

CHAPTER 152: SIGN CONTROL

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GENERAL PROVISIONS

§152.01 TITLE.

This chapter shall be known and may be cited as the *Sign Control Ordinance of Macon County, North Carolina*, codified as Chapter 152 of The Macon County Code.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§152.02 AUTHORITY AND JURISDICTION.

(A) *Authority.* This chapter is established by the Macon County Board of Commissioners pursuant to the authority conferred in G.S. Chapter 153A-121(a). The Board of Commissioners hereby ordains and enacts into law the following sections.

(B) *Jurisdiction.* The provisions of this chapter shall apply to unincorporated areas of Macon County, lying outside of the corporate limits or extraterritorial jurisdiction of any incorporated town. Municipalities within Macon County may elect to allow this chapter to be effective within their corporate limits and extraterritorial jurisdiction.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§152.03 PURPOSES.

The purpose of these sign regulations is to guide and regulate the construction and placement of signs in Macon County. It is the intent of this chapter to preserve and maintain the scenic and aesthetic environment of the county in order to protect and promote the tourist industry and the quality of life of the county's residents and visitors; improve safety for local and visiting motorists and pedestrians in Macon County by reducing the distracting influence of uncontrolled signs; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. 12-3-2001)

§152.04 APPLICABILITY.

(A) A sign as herein defined may be erected, placed, established, painted, created or maintained in the jurisdiction of Macon County only in conformance with the standards, procedures, exemptions and other requirements of this chapter.

(B) The effect of this chapter as more specifically set forth herein, is:

(1) To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of this chapter;

(2) To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of the chapter, but without a requirement for permits;

(3) To prohibit all signs not expressly permitted by this chapter; and

(4) To provide for the enforcement of the provisions of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§152.05 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING FRONTAGE. The length, in linear feet, of a building's side fronting on a public road.

COPY. The characters, letters or illustrations displayed on a sign face.

DIRECTIONAL SIGN. An off-premise sign providing directions to a business, office or other activity. If a sign contains any additional message or exceeds the maximum area, it shall be construed as an off-premise advertising sign.

DIRECTLY ILLUMINATED SIGN. A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.

DWELLING UNIT. Pursuant to S.L. 2019-111, Section 1.17, a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A house, mobile home, apartment, condominium or a group of dwellings occupied or intended for occupancy as separate living quarters for one or more humans.

EXEMPT SIGN. Any sign which is specifically listed as exempt from this chapter.

FREESTANDING SIGN. The general term for any sign which is supported from the ground and not attached to a building.

INDIRECTLY ILLUMINATED SIGN. A sign designed to have a illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where the illumination occurs.

NONCONFORMING SIGN. An existing sign that is constructed and in place prior to the adoption of the chapter and which does not conform to the provisions of the chapter, as amended, is declared a nonconforming sign. An illegal sign is not a nonconforming sign.

OFF-PREMISE ADVERTISING SIGN. Any sign visible from the main-traveled way of any road advertising a product, service, business or activity which is sold, located or conducted elsewhere than on the premises on which the sign is located, or which product, service, business or activity is sold, located or conducted on such premises only incidentally, if at all.

OFF-PREMISE SIGN. Any sign visible from the main-traveled way of any road used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products or services sold or offered for sale on premise other than on the premises where such sign is displayed.

ON-PREMISE SIGN. Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, product, operation, service or activity sold or offered for sale, or to other information offered on the premises where the sign is located.

PORTABLE SIGN. A sign with a permanent frame and a display area for changeable copy, designed or intended to be relocated and not permanently affixed to the ground or structure. This shall include signs on wheels, trailers or any other device which is intended to be moved from one location to another.

PROHIBITED SIGN. Any sign, or element of a sign, which specifically listed as prohibited in §152.23, shall not be permitted.

SETBACK. The shortest horizontal distance between the edge of the pavement or traveled surface and the closest point of a sign or its supporting member.

SHOPPING CENTER. A development having a five or more establishments located on the same parcel or on abutting parcels and planned as an integrated development.

SIGHT DISTANCE TRIANGLE. The land adjoining a road intersection that is kept clear of obstructions between three and seven feet above ground as measured along the road flow lines above ground to ensure visibility and the safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flow lines of two roads at an intersection. Where local roads meet, the legs shall extend at least 35 feet each way from the intersection of the edge of traveled way.

