



POLK COUNTY SIGN ORDINANCE

Adopted August 29, 1994; Amended June 15, 2015, November 20, 2017¹, May 3, 2021²

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AN ORDINANCE OF THE POLK COUNTY BOARD OF COMMISSIONERS, REGULATING THE LOCATION, SIZE, HEIGHT, STANDARDS OF CONSTRUCTION, MAINTENANCE AND REMOVAL OF SIGNS; AND PROVIDING FOR THE METHOD OF ADMINISTRATION, AND FOR THE IMPOSITION OF PENALTIES FOR VIOLATION.

ARTICLE 1. AUTHORITY AND ENACTMENT CLAUSE

1.1 Purpose.

1.1.1 Polk County wishes to regulate signs placed for public observance within its jurisdictional boundaries under its general ordinance making powers to accomplish the following goals:

- A.** Preserve the scenic and aesthetic character of Polk County in order to protect and promote the development of the tourist industry and to provide for the protection of the health, welfare, and quality of life for residents and visitors.
- B.** Recognize the need for local businesses to adequately identify their products and services and to provide reasonable regulations while safeguarding their interests.
- C.** Preserve and increase the value of commercial and residential buildings and property in the area by creating a more visually harmonious environment.
- D.** Ensure the safety of motorists on public roads in Polk County by preventing the distracting influence of unregulated signs throughout the County.
- E.** Provide an improved environmental setting and community appearance by regulating existing billboards along our scenic highways.

1.2 Authority and Enactment.

1.2.1 By the authority granted by Chapter 153A-121(a), 136-129, 143-755, 160D-108 and 160D-903 of the North Carolina General Statutes, the Polk County Board of Commissioners hereby ordains and enacts into law the following articles and sections.²

ARTICLE 2. SHORT TITLE

2.1 Generally.

This Ordinance shall be known and may be cited as "The Sign Ordinance of Polk County, North Carolina."

ARTICLE 3. GENERAL PROVISIONS

3.1 Jurisdiction.

The provisions of this Ordinance shall apply to the unincorporated areas of Polk County, lying outside the extra-territorial jurisdiction of any incorporated city or town. No type of sign as herein defined may be erected, maintained, posted, placed, replaced, hung, painted, or repainted in any unincorporated area of Polk County outside the extra-territorial jurisdiction of any incorporated city or town except in accordance with this Ordinance.

3.2 Definitions.

The following words or terms shall have the meaning as herein defined:

Adjacent - A tract of real property contiguous to another tract of real property or separated by a road, river, or easement.

Amortization - A reasonable period for terminating the use of certain non-conforming signs.

Banners, Pennants, and Balloons - Any animated, rotating, fluttering, or non-stationary device made of flexible materials which attract attention.

Bona Fide Farm - Agricultural activities as set forth in North Carolina General Statute 160D-903.²

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

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

Erect - To assemble, construct, build, raise, place, install, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Façade - The entire building wall, including wall face, parapet, fascia, windows, doors, canopy, and roof on any complete elevation.

Frontage, Building - The linear length of only that portion of a building used by an individual tenant in a multiple-tenant development and which faces a public street or alley.

Grade - The lowest point at which a sign is attached to the ground.

Grandfather Clause - An exemption based on circumstances previously existing (e.g., The Federal Highway Act which provides that local governments may not cause to be removed existing signs from certain Federally-regulated highways without cash compensation).¹

Marquee - A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Person - Any person, firm, partnership, corporation, company, association, trust, or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee, or other similar representative thereof.

Premises - A tract of real property in single ownership which is not divided by a public street.

Sight Visibility Triangle - The land adjoining a street intersection that is kept clear of obstructions between three (3) and seven (7) feet above ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flow lines of two (2) streets at an intersection. Where local streets meet, the legs shall extend 35 feet away from the intersection of the flow lines. Where collector or arterial streets meet, the legs shall extend 45 feet away from the intersection of the flow lines.

