs under divisions (C)(2)(b), (C)(2)(c), (C)(2)(e) (not including parked or stationary vehicles), (C)(2)(g), (C)(2)(i) and (C)(2)(l) below are exempt from the restriction in § 157.09(B) regarding location in the public right-of-way;

(b) Signs under division (C)(2)(j) below that do not exceed six square feet in area are exempt from the restriction in § 157.09(B) regarding location in the public right-of-way; and

(2) Except to the extent exempted above, the following signs are subject to all of the regulations of this section:

(a) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals;

(b) Signs erected by or on behalf of or pursuant to the authorization of the city or other governmental body with jurisdiction in the city (or within the extraterritorial jurisdiction of the city, as applicable), including legal notices, identification and informational signs and traffic, directional or regulatory signs;

(c) Official signs of an informational nature erected by public utilities;

(d) Flags, pennants or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device;

(e) Signs painted on or otherwise permanently attached to currently licensed motor vehicles;

(f) Memorial plaques, cornerstones, historical tablets and similar devices;

(g) Noncommercial signs posted in conjunction with doorbells, mailboxes or paper-tubes, and not exceeding one square foot in area;

- (h) Signs, not exceeding six square feet in area, displayed strictly for direction, safety, or convenience of the public, including signs which identify restrooms, telephones, parking area entrances and exits, freight entrances and the like;
- (i) Signs required by law to be posted, unless specifically prohibited, limited or restricted;
- (j) Noncommercial direction or information signs of a public or quasi-public nature not exceeding 32 square feet in area and used only for the purpose of stating or calling attention to:
  1. The name or location of a hospital, community center, court house, public or private school, church, synagogue or other places of worship;
  2. The name of a place of meeting of an official or civic body such as the Chamber of Commerce, service club or fraternal organization;
  3. An event of public interest such as a public hearing, general election, church or public meeting, local or county fair, and other similar community activities and campaigns;
  4. Soil conservation, 4-H and similar projects; and
  5. Candidates for public office and other ballot issues.
- (k) Home occupation and professional signs not exceeding two square feet that are unilluminated and mounted flat against the principal building;
- (l) Unilluminated portable signs not exceeding two square feet in area which primarily provide direction to a lot that currently is offered for sale or lease, provided that no more than one sign is allowed per lot being offered for sale or lease;
- (m) Signs not exceeding one square foot in area that customarily are associated with a service regularly provided at the location of the sign and that otherwise would be considered off-premises signs, such as signs indicating a landscaping contractor or exterior cleaning service; provided, no sign shall be located more than ten feet from the principal building;
- (n) Signs on fences enclosing recreational facilities operated by governmental or non-profit (not-for-profit) charitable, educational or service organizations (including schools);
- (o) Menu boards utilized for drive-in sale of foods and beverages prepared on the premises, provided the sign area per sign does not exceed 50 square feet and the primary content of the sign is menu information. Menu boards as described in this division (C)(2)(o) are not included when determining the total sign area per lot for purposes of § 157.09(D);
- (p) The portion of a sign containing fuel price and octane rating information when located within ten feet of the related fuel pump, provided the area per sign does not exceed 12 square feet. The area described in this division (2)(p) is not included when determining the total sign area per lot for purposes of § 157.09(D); and
- (q) The portion of a sign containing basic service or product description or price located on a newspaper rack, air pump, ice box, car vacuum or automated teller machine, provided the area per sign does not exceed six square feet. The area described in this division (C)(2)(q) is not included when determining the total sign area per lot for purposes of § 157.09(D).

(D) *Signs which require a permit.*

- (1) Except as provided in § 157.09(C), fixed or portable signs shall not be erected, placed, located or structurally altered without a permit from the Zoning Administrator. Sign permit applications and sign permits shall be governed by the provisions of this chapter applicable to zoning permits.
- (2) In addition, the following regulations apply to the signs indicated below.
  - (a) *Fixed advertising and business signs and structures.* Total fixed sign area per lot shall not exceed 150 square feet per 100 linear feet of lot street frontage. For lots with less than 100 linear feet of lot street frontage, total fixed sign area shall not exceed 150 square feet for the total lot street frontage. For lots with more than 100 linear feet of lot street frontage, total fixed sign area for the lot is calculated as follows: total lot street frontage (linear feet) multiplied by one and one-half equals total fixed sign area (in square feet) for that lot. Advertising and business signs painted on walls, roofs, and windows, or permanently mounted flush to a wall, roof or window (including, without limitation, permanently mounted to the interior of a window or window

frame as to be legible from outside the window) and projecting no more than 12 inches there from, are exempt from the restriction in § 157.09(B) regarding height of signs and from the restriction in § 157.09(B) regarding side setbacks and are not included in sign area or number calculations, but otherwise are subject to the requirements of this chapter.