SIGN. Any display of letters, words, numbers, figures, devices, emblems, pictures, logos or any other means whereby the same are made visible for the purpose of making anything known whether such display be made on, or attached to, or as a part of a structure, surface, or any other object whether natural or manmade. The term **SIGN** shall include sign structure.

SIGN AREA (SIGN FACE). The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight straight lines) which encompasses all lettering, wording, frame design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign. Any cutouts or extensions shall be included in the area of the sign, but supports and bracing which are not intended as part of the sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

SIGN HEIGHT. Sign height shall be measured from the ground directly below the center of the sign or from the road grade of the closest point in the road the sign is located along, whichever is higher, to the sign or sign structure's highest point.

TEMPORARY SIGN. A sign with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display provided, however, a temporary sign does not include a portable sign herein defined.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§152.06 CONFLICT WITH OTHER LAWS.

Whenever the regulations of this chapter conflict with the requirements of another statute, the more restrictive standard shall govern.

(Ord. passed 9-5-1995; Am Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

SIGN REGULATIONS

§152.20 PERMIT REQUIRED; COMPLIANCE WITH STATE BUILDING CODE.

Except as specifically exempted or prohibited in this section, all signs constructed, placed, relocated or maintained shall require a permit in accordance with the provisions of this chapter.

All signs permitted by this chapter shall be constructed in accordance with the North Carolina State Building Codes as amended.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see §152.99

§152.21 SIGNS EXEMPTED.

The following signs are exempted from this chapter: 68

(A) Government signs including, but not limited to, traffic warning or regulatory signs including building identification, directional, information and welcome signs.

(B) Trade names and graphics which are located on newspaper, soft drink, gasoline pumps and similar vending devices.

(C) Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device.

(D) Warning signs posted by utility or construction companies.

(E) Commemorative tablets, markers or monuments constructed by or with the permission of the Macon County Board of Commissioners.

(F) Signs on operational motor vehicles indicating the name of a business, when the vehicle is not intended solely for a display of signs.

(G) Signs required by law, statute or chapter.

(H) Decorations or displays of a temporary nature which are associated with any national, local or religious holiday or celebration.

(I) Political signs, except as prohibited in § 152.23.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.22 SIGNS REGULATED BUT NOT REQUIRING A PERMIT.

The following signs are regulated under this chapter but do not require a permit.

(A) *Directional signs.* Such signs shall not exceed 32 square feet in area per directional flow of traffic and ten feet in height. Not more than three directional signs shall contain directions or reference the same activity or business. A maximum of three directional signs may be placed within 100 feet of any intersection.

(B) *Real estate signs.* Such signs shall not exceed four square feet in area per sign face, and one sign per property per street frontage on lots less than two acres in size. For lot greater than two acres, real estate signs shall not exceed 32 square feet in area per directional flow of traffic, a maximum height of ten feet, and a maximum of one sign per street frontage.

(C) *Temporary Signs.* Temporary signs are permitted on-premise for a maximum period of 30 consecutive days, not to exceed a total of 90 days during any one-year period. The total area of all temporary signs shall not exceed 50% of signage permitted on a property.

(D) *Temporary construction signs.* Temporary signs which provide the names of contractors, subcontractors, financing institutions and the future business or activity proposed on the tract. The signs shall be located on-premise and shall not exceed a maximum sign area of 32 square feet per sign face, and two signs per property. The signs may be erected within 30 days of the start of construction and shall be removed upon issuance of a certificate of occupancy.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§152.23 SIGNS PROHIBITED.

The following signs and sign features or components are prohibited:

(A) Signs obstructing the view of motorists entering or exiting roads or highways, or interfering with the driver's view of approaching, merging or intersecting traffic.

(B) Signs incorporating flashing, blinking or strobe lights and signs with moving parts or parts which simulate movement; provided however, signs may include changing displays. Additionally prohibited are signs with direct or indirect illumination which directs or allows a lighting source to direct light on any residential dwelling or at any portion of a roadway with an intensity which may impair a driver's vision.

