

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

10 (1) Abandoned Sign: An outdoor advertising sign structure shall be considered abandoned if it has no
11 lease or meets one of the following [criteria;]criteria for a period of 12 months:

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

13 [(b) — does not have a lease; or]

14 (c)(b) is without a message, contains out-of-date advertising matter, or is significantly
15 damaged.[damaged 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 orEven 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
10 136 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 or Significantly Damaged Sign: A sign ~~that has sustained damage by more than 50~~
16 ~~percent [of damage] as determined by the criteria set forth in [19A NCAC 02E] Rule .0225(f) of~~
17 this Section ~~by factors other than tortious or criminal acts, including vandalism. no longer in~~
18 ~~existence due to factors other than vandalism or other criminal or tortious acts.~~ An example of a
19 destroyed sign includes a sign damaged ~~which has been blown down by the wind wind, and sustains~~
20 ~~damage in excess of 50 percent 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- navigational~~ 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
32 include;~~include, but are not limited to, [include] public utility signs, service club and religious~~
33 ~~notices, or public 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 or ~~existence.~~ A discontinued sign includes a sign
15 of which 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:~~ 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,] means as defined in G.S. 136-128 (2a). ~~[(2a),~~
32 ~~shall include]~~ which was lawfully erected but which does not comply with the provisions of State
33 law or rules passed at a later date or which later fails to comply with State law or rules due to
34 changed conditions. [Also includes] [a sign legally erected prior to the effective date of the Outdoor
35 Advertising Control Act or prior to the addition of a route to the interstate or federal aid primary
36 system or National Highway System in a zoned or unzoned commercial or industrial area which
37 does not meet all current standards for erecting a new sign at that site.] For purposes of the outdoor

1 advertising rules, nonconforming signs also include those signs which have become nonconforming
2 pursuant to 19A NCAC 02E .1002(d) on scenic byways which were part of the interstate or federal
3 aid primary highway system as of June 1, 1991, or which are or become a part of the National
4 Highway 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:]On-premise Sign: A sign ~~that which~~that advertises the sale
12 or lease of property upon which it is located or ~~which that~~ advertises an activity conducted or
13 product for sale on the property upon which it is located. An on-premise sign may not be converted
14 to a permitted outdoor advertising sign unless it meets all rules in effect at the time of the conversion
15 request. An on-premise sign ~~must shall~~ be located on property contiguous to the property on which
16 the activity is located. Tracts not considered to be contiguous ~~include; include, but are not limited~~
17 ~~to:~~

- 18 (a) ~~Tracts tracts~~ of land separated by a federal, ~~state, State~~, city, or public access maintained
19 road;
- 20 (b) ~~Tracts tracts~~ of land not under common ownership; or
- 21 (c) ~~Tracts tracts~~ of land held in different estates or interests.

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

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

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

35 (22) Scenic Area: Any area of particular beauty or historical significance as determined by the federal,
36 ~~state, State~~, or local official having jurisdiction thereof, and includes interests in land which have
37 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 Not Conforming to State Standards: a ~~lawfully erected~~ sign which was legally erected but
13 ~~that~~ does not ~~currently~~ conform to the zoning, size, lighting, and spacing criteria established in
14 Rule .0203 of this Section promulgated at a later date, or a sign which was legally erected but later
15 fails to conform to the zoning, size, lighting, and spacing criteria established in Rule .0203 of this
16 Section, ~~and is issued a valid permit by the Department of Transportation.~~ by Virtue of the
17 "Grandfather Clause:" A sign legally erected prior to the effective date of the Outdoor Advertising
18 Control Act or prior to the addition of a route to the interstate or federal aid primary system or NHS
19 in a zoned or unzoned commercial or industrial area which does not meet all current standards for
20 erecting a new sign at that site.

21 (26) ~~(25)~~ Sign Face: The part of the sign, including trim and background, ~~which~~ ~~that~~ contains the message
22 or informative contents. ~~For purposes of measuring the maximum area or height of a sign,~~
23 ~~embellishments or extended advertising shall be excluded.~~

24 (27) ~~(26)~~ Sign Location/Site: Sign Location: A sign location or site for purposes of these rules shall be is
25 measured to the closest 1/100th of a mile, in conformance with Department of Transportation
26 methods of measurement for all state roads. ~~the latitude and longitude as determined by recreational~~
27 ~~grade global position system (GPS)~~ equipment with imagery reference. ~~equipment.~~ The location
28 or site shall be determined and listed on each outdoor advertising permit application by DOT
29 personnel.

30 (28) ~~(27)~~ Sign Owner: A sign owner shall be is the owner of the physical sign structure, ~~permit holder of~~
31 ~~record, and for purposes of the rules in this Section the terms and definitions shall be~~
32 ~~interchangeable, unless the Department of Transportation, through the appropriate district office,~~
33 ~~has been notified in writing that the sign owner is a person or entity other than the actual holder of~~
34 ~~the permit. In this case, the actual sign owner's name, mailing address, and telephone number must~~
35 ~~be declared.~~

36 (29) ~~(28)~~ Significantly Damaged Sign: A sign which ~~that~~ has been damaged or partially destroyed due to
37 factors other than vandalism or other criminal or tortious acts to such extent that the damage to the

1 sign is greater than fifty[50]percent as determined by the criteria in 19A NCAC 02E .0225(f). [Rule
2 .0225(f) of this Section.][.0225(d).]

3 [(30)](29) Unzoned Commercial or Industrial Area: An area ~~which~~ that is not zoned by ~~state~~ State or local
4 law, regulation, or ordinance, and ~~which~~ that is within 660 feet of the nearest edge of the right of
5 way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial
6 or industrial activity that meets all requirements specified in ~~19A NCAC 02E .0203(5)~~ Rule .0203(5)
7 of this Section.

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

16
17 *History Note:* Authority G.S. ~~[136-11;]~~ 136-130;
18 Eff. July 1, 1978;
19 Amended Eff. August 1, 2000; December 1, 1993; March 1, 1993; December 1, 1990; January 1,
20 1984.1984;
21 Readopted Eff. January 1, 2021.
22