(b) *Portable signs.*

1. No more than one portable sign per business or occupancy.
2. Other than signs for lease, rent, sale, construction or remodeling of residential or other non-commercial property (including subdivision and PUD signs), signs may be located in H-C (Highway- Commercial), L-I (Light Industrial) and H-I (Heavy Industrial) Districts only.
3. Total allowable sign area per lot shall be calculated as the remaining allowable square footage for total sign area per lot. For example, if the lot already has utilized 132 square feet of the total allowed sign area of 150 square feet, then 18 square feet may only be utilized for the portable sign.
4. Total portable sign area per lot shall not exceed 32 square feet.
5. Portable signs must be properly secured to prevent the sign from becoming windblown debris.
6. Portable signs shall not be connected to or utilize an external power source, including (without limitation) by use of an electrical extension cord or cable.

(c) *Fixed subdivision and PUD signs.* Signs shall identify only the name of the subdivision or PUD and shall meet all of the following requirements:

1. No more than two signs per entrance;
2. Total signage shall not exceed 64 square feet in area;
3. Signs shall not be placed on any public thoroughfare, easement or lands or on any designated recreational land;
4. Signs shall be located within the identified subdivision; and
5. Island type signs are subject to the following additional restrictions:
  - a. Signs must be designed and constructed on parcels of land which are landscaped so as to conform to the aesthetic standards of the sponsoring developer, the corresponding homeowner's association and/or the city;
  - b. The sign shall be located not less than 15 feet from the right-of-way of the public street which intersects with the street or streets surrounding the sign; provided, that the distance shall be reduced to five feet for signs which are not more than 12 square feet in total structure area and not more than 36 inches in height as measured from the street level of the street or streets surrounding the sign;
  - c. The island on which the sign is located shall be enclosed by a curb and shall be of a design and construction which is in accordance with all applicable requirements of the State Department of Transportation;
  - d. No more than one sign shall be located at each subdivision or PUD access street;
  - e. If illuminated, the illumination shall illuminate only the sign. Flashing or intermittent illumination is prohibited;
  - f. A sign shall not exceed 42 square feet in total structure area, and no sign shall be more than six feet in height as measured from the street level of the public street or streets surrounding the sign; provided, that the signs may exceed six feet in height if the width thereof is not more than 36 inches and the total structure area does not exceed 42 square feet; and
  - g. A sign shall not be located, erected, placed or constructed at any street intersection or within 50 feet of the intersection until a traffic stop sign or signal is located permanently at the intersection.

(E) *Billboards and commercial off-premises signs.* Billboards and commercial off-premises signs shall not be allowed within the city limits. Within the city's extraterritorial jurisdiction, outside city limits, billboards and commercial off-premises signs are allowed in H-C (Highway- Commercial) Districts only, with a permit. In addition to other applicable restrictions and requirements of this section, billboards and commercial off-premises signs shall not be located

closer than 50 feet to a public right-of-way or a residential dwelling. Portable signs not complying with this section may be removed by the Zoning Administrator and destroyed after five days. This section shall not apply to signs meeting the requirements of G.S. § 136-131.1 and existing on the effective date of the adoption of this section.

(F) *Computation of sign area.* Sign area is computed by including the largest total surface area on the sign that is visible from any one vantage point, using the extreme limits of the writing, representation, emblem or other display, forming a square, rectangle, triangle or circle as appropriate, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any supporting framework or bracing, even if between sections or modules, that is clearly incidental to the display itself. For example, for a sign with two equal faces placed back to back on the same structure, so that only one side can be seen from any vantage point, sign area is computed using the surface area on one face only. Sign area for a lot is computed by adding together the sign area of all signs on that lot.

(G) *Removal of nonconforming fixed subdivision and PUD signs.*

(1) Nonconforming fixed subdivision and PUD signs may be removed on approval of the Board of Commissioners after a written notice recommending the removal is posted on the subject sign by the Department of Planning and Inspections for a period of seven consecutive days and a public hearing is held to consider the removal thereof. The written notice shall describe the sign sufficiently to identify it, recite the conditions causing the sign to be nonconforming, and state the date and time (which cannot be prior to expiration of the aforementioned seven-day period) set for the public hearing thereon.

(2) In addition to nonconformity with any of the requirements set forth herein, removal also may be recommended in the following circumstances:

(a) The sign is determined by the Department of Planning and Inspections to be a hazard to public safety and/or traffic;

(b) The sign is not being maintained, thereby constituting a public nuisance, or is not contributing to the aesthetic standards and development of the city as determined by the Department of Planning and Inspections or the Director of Public Works;

(c) The sign has not been appraised for tax purposes by the County Tax Assessor's Office; and/or

(d) The sign does not comply with the applicable standards for nonconforming use of land and/or minor structures as set forth in this chapter.