Sign - Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is known, made of any material, except live vegetation, including any surface, fabric, or other material background structure designed to carry such devices, as are used to designate or attract attention.

Sign, Abandoned - Any conforming or legally non-conforming sign which has been discontinued for a period of 180 days or more, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season". However, failure to operate any such seasonal business for a minimum of 190 consecutive days in a calendar year will deem these signs to have been abandoned.

Sign, Bulletin Board - A type of changeable copy sign displayed in a casement made of glass or plexiglass.

Sign, Business Vehicle - A sign that is placed upon, painted on, or attached to a vehicle which is parked or placed upon the owner's premises primarily for advertising purposes.

Sign, Changeable Copy - A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.¹

Sign, Exempt - Any sign which is specifically listed as exempt from this Ordinance. Said listed exempt signs are not regulated by the terms of this Ordinance and shall not require a permit.

Sign, Externally Illuminated - A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. If such shielding is inoperative, such sign shall be deemed to be a directly illuminated sign.

Sign, Freestanding - The general term for any sign which is supported from the ground and not attached to a building.

Sign, Governmental - A sign that is constructed, placed, or maintained by local, state, or federal government or is required to be placed or maintained by local, state, or federal government.¹

Sign, Identification - A sign stating the name of a person or firm; or the name or description of a certain permitted use.

Sign, Illegal - Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this Ordinance.

Sign, Internally Illuminated - 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.

Sign, Marquee - A sign attached to and made part of a marquee or any other similar projection from a building.

Sign, Monument - A freestanding sign with a base affixed flush to the ground which measures at least two-thirds the horizontal length of the sign.

Sign, Non-Commercial - Any sign which is not by definition an off-premise advertising sign, an off-premise directional sign, an on-premise advertising sign, or an on-premise directional or informational sign, and which sign displays a substantive message, statement, or expression that is protected by the First Amendment to the U.S. Constitution. Non-commercial signs shall not contain any reference to a business or product.

Sign, Non-Conforming - Signs that are erected and in place prior to the adoption of this Ordinance and which do not conform to the provisions of this Ordinance are declared non-conforming signs. A sign that is erected and that is in place and which conforms to the provisions of the Sign Ordinance at the time it is erected, but which does not conform to an amendment of this Ordinance enacted subsequent to the erection of said sign, is declared a non-conforming sign.

Sign, Off-Premise Advertising - Any sign advertising a product, service, business, or activity sold, located, or conducted elsewhere than on the premises on which the sign is located, or which said product, service, business, or

activity is sold, located, or conducted on such premises only incidentally, if at all.

Sign, Off-Premise Directional - Any off-premise sign indicating the location of or directions to a business, office, or other activity. The sign shall not include any information or message except the name of the business or activity, and directions or symbols indicating directions. If a sign exceeds the maximum area, it shall be construed as an off-premise advertising sign.

Sign, On-Premise Advertising - Any sign advertising or identifying a product, service, business, or activity sold, located, or conducted on the premises where the sign is located.

Sign, On-Premise Directional and Informational - Any on-premise sign which provides directions or information for persons on the premises including, but not limited to, entrance and exit signs, parking information, and handicapped access.

Sign, Painted Wall - A sign painted directly on any exterior building wall or door surface, exclusive of windows or door glass areas.

Sign, Pole - A freestanding sign which is permanently affixed to the ground by one (1) or more poles or other structure and which is not part of the building.

Sign, Portable - Any changeable copy sign designed or intended to be readily relocated. Said portable sign shall include signs on wheels, trailers, truck beds, or any device which is capable of or intended to be moved from one location to another, whether on the same premises or to a different premise, and which sign is not permanently attached to the ground or other structure. Signs defined as temporary signs are not included in this definition.

Sign, Projecting - A sign attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the surface of the portion of the building line or extending over public property.¹

Sign, Roof - Any sign erected, constructed, or maintained on, upon, or over the roof of any building or structure and which is wholly or partially dependent upon the roof of the building structure for support.