- (C) Portable signs.
- (D) Any non-governmental sign resembling a public safety warning or traffic signal.
- (E) Signs, whether temporary or permanent, within any road or highway right-of-way, with the exception of governmental signs and signs permitted pursuant to G.S. Chapter 136-32.-
- (F) Signs constructed or maintained upon trees and utility poles or painted or drawn upon natural rock formations or other natural features.
- (G) Signs containing words or graphics that are obscene, as defined in G.S. Chapter 145.
(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord passed 12-3-2001; Am. Ord. passed 7-14-2008) Penalty, see § 152.99

§ 152.24 OFF-PREMISE ADVERTISING SIGN REGULATIONS.

The following regulations shall be applicable to all off-premise advertising signs as defined in § 152.05. Any not specifically allowed is prohibited.

(A) *Size.* No off-premise advertising sign permitted by this chapter shall exceed the following maximum sign area:

- (1) A maximum of 300 square feet per directional flow of traffic on primary highways (four or more lanes)
- (2) A maximum of 75 square feet per directional flow of traffic on all other roads
- (3) For both subsections (1) and (2) above, a maximum of two faces per sign structure is allowed, positioned either back to back or V-shaped, such that only one face is allowed per side. Both sides of a double faced or V-shaped sign shall be of equal size. In no case shall there be more than one face per directional flow of traffic.

(B) *Height.* No off-premise advertising sign shall exceed 30 feet in height.

(C) *Spacing.* The minimum space between off-premise advertising signs shall be at least 1,000 linear feet as measured along the roadway centerline. Additional spacing is required as follows; 500 feet from any intersection of the centerline of all roads and bridges, and a minimum of 500 feet from the nearest point of any dwelling unit, church or any place of worship and the property boundary of any school, cemetery or public park located within 600 feet of the right-of-way. No off-premise advertising sign shall be located on a parcel or lot with an existing free-standing, on-premise sign or within 100 feet of a free-standing, on-premise sign on the same side of a road.

(D) *Setbacks.* The minimum setback is back of the right-of-way but no closer than 20 feet from the edge of the traveled way of any road. All off-premise advertising signs shall be located at least 20 feet from any abutting property lines and outside of all sight visibility triangles.

(E) *Extensions.* No off-premise advertising signs shall have any extensions that cause the sign to exceed the maximum size, height or setback.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.25 ON-PREMISE SIGN REGULATIONS.

All on-premise signage, except as herein provided, shall require a permit and shall meet the following requirements:

(A) *Free-standing signs.*

(1) *Size.* Free-standing signs on all roads shall not exceed 75 square feet per directional flow of traffic. A maximum of two sign faces per directional flow of traffic is permitted per free-standing sign.

(2) *Number of signs.* A maximum of one free-standing sign per property for each street frontage is permitted.

(3) *Height.* No sign shall exceed 30 feet in height.

(4) *Setbacks.* When signs, because of their placement, obstruct the view of motorists entering or exiting roads or highways, those signs shall either be elevated or be set back 20 feet from the edge of the traveled way.

(B) *Attached signs.*

(1) *Size.* Attached signs for an individual building shall not exceed the following maximum sign area: 1 ½ square feet of signage for each one linear foot of building frontage adjacent to a public road, or for each one linear foot of the longest side of the building, whichever is greater.

(2) *Number of signs.* Attached signs for individual businesses may include multiple signs, provided the total square footage of all signs on a building frontage does not exceed the total maximum area permitted.

(3) *Type of signs.* Except as prohibited and regulated in §§ 152.22 and 152.23, any type of sign may be permanently attached to the primary building.

(4) *Height.* No sign shall exceed 30 feet in height.

(C) *Signs for multiple establishments.* Shopping centers and group developments on a single lot or parcel.

(1) One free-standing sign which identifies the group development and/or the individual tenants is permitted per street frontage, provided such sign conforms with standards in division (A) above of this section.

(2) Attached signs for individual businesses or activities within a group development are permitted to have a maximum sign area of one square foot of signage for each one linear foot of building frontage per business. The number and type of signs permitted shall conform to the standards in division (B) above this section.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.26 NONCOMMERCIAL MESSAGES

Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing, or other requirements of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

SIGN MAINTENANCE; CARE OF TREES

§ 152.40 MAINTENANCE

(A) All signs and their structures shall be maintained in good repair and safe condition and shall conform to the standards in this section. Maintenance carried out in accordance with this section shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition.

