

1 19A NCAC 02E .0219 is proposed for amendment as follows:

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3 **19A NCAC 02E .0219 ELIGIBILITY FOR PROGRAM**

4 Businesses may participate in the program provided said businesses comply with the following criteria:

- 5 (1) The individual business installation whose name, symbol or trademark appears on a business panel  
6 shall give written assurance of the business's conformity with all applicable laws concerning the  
7 provision of public accommodations without regard to race, religion, color, sex, age, disability, or  
8 national origin.
- 9 (2) An individual business, under construction, may apply to participate in the program by giving written  
10 assurance of the business's conformity with all applicable laws and requirements for that type of  
11 service, by a specified date of opening to be within 60 days of the date of application. No business  
12 panel shall be displayed for a business which is not open for business and in full compliance with the  
13 standards required by the program. A business under construction shall not be allowed to apply for  
14 participation in the program if its participation would prevent an existing open business from  
15 participating, unless the existing business qualifies for or has a provisional contract.
- 16 (3) Businesses may apply for participation in the program on a first-come, first-served basis until the  
17 maximum number of panels on the logo sign for that service is reached. If a business's panel is  
18 removed and space is available on the sign, or one or more of the existing businesses have provisional  
19 contracts, the first fully qualifying business to contact the Department shall be allowed priority for the  
20 vacant space or the space occupied by a business with a provisional contract.
- 21 (4) The maximum distance that a "GAS", "FOOD", or "LODGING" service may be located from the fully  
22 controlled access highway shall not exceed three miles at rural interchange approaches and one mile at  
23 urban interchange approaches in either direction via an all-weather road. Where no qualifying services  
24 exist within three miles (rural) or one mile (urban), provisional contracts are permitted where the  
25 maximum distance may be increased to six miles at rural interchange approaches and three miles at  
26 urban interchange approaches, provided the total travel distance to the business and return to the  
27 interchange does not exceed twelve miles. A rural interchange is defined as an interchange along a  
28 freeway (interstate or other fully-controlled access arterial highway) that is located either in a rural  
29 unincorporated area or within the corporate limits of a city or town with a population of less than  
30 40,000. An urban interchange is defined as an interchange along a freeway (interstate or other fully-  
31 controlled access arterial highway) that is located either in or within one mile of the corporate limits of  
32 a city or town with a population equal to or greater than 40,000. Provisional contracts shall be written  
33 with the understanding that if a closer business applies, qualifies, and is within the three miles (rural)  
34 or one mile (urban) distance as applicable, and there is not otherwise room on the sign for the new  
35 business, then the provisional contract of the furthest business from the intersection shall be cancelled  
36 and the business panels shall be removed at the annual contract renewal date. The maximum distance

1 for a "CAMPING" or "ATTRACTION" service shall not exceed 15 miles in either direction via an all-  
2 weather road.

3 (5) "GAS" and associated services. Criteria for erection of a business panel on a sign shall include:

- 4 (a) licensing as required by law;
- 5 (b) vehicle services for fuel (gas, diesel, or alternative fuels), motor oil, and water;
- 6 (c) on premise public restroom facilities;
- 7 (d) an on premise attendant to collect monies, make change, and make or arrange for tire repairs;
- 8 (e) year-round operation at least 16 continuous hours per day, seven days a week; and
- 9 (f) on premise telephone available for emergency use by the public.

10 (6) "FOOD" service. Criteria for erection of a business panel on a sign shall include:

- 11 (a) licensing as required by law, and a permit to operate by the health department;
- 12 (b) businesses shall operate year-round at least eight continuous hours per day six days per week;
- 13 (c) indoor seating for at least 20 persons;
- 14 (d) on premise public restroom facilities; and
- 15 (e) on premise telephone available for emergency use by the public.

16 (7) "LODGING" service. Criteria for erection of a business panel on a sign shall include:

- 17 (a) licensing as required by law, and a permit to operate by the health department;
- 18 (b) overnight sleeping accommodations consisting of a minimum of 10 units each, including  
19 bathroom and sleeping room, except a Lodging business operating as a "Bed and Breakfast"  
20 establishment with less than 10 units may participate. "Bed and Breakfast" businesses shall  
21 be identified on the Logo signs by a standard message specified by the Department. "Bed and  
22 Breakfast" businesses shall only be allowed to participate in the program if the maximum  
23 number of qualified Lodging businesses do not request participation in the program and  
24 occupy spaces on the Logo signs. All "Bed and Breakfast" businesses shall have provisional  
25 contracts;
- 26 (c) adequate parking accommodations;
- 27 (d) year-round operation; and
- 28 (e) on premise telephone available for emergency use by the public.