Sign, Structure - Any structure which supports, has supported, or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Temporary - A sign with or without a structural frame, whether attached to a permanent structure or freestanding, which is intended to be displayed for a limited time for a specific event, not to exceed a period of sixty (60) days. This definition shall not include a permanent sign display area with changeable copy, or signs defined as portable.

Sign, Wall - A sign erected on or fastened against the wall or roof area of a building structure with the exposed face of the sign in a plane approximately parallel to the plane of such a wall and not extending more than twelve (12) inches beyond the surface of the portion of the building wall or roof area on which erected or fastened.

Sign, Wayfinding – A systematics network of directional signs installed and maintained to guide the traveling public to civic, cultural, visitor, and recreational destinations.¹

Sign, Window - An identification sign affixed to, or painted upon, a window; or a sign within a building, placed no more than twelve (12) inches behind a window, and visible through the window.

Theatre - A building used for the presentation of motion pictures, live dramatic productions, musical concerts, ballet, or other theatrical performances. If such an edifice consists of, or contains, more than one (1) auditorium, it shall nevertheless be considered in these regulations to be a single theatre.

3.2.1 Area and Height of Signs Defined.

A. 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 [8] straight lines), which encompasses all lettering, wording, design, or symbols together with any background difference on which the sign is located, if such background is designed as an integral part of, and related to, the sign. Any cutouts or extensions shall be included in the area of a sign, but supports and bracings which are not intended as part of the sign shall be excluded. Only one side of a multi-faced sign is included in the computation of the sign area.

B. The height of a sign shall be measured as the vertical distance between the highest point of the sign (or its supporting structure if freestanding), whichever is highest, and the base of the sign at grade.

3.2.2 Illumination

A. Any light used for illumination shall be shielded so that the beams or rays of light will not shine into surrounding areas or on the public roadway.

B. Neither direct nor reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

C. All forms of blinking or flashing lights, including strobe lights, are expressly prohibited as part of a sign or sign structure.

3.3 Protection Under First Amendment Rights.

Any sign, display, or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such a sign complies with the size, lighting, spacing, setbacks, and other requirements of this Ordinance.

3.4 Exemption.

The following signs shall be exempt from the regulations of this Ordinance:

A. Flags.¹

B. Public Signs - Signs erected by government agencies or utilities having jurisdiction over the property on which it is erected.

C. Signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property; provided that such signs are located on the premises to which the information on pertains. No advertising may be affixed to such signs.

D. Signs which are not visible beyond the boundaries of the lot upon which they are located, and/or from any public thoroughfare or right-of-way.

E. Temporary decorations or displays, when such are clearly incidental to, and are customarily and commonly associated with, any national, local, or religious holiday or celebration.

F. Temporary or permanent signs, or traffic control devices erected by governmental agencies, public utility companies or construction companies to warn of danger, or hazardous conditions; including signs indicating the presence of underground cables, gas lines, and similar devices, or signs providing directions around such conditions.¹

G. Governmental signs.¹

H. Vehicular Signs. Signs displayed on trucks, buses, trailers, or other vehicles which are being operated in the normal course of a business.

I. Temporary signs with or without a structural frame, whether attached to a permanent structure or freestanding, which is intended to be displayed for a limited time for a specific event, not to exceed a period of sixty (60) days. This definition shall not include a permanent sign display area with changeable copy, or signs defined as portable.

J. Wayfinding Signs when they meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways and DOT Guidelines for Wayfinding Signs along State Maintained Roadways.¹

K. Outdoor advertising to promote a bona fide farm provided the sign is no more than three feet long on any side and the sign is located on any bona fide farm property owned or leased by the owner or lessee of the bona fide farm.²

3.5 Application of Regulations.

3.5.1 Signs Prohibited - The following signs are prohibited within the jurisdiction of this Ordinance:

A. Any non-governmental sign which resembles a public safety warning or traffic sign.

B. Any sign which obstructs ingress or egress, creates an unsafe distraction for motorists, or obstructs the view of motorists entering a public road or highway.