(B) Any sign violating these requirements shall be repaired or removed as required.

(1) No sign shall be allowed to have more than 20% of its total surface area covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions for more than 30 consecutive days.

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular for more than 30 consecutive days.

(3) No sign or sign structure shall be allowed to have weeds, vines or other vegetation obscuring more than 20% of the sign from the road or highway from which it is intended to be viewed for more than 30 consecutive days.

(4) No illuminated sign shall be allowed to stand with partial illumination for more than 30 consecutive days.

(5) No sign or sign structure shall be allowed if a business no longer exists and the issued permit is not transferred within one year.

(6) If a sign is damaged such that more than 50% of the sign's current assessed tax value is lost, as determined by the Sign Enforcement Officer, any repair or replacement shall be done in conformance with this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.41 UNLAWFUL CUTTING OF TREES OR SHRUBS.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim or remove any trees, shrubs or other vegetation located within any public road or highway right-of-way, except where a legal permit has been obtained from the North Carolina Department of Transportation.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

PERMITS, FEES AND NONCONFORMING SIGNS

§ 152.55 PERMITS REQUIRED.

All signs, except as otherwise provided in §§ 152.20 through 152.25 of this chapter shall require a sign permit prior to being constructed, moved, altered, placed or repaired. Sign permits shall be issued by the Sign Enforcement Officer, who shall be appointed by the Macon County Planner. If a sign permit is denied, the written decision may be appealed to the Macon County Planning Board within 30 days of receipt of the written notice of the decision.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.56 PERMIT APPLICATION AND FEES; TRANSFERS.

(A) No permit shall be issued until an application for each separate sign or sign structure is completed, submitted and approved by the Sign Enforcement Officer. The initial permit shall be valid until revoked by the Sign Enforcement Officer.

(B) Initial fees are required to be paid for the permitting of all new sign structures. Existing sign structures are exempt from the initial permit fee. A fee schedule shall be determined by the Macon County Board of Commissioners and posted in the Macon County Planning Department.

(C) Valid Sign permits may be transferred to new sign owners, provided that the Sign Enforcement Officer is given notice of the transfer of ownership within 30 days of the actual transfer.

(D) Pursuant to G.S. 160D-403(a), applications for permits may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a permit as is authorized by the easement.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.57 PERMIT AND PERMIT EMBLEM.

A permit, along with a permit emblem, shall be used upon proper application and approval. New sign structure construction shall not commence until a permit and emblem are issued. The sign structure must be completely constructed and erected, with the permit emblem affixed, within 180 days from the date of the permit issuance. During the 180-day period, newly permitted sign structures shall be considered to be in existence for the purpose of spacing signs. The permit emblem shall be placed on sign structures in such a position as to be visible from the nearest adjacent road.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.58 PLANS, SPECIFICATIONS AND DATA REQUIRED FOR PERMIT.

The application shall be accompanied by complete information as required on forms provided by the Sign Enforcement Officer and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, indicating the proposed location of the sign, setbacks, height, dimensions and square footage of the proposed sign, and any other data as the Sign Enforcement Officer any determine is necessary for review of the application. The Sign Enforcement Officer shall not issue a sign permit unless the plans, specifications and intended use of such sign conforms in all respects to the applicable provisions of the chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.59 REGISTERING EXISTING SIGNS.

Sign structures constructed and in place prior to the adoption of this chapter by the Macon County Board of Commissioners which are not exempted and exceed 32 square feet shall be required to obtain a permit. The permit shall be obtained within a period of 180 days beginning with the effective date of this chapter. Existing signs that require a permit that have not been registered within the 180-day period shall be in violation of this chapter. ~~If the existence of a sign prior to the adoption and enforcement of this chapter is questioned, the issue will be determined by the Sign Enforcement Officer with the advice of the Macon County Planner and the sign owner using information compiled during a sign inventory conducted during April/May of 1997.~~ (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.60 PERMIT REVOCATIONS.

Valid sign permits for new signs and permitted nonconforming signs may be revoked for any one of the following reasons:

- (A) Misrepresenting material facts by the applicant on the permit.
- (B) Failing to construct the sign structure and affix the permanent emblem within 180 days from the permit issue date.
- (C) Altering, enlarging or relocating a permitted sign structure, except in conformance with the requirements of this chapter.
- (D) Allowing a sign to remain blank for a period of 12 consecutive months or reaching a state of dilapidation or disrepair as determined by the Sign Enforcement Officer.
- (E) Any Violation of § 152.62.