(H) *LED-LCD and electronic message signage.*

(1) LED-LCD and electronic message signage shall be defined as signs that possess alphabetic, pictographic or symbolic content that can be changed or altered on a display screen using light-emitting diode technology, liquid-crystal display technology or other technology that produces an electronic image on a display screen. LED-LCD and electronic message signage shall be permitted in accordance with this section, provided the signage complies with the following standards:

(a) LED-LCD and electronic message signage shall only be allowed in the following zoning districts: (HC) Highway Commercial, (LI) Light Industrial, (HI) Heavy Industrial and (GS) Government Services. LED-LCD and electronic message signage may be allowed in (O&I) Office and Institutional only after issuance of a special exception use permit.

(b) LED-LCD and electronic message signage shall not exceed 60 square feet in size or 30% of the total sign area of the allowable square footage as specified in § 157.09(B)(5), whichever is smaller. (c) LED-LCD and electronic message signage shall be set to a specific brightness level and shall automatically respond to changing light conditions (i.e., become less bright at night). Written certification shall be provided with sign permit application from the sign manufacturer that the sign will not exceed the following light level standard as measured in nits. A *NIT* is a non-SI name used for the International System of Units (SI) in measured luminance based on candela per square meter (cd/m<sup>2</sup>):

1. Maximum daytime level at 5,000 nits or 7,500 nits if the sign is equipped with an automatic dimmer; and

2. Maximum nighttime level at 500 nits.

(d) The leading edge of any new LED-LCD and electronic message signage shall be set back a minimum of ten feet from the front property line and not exceed 30 feet in height from the ground at any point. The signs shall comply with all other side and rear yard setback requirements contained in Table 155-9.

(e) LED-LCD and electronic message signage shall contain a default design that will freeze the display in one position or power off the display if a malfunction occurs.

(f) LED-LCD and electronic message signage that use off-premise advertising (i.e., advertising used for the purpose of displaying nonpoint-of-sale advertisement which directs attention to a business, establishment, profession, service, event, entertainment, condition or commodity that is located, manufactured, conducted, sold or otherwise offered or provided at an off-premise or off-site location other than the lot of record where the advertising is displayed) shall be limited to 50% of the display time devoted to off-premise advertising; and shall require the sign owner or operator to keep adequate records to demonstrate compliance with this requirement.

(2) Failure of any LED-LCD and electronic message signage to comply with the provisions of this section shall cause the LED-LCD and electronic message sign to become nonconforming and shall be subject to the requirements of Chapter 161.

(3) Existing LED-LCD and electronic signage shall have 180 days from the date of adoption of this UDO to conform to divisions (H)(1)(c), (d), (e) and (f) above. If for any reason the signage cannot conform to these standards, the LED-LCD and electronic message signage shall become nonconforming and shall be subject to the requirements of Chapter 161.

(4) An existing LED-LCD and electronic message signage may be moved by its owner to a new location within the jurisdiction of Havelock, provided prior approval is obtained from the Director of Planning and Inspections, the sign is placed in its new location so as to comply with all applicable zoning and setback requirements of this chapter, and the nonconformity of the sign is not expanded due to the size of the new location.

(5) Any LED-LCD and electronic message signage that becomes nonconforming after adoption of this section shall be in violation of this UDO; provided, the LED-LCD and electronic message signage's owner may apply to the Director of Planning and Inspections or his or her designee for a waiver of the applicable requirement(s). The request for waiver shall contain justification for the waiver, including, without limitation, evidence of hardship and written documentation with manufacturer specifications or other supporting documents requested by the Director of Planning and Inspections adequately demonstrating inability to conform with this section. The Director of Planning and Inspections may grant a waiver based on the following criteria:

(a) The cost to conform would exceed 50% of the present value of the sign; or

(b) A functional inability to conform as demonstrated by the manufacturer specifications.

(6) If a request for waiver is denied by the Director of Planning and Inspections, then the applicant may appeal the action to the City Board of Adjustment pursuant to Chapter 159. Any LED-LCD and electronic message signage in violation of this UDO must be brought back into conformity with this UDO within 30 days of notice of violation or cease operation. An appeal or request for waiver shall stay the 30-day period for the duration of the appeal or waiver period.

(Ord. passed 7-25-2011)

Additional information regarding sign ordinances can be found here:

[https://library.municode.com/nc/carteret\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH13SIBI](https://library.municode.com/nc/carteret_county/codes/code_of_ordinances?nodeId=COOR_CH13SIBI)