C. Signs which incorporate flashing or blinking lights, or signs with moving parts or parts which simulate movement.

D. Signs which are erected or maintained on trees, or Painted or drawn upon rocks or other natural features, except as provided in Section 3.5.2(b).

E. Portable signs with an area of 24 square feet or larger.

F. Off-premise signs, unless exempt under 3.4.¹

3.5.2 Signs Exempt From Permit Requirements but Subject to Ordinance Provisions - The following signs do not require a sign permit; however, these signs shall conform to the standards and provisions of this Section and other applicable provisions of this Ordinance. Any such sign which does not meet the provisions of this Section or other applicable parts of this Ordinance shall be considered in violation of the Ordinance.

A. On-premise traffic control devices and directional signs shall not exceed twelve (12) square feet in area, and must comply with Section 3.5.4.¹

B. Security and warning signs. On-premise signs regulating the use of the premises, such as "No trespassing", "No Hunting", and "No Soliciting".¹

3.5.3 Regulation of Off-Premise Signs - It shall hereafter be unlawful to erect any off-premise sign within the jurisdiction of this Ordinance in Polk County, except as may be specifically permitted in these regulations. All existing off-premise signs, except those covered by Section 5.2.1, which do not conform with these regulations are declared non-conforming signs and shall be required to conform to the regulations of this Ordinance or removed in accordance with Article 6, Section 6.2.4 of this Ordinance.

3.5.4 Regulation of Certain On-Premise Residential Identification Signs - All signs and sign structures shall be outside any visibility triangle, ten (10) feet from property lines (except for road frontage), and may be internally or externally illuminated.

A. Single-Family Subdivision Identification Signs - Signs that identify a single-family, residential subdivision, located at an entrance to the subdivision.

Permitted Number: One (1) sign for the main entrance, not to exceed two (2) signs for the subdivision

Types: Monument or Pole

Maximum Size and Height: Sixteen (16) square feet; six (6) feet high

B. Multi-Family Complex Identification Signs - Signs which identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at an entrance to such complex.

Permitted Number: One (1) sign for the main entrance, not to exceed two (2) signs for the complex.

Types: Monument, Wall, or Pole

Maximum Size and Height: Sixteen (16) square feet; six (6) feet high, except for wall signs, which shall be below the roofline, and no higher than twenty (20) feet from the ground.

C. Mobile Home Parks - Signs that identify the name and/or address of a mobile home park, located at an entrance to the park.

Permitted Number: One (1) sign for the main entrance, not to exceed two (2) signs for the park.

Types: Monument or Pole

Maximum Size and Height: Sixteen (16) square feet; six (6) feet high

3.5.5 Regulation of Identification Signs for Commercial or Industrial Uses - On-premise identification signs for all commercial and industrial uses shall conform to the following requirements:

A. Signs Adjacent to Residential Areas - Any on-premise identification sign for a commercial or industrial use erected within 100 feet of an existing residential use shall not exceed 36 square feet in area and ten (10) feet in height from grade.¹

B. Minimum Setbacks - All signs and sign structures must be located at least ten (10) feet from any property line (except for road frontage) and outside of all visibility triangles.

C. All signs may be internally or externally illuminated.

D. Lots With One (1) Commercial or Industrial Establishment Any establishment located on a lot with one (1) business may erect signs as follows:

Permitted Number: Maximum of two (2) signs, but in no case shall two (2) freestanding signs be allowed on the same lot.

Types: Monument, Pole, Wall, Marquee, Projecting, Awning, or Window

Maximum Size and Height:

- 1. Wall or Marquee Sign - One (1) square foot per two (2) linear feet of building frontage on which sign(s) are attached, maximum of 100 square feet; the top of the sign shall be below the roofline and no higher than twenty (20) feet above ground.**
- 2. Pole Sign - One (1) square foot per five (5) linear feet of building frontage, maximum of 32 square feet; sign height shall not exceed a maximum of fifteen (15) feet.**
- 3. Monument Sign - One (1) square foot per three (3) linear feet of building frontage, maximum of 32 square feet, six (6) feet maximum height.**
- 4. Projecting Sign - One (1) square foot per two (2) linear feet of building frontage, up to a maximum of twenty (20) square feet; sign shall be located below the roofline, no higher than twenty (20) feet above ground.**
- 5. Awning or Canopy Sign - One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of twenty (20) square feet, no such sign shall extend above the top of the awning or canopy.**
- 6. Window Sign - Maximum area of twenty (20) square feet.**

E. Multiple Establishments on Single Lots - Lots with two (2) to five (5) establishments on a single tract may erect one (1) monument sign with a maximum size of 32 square feet and height of six (6) feet, or one (1) pole sign with a maximum size of 24 square feet and height of fifteen (15) feet. Signs may be internally or externally illuminated.

In addition, each establishment on such a lot may erect one (1) sign as follows:

Types: Wall, projecting, awning, canopy, window, or marquee

Maximum Size and Height:

- 1. Wall or Marquee Sign - One (1) square foot per two (2) linear feet of building frontage on which the sign(s) are to be attached, up to a maximum of 100 square feet; the top of all wall and marquee signs shall be below the roofline and no higher than twenty (20) feet above ground.**
- 2. Projecting Sign - One (1) square foot per two (2) linear feet of building frontage, up to a maximum of twenty (20) square feet; sign top shall be located below the roofline and no higher than twenty (20) feet above ground. The base of all projecting signs shall be no less than eight (8) feet above ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.**
- 3. Awning or Canopy Sign - One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of twenty (20) square feet; no such sign shall extend above the top of the awning or canopy.**
- 4. Window Sign - Maximum area of twenty (20) square feet.**

F. Developments with more than five (5) planned establishments planned as an integrated center may erect signs which may be internally or externally illuminated, and which are subject to the following provisions:

Center Identification Signs - One (1) monument or pole sign per street fronting the center, not to exceed a total of two (2) signs, identifying the name of the center.

The name of any major establishment within the center may serve as the name of the entire center. In addition to identifying the name of the center, the sign may identify individual establishments within the center.

1. Monument - Maximum sign area of sixty (60) square feet and height of six (6) feet.
2. Pole - Maximum sign area of forty (40) square feet. The top of the pole sign shall not exceed twenty (20) feet in height, and the base of the pole sign shall be at least seven (7) feet above ground.

Individual Establishment. No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one (1) sign per street frontage, up to a maximum of two (2) signs, according to the following criteria:

1. Wall or Marquee Sign - One (1) square foot per two (2) linear feet of building frontage on which sign(s) are attached. Sign top shall be located below roofline and no higher than twenty (20) feet above ground.
2. Projecting Sign - One (1) square foot per two (2) linear feet of building frontage, up to a maximum of twenty (20) square feet; sign top shall be located below the roofline, no higher than twenty (20) feet above ground. The base of all projecting signs shall be no less than eight (8) feet above ground and shall not project from the exterior wall of a building more than four (4) feet.
3. Window Sign - Maximum of twenty (20) square feet.

G. Office and/or Industrial Centers - Office and/or industrial centers at least two (2) acres in size and planned as an integrated development may erect signs which may be internally or externally illuminated, and are subject to the following provisions:

Identification Signs - One (1) monument sign per street frontage, not to exceed a total of two (2) signs; maximum of sixty (60) square feet in area, six (6) feet maximum height.

Individual Building Signs - Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one (1) monument sign, maximum of twenty (20) square feet in area, six (6) feet maximum height.

Individual Establishment Signs - Each individual establishment within an office and/or industrial building may erect one (1) wall sign. Total area of all such signs shall be of a size which does not exceed one (1) square foot per two (2) linear feet of building frontage on which sign(s) are attached. The sign top(s) shall be located below the roofline

In lieu of individual establishment signs, one (1) directory sign may be erected, maximum size 32 square feet.

H. Theaters as defined in these regulations are authorized to erect one (1) monument or one (1) wall sign based on the following criteria:

1. Monument - One (1) directly illuminated sign with a name of the theater and a changeable copy board displaying the name(s) of the current presentation(s), maximum of fifty (50) square feet per cinema screen, eight (8) feet high.

2. Wall Sign - One (1) directly illuminated sign with the name of the theater and a changeable copy board displaying the name(s) of the current and/or future presentation(s), maximum of fifty (50) square feet per cinema screen. The sign shall be located below the roofline.

I. Gasoline Stations - Automobile service and gasoline stations shall comply with all applicable sign regulations within this Section. The following additional regulations shall apply to all automobile service and gasoline stations:

Changeable Fuel Price Signs - Freestanding signs identifying the name of the business may include changeable copy. The area of the fuel price sign shall be included in determining the sign area for the business.¹

Gas Pump Signs - Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

J. Sports Score Boards - Baseball fields, football fields, golf courses, and similar outdoor sports premises, whether private or commercial, are permitted to have signs for the purpose of displaying the scores of such events. Signs are to be on, a part of, or adjacent to playing fields and intended to be viewed by the participants and/or spectators, and not intended for viewing by neighboring roads or properties.¹

3.5.7 Regulation of Institutional Signs - Signs erected by schools, churches, hospitals, governmental entities, and other public institutions. All setbacks are to be ten (10) feet measured from the property line (out of right of way), and outside of all sight visibility triangles. Such signs may contain two (2) faces, may be changeable copy, and may be internally or externally illuminated.

Permitted Number: One (1) sign per entrance, on the premises, not to exceed two (2) signs.

Types: Pole, Monument, or Wall

Maximum Size and Height: Sixty (60) square feet; ten (10) feet high from grade.¹

3.6 Construction and Maintenance Provisions.

3.6.1 Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind.

3.6.2 The Polk County Building Inspector shall possess the authority to order the painting, repair, or alteration of a sign which constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Notice to the owner shall be by personal service or registered mail, return receipt requested.

3.6.3 The immediate premises around a sign shall be kept free from debris. However, no person may damage, destroy, or remove any trees, shrubs, or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign. Nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

3.6.4 Any sign permitted under this Ordinance must comply with any applicable requirements of the building code, electric safety code, and other applicable Federal, State, or County codes.

3.7 Reconstruction of Damaged Signs or Sign Structures.

3.7.1 Any conforming or permitted non-conforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within thirty (30) days and completed within sixty (60) days of such damage. However, if the sign should be declared unsafe by the Polk County Building Inspector, 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 in a manner satisfactory to the Polk County Building Inspector.

3.7.2 For purposes of this Section, a non-conforming sign or its structure shall be considered destroyed, and therefore not repairable, if it receives damage to the extent of more than 50% of its value as listed for tax purposes by the Polk County Tax Supervisor.

ARTICLE 4. PERMITS AND FEES

4.1 Permits Required.

After the effective date of this Ordinance, no sign shall be erected, altered, replaced, or relocated unless a permit has been obtained from the Polk County Building Inspector in accordance with this Section. All existing signs must also obtain permits in conformity with this Section and with the provisions of Article 5. Maintenance as provided in Section 3.6 shall not require a permit, provided the repairs do not exceed the provisions in Section 3.7.

4.2 Permit Application.

4.2.1 No permit shall be issued until an application has been completed for each separate sign structure along with the required initial permit fee. The permit shall be valid until revoked by the Polk County Building Inspector. Owners of all existing sign structures regulated by this Ordinance, except those exempted under Article 3, Section 3.5.2, shall be required to obtain a sign permit.

4.2.2 Applications for a sign permit to construct signs shall be obtained from the Polk County Building Inspector. Instructions for completing and processing the application and paying the required fees are included on the permit form.

4.3 Permit Fees.

A permit fee is required to be paid by the owners of each new and existing sign structure, except those exempted under Article 3, Section 3.5.2, in order to defray the costs of the administration, inspection, and enforcement expenses incurred by Polk County in administering the permit procedures. The fee schedules shall be determined by the Polk County Board of Commissioners.

4.4 Permit and Permit Emblem.

4.4.1 A permit along with a permit emblem shall be issued upon proper application, approval, and the payment of fees for lawful sign structures.

4.4.2 The erection of new sign structures shall not commence until a permit and emblem have been issued. The sign structure must be completely constructed and erected with the permit emblem affixed within 180 days from the date of issuance of the permit. During the 180-day period, the new sign structure shall be considered in existence for the purpose of spacing of adjacent signs as set out in the appropriate rules and regulations of this Ordinance.

4.4.3 The permit emblem, which will have an identifying number, shall be placed on the sign structure in such a position as to be visible from the main traveled roadway of the adjacent highway.

4.5 Registering Existing Signs

4.5.1 The owners of all existing sign structures regulated by the terms of this Ordinance, constructed and in place prior to the adoption of a moratorium ordinance by the Polk County Board of Commissioners on August 6, 1990, shall be required to obtain a permit by the procedures set forth in this Article and to affix a County permit emblem within thirty (30) days after issuance of the permit unless exempted under Article 3, Section 3.5.2. The permit shall be obtained within a period of 365 days beginning with the effective date of this Ordinance.

4.5.2 All existing signs that require a permit that have not been registered within the 365-day period shall be in violation of the provisions of this Ordinance and subject to penalties provided in Article 6, Section 6.2.4.

4.5.3 If the existence of a sign erected prior to the passage of the moratorium ordinance is questioned, the issue will be resolved by the Polk County Building Inspector. The sign owner or any Polk County resident may appeal the decision of the Polk County Building Inspector within thirty (30) days of its decision. The appeals process shall follow the procedures in Article 6, Section 6.3. Any sign determined to have violated the moratorium shall be removed at the owner's expense.

4.6 Transfer of Permit.

The transfer of ownership of an off-premise sign structure for which a permit has been lawfully issued to the original owner shall not in any way affect the validity of the permit for that specific structure, provided that the Polk County Building Inspector is given notice of the transfer of ownership within thirty (30) days of the actual transfer.

4.7 Revocation of Permit.

4.7.1 Any valid permit issued for a lawful sign structure shall be revoked by the Polk County Building Inspector for any one of the following reasons:

- A.** Mistake of material facts by the issuing authority for which, had the correct facts been made known, the sign permit in question would not have been issued
- B.** Misrepresentation of material facts by the applicant on the application for the sign permit
- C.** Failure to construct sign structure and affix the permanent emblem within 180 days from the date of issuance of the permit
- D.** Any alteration of a sign structure for which permit has previously been issued which would cause that sign structure to fail to comply with the provisions of this Ordinance and the rules and regulations promulgated by the Polk County Board of Commissioners pursuant thereto
- E.** Any violation of Article 3, Section 3.7
- F.** Any abandoned sign
- G.** Failure to maintain a sign such that it reaches a state of dilapidation or disrepair as determined by the Polk County Building Inspector
- H.** Any violation of Article 5, Section 5.1.3

4.8 Notice Given for Refusing to Issue Permit.

4.8.1 Should the Polk County Building Inspector determine that a proposed sign and its structure would not

conform to the standards as set out in this Ordinance or the rules and regulations promulgated thereto by the Polk County Board of Commissioners, the