Notice of revocation of the permit shall be in accordance with G.S. 160D-403(f).

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.61 NOTICE GIVEN FOR REFUSING TO ISSUE PERMIT.

The Sign Enforcement Officer shall refuse to issue a permit for a proposed sign structure that will not conform to this chapter. Notice of the decision shall be in accordance with G.S. 160D-403(b). ~~and shall notify the owner of the proposed sign structure by first class mail as to why the proposed sign does not comply.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.62 NONCONFORMING SIGNS

Any sign legally in existence prior to the effective date of this chapter, or any applicable amendment thereto, which does not satisfy the requirements of this chapter, as amended, is declared nonconforming.

(A) All nonconforming signs in existence prior to the effective date of this chapter shall either be made to conform to all provisions of this chapter or shall be removed within seven years after the enactment of this chapter. All nonconforming signs made nonconforming by an amendment to this chapter shall either be made to conform to all provisions of this chapter or shall be removed within seven years after the date of such amendment. Provided, however, that the removal of any non-conforming off-premises outdoor advertising sign shall be in accordance with G.S. Chapter 160D-912, G.S. Chapter 136-131.2 and G.S. Chapter 136-131.2. ~~any nonconforming signs, or signs made nonconforming by an amendment to this chapter, which are subject to the provisions of G.S. §§ 136-126 et seq. (the outdoor Advertising Control Act) and for which valid Department of Transportation permits have been issued, pursuant to G.S. § 136-133, may be removed only if compensation for the same is made pursuant to the provisions of G.S. § 136-131.1.~~ Provided, further that the provisions of this division shall not be applicable to an off-premise advertising sign which is in violation of only the 1,000 linear foot spacing requirement of § 152.24(C) of this chapter.

(B) All portable and temporary signs which are made nonconforming as a result of the passage of this chapter, or from the passage of an amendment to this chapter, shall be removed within 180 days of the effective date of this chapter.

(C) All legal, nonconforming signs are permitted to continue, provided sign shall conform to the provisions in (A) above and shall not be:

- (1) Changed, altered or replaced by another nonconforming sign, except that copy may be changed on an existing sign;
- (2) Expanded or modified in any way which increase the sign's nonconformity;
- (3) relocated, except in conformance with the requirements of this chapter;
- (4) Re-established after it has been removed or has been abandoned for 365 days or more;
- (5) Re-established after damage or destruction if such damage to the sign exceeds 50% of the sign's current assessed tax value. The extent of damage shall be determined by the Sign Enforcement Officer.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.63 RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES.

(A) Any conforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 30 working days and completed within 60 working days of such damage. However, if the sign should be declared unsafe by the Sign Enforcement Officer, the owner of the sign, or the owner of record of the real property whereon the sign is located, shall immediately correct all unsafe conditions to the sign Enforcement Officer's satisfaction.

(B) As a courtesy to the sign owner, if the Sign Enforcement Officer discovers that a sign is damaged or is in an unsafe condition, the Sign Enforcement Officer will promptly notify either the sign owner or the owner of record of the real property whereon the sign is located. The affirmative duty liability shall, however, remain with the owner of the sign to keep each sign in a safe and undamaged condition in accordance with the terms of this chapter.

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

ADMINISTRATION AND ENFORCEMENT

§ 152.75 RESPONSIBILITY AND AUTHORITY

(A) The Macon County Planning Department shall be responsible for the administration and enforcement of this chapter. The Macon County Planner shall appoint a Sign Enforcement Officer to administer and enforce this chapter.

(B) The Sign Enforcement Officer shall have the following authority:

(1) *To issue a violation notice.* A written violation notice shall be delivered in accordance with G.S. 160D-404. ~~by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the chapter.~~

~~Whenever the owner of the sign cannot be located and notified, said notice shall be delivered to the owner of record of the real property whereon the sign is located.~~ The time period provided herein shall commence upon receipt of such violation notice. The violation notice shall identify the sign and shall describe the nature of the violation, refer to each section of the chapter violated, specify in detail what action must be taken to correct the violation and specify a reasonable time limit of up to 30 working day within which the citation must be corrected.

(2) *To issue a compliance order for any sign or sign structure not corrected within the time allotted under the violation notice, or for a prohibited sign as established by this chapter.* A compliance order shall be delivered to the sign owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a violation notice and shall not be effective until received. The compliance order recipient shall be allowed 30 calendar days to remove the subject sign at this or her expense; provided, however, that the removal of any non-conforming off-premises outdoor advertising sign shall be in accordance with G.S. Chapter 160D-912, G.S. Chapter 136-131.2 and G.S. Chapter 136-131.2. The compliance order shall identify the sign and refer to the section of the chapter violated.

(3) *To issue an unsafe sign notice.* Should any sign or sign structure become imminently unstable or in danger of falling or otherwise unsafe, an unsafe sign notice shall be delivered to the sign

owner or to the owner of record of the real property whereon the sign is located in the same manner as set out for a violation notice, except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the Sign Enforcement Officer in conformance with the provision of this chapter. If the condition prompting the notice is not corrected within 24 hours after receipt of the notice the Sign Enforcement Officer shall have the authority to remove the sign at the recipient's expense. (Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) Penalty, see § 152.99

§ 152.76 APPEALS

~~Denial of a permit, v~~ Violation notices, ~~revocations~~ and compliance orders issued by the Sign Enforcement Officer may be appealed to the Macon County ~~Planning Board~~ Board of Adjustment within 30 ~~working~~ days of receipt of notice ~~in accordance with G.S. Chapter 160D-405 and 406~~. Pending appeal, the time limits set out in the notice or order shall be suspended ~~in accordance with Chapter 160D-405(f)~~. ~~If the Board of Adjustment finds that the action of the Sign Enforcement Officer has been taken for good cause and in accordance with this chapter, it shall so declare and the time period for compliance shall run from the issuance of the Board's findings. If the board of Adjustment sustains the appeal of the petitioner, no further action will be taken by the Sign Enforcement Officer.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.77 VARIANCES.

~~When unnecessary hardships would result from carrying out the strict letter of a ordinance, the Planning Board shall vary any of the provisions of the ordinance upon a showing of all of the following: Where strict adherences to the provisions of the chapter would cause an unnecessary hardship, the Macon County Board of Adjustment may authorize a variance, if such variance can be made in accordance with the following provisions. And variance thus authorized is required to be entered in writing in the minutes of the meeting of the Board of Adjustment and the reasoning on which the departure was justified set forth.~~

~~(A) The Macon County Board of Adjustment shall have the power to hear and act upon applicant for a variance when meet the following requirements:~~

~~(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. If the applicant complies strictly with the provisions of this chapter the applicant can make no reasonable use of the sign allowed; and~~

~~(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance, of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public; and~~

~~(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. If the hardship relates to the applicant's land (such a terrain of the site) rather than in personal circumstances; and~~

~~(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. If the hardship is not the result of the applicant's own actions; and~~

~~(5) If the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit and if the variance secures the public safety and welfare and does substantial justice.~~

~~(B) The Planning Board shall follow quasi-judicial procedures as set forth in G.S. 160D-406. In granting a variance, the Board of Adjustment shall make written findings that all of the about listed requirements have been met. If a variance is granted it shall be the least possible deviation from the requirements of this chapter, in granting any variance, the Board may prescribe~~

~~appropriate conditions and safeguards in conformity with the chapter. Violations of the provisions of the variance granted, including any condition or safeguards which are a part of the grant of the variance, shall be deemed a violation of this chapter.~~

(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001)

§ 152.99 PENALTY.

After due notice and order as provided above for any violation of the terms of this chapter, the Sign Enforcement Officer may issue a citation imposing a penalty of not more than \$100 on the owner of the sign in question or on the owner of record of the real property whereon the sign is located where the owner of the sign cannot be located and notified of said citation. In addition to the above described penalty, Macon County may enforce this chapter by anyone or more of the remedies authorized by G.S. ~~160D-404(c)§ 153A—123, with the exception of § 153A—123(b).~~
(Ord. passed 9-5-1995; Am. Ord. passed 5-10-1999; Am. Ord. passed 12-3-2001) accidentally