29 (8) "CAMPING" service. Criteria for erection of a business panel on a sign shall include:

- 30 (a) licensing as required by law, including meeting all state and county health and sanitation  
31 codes and having water and sewer systems which have been duly inspected and approved by  
32 the local health authority (the operator shall present evidence of such inspection and  
33 approval);
- 34 (b) at least 10 campsites with accommodations (including on premise public restroom facilities in  
35 a permanent structure) for all types of travel-trailers, tents and camping vehicles;
- 36 (c) adequate parking accommodations;
- 37 (d) continuous operation, seven days a week during business season;

1 (e) removal or masking of said business panel by the department during off seasons, if operated  
2 on a seasonal basis; and

3 (f) on premise telephone available for emergency use by the public.

4 (9) "ATTRACTION" service. Criteria for erection of a business panel on a sign for any business or  
5 establishment shall include:

6 (a) licensing as required by law;

7 (b) on premise public restroom facilities in a permanent structure;

8 (c) continuously open to the motoring public without appointment at least eight hours per day,  
9 five days per week during its normal operating season or the normal operating season for the  
10 type of business; where room is available on the sign and a business exists that does not meet  
11 the qualifying hours and days of operations or distance, a provisional contract is permitted.  
12 Provisional contracts shall be written with the understanding that if a fully qualifying business  
13 applies and there is not otherwise room on the sign for the new business, then the provisional  
14 contract of the business last on the sign shall be cancelled and the business panel shall be  
15 removed at the annual contract renewal date. It is the responsibility of the businesses with  
16 provisional contracts to update their contracts to non-provisional contracts (if they meet all  
17 qualifications) prior to receiving notice of cancellation. The contract in place on the date  
18 NCDOT receives a completed application from a fully qualified business will be the contract  
19 used for the decision making purpose.

20 (d) adequate parking accommodations;

21 (e) on premise telephone available for emergency use by the public; and

22 (f) only facilities whose primary purpose is providing amusement, historical, cultural, or leisure  
23 activities to the public and are categorized as follows shall be allowed signing:

24 (i) Amusement Parks: Permanent areas open to the general public including at least  
25 three of the following activities: roller coasters, entertainment rides, games,  
26 swimming, concerts, and exhibitions;

27 (ii) Cultural Centers or Facilities: Locations for cultural events including museums,  
28 outdoor theaters, or a facility that exhibits or sells antiques or items painted or  
29 crafted by local artists;

30 (iii) Historic Sites: Buildings, structures, or areas listed on the national or state historic  
31 register and recognized by the Department as historic attractions or locations;

32 (iv) Leisure or Recreation Activity Areas: Attractions that provide tourists with  
33 opportunities such as golfing (excluding miniature golf, driving ranges, chip and putt  
34 areas, and indoor golf), horseback riding, wind surfing, skiing, bicycling, boating,  
35 fishing, picnicking, hiking, and rafting;

36 (v) Manufacturing Facilities: Locations that manufacture or produce products of interest  
37 to tourists and offer tours at least four times daily on a regularly scheduled year-

1 round basis such as candy, ice cream, cookie, or pickle manufacturing facilities.  
2 Facilities shall produce or manufacture and exhibit or sell their products at the  
3 facilities.

4 (vi) Agricultural Facilities: Locations that provide tours and exhibit or sell their  
5 agricultural products or provide on site samples of their products, such as vineyards  
6 and regional farmers markets;

7 (vii) Zoological or Botanical Parks and Farms: Facilities that keep living animals or  
8 plants and exhibit them to the public;

9 (viii) Natural Phenomena: Naturally occurring areas that are of outstanding interest to the  
10 public, such as waterfalls or caverns; and

11 (ix) Motor Sports Facilities: Locations including museums, race tracks, and race team  
12 headquarters that exhibit or sell items related to automobile or truck racing.

13 (10) Any other "ATTRACTION" not listed in Item (f) of this Rule shall be approved by the State Traffic  
14 Engineer.

15 (11) Ineligible Attractions include, but are not limited to, shopping malls, furniture stores, drug stores,  
16 movie theaters; community business, historic, antique, or other districts; appliance stores, automobile  
17 or truck dealerships or garages, houses of worship, colleges, schools, real estate offices, sand and  
18 gravel facilities, produce stands, nurseries, grocery stores, restaurants, bars, lounges, adult  
19 establishments, and adult video, book, and novelty stores. An attraction is not eligible for both Travel  
20 Services (Logo) Signing and supplemental guide signing, such as Agriculture Tourism signing, at the  
21 same interchange.  
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23 *History Note: Authority G.S. 136-89.56; 136-137; 136-139; 143B-346; 143B-348; 143B-350(f); 23 C.F.R. 750,*  
24 *Subpart A; 23 U.S.C. 131(f);*  
25 *Eff. April 1, 1982;*  
26 *Amended Eff. August 1, 1998; April 1, 1994; October 1, 1993; December 1, 1992; October 1, 1991;*  
27 *Temporary Amendment Eff. October 13, 2003;*  
28 *Amended Eff. September 1, 2014; January 1, 2004.*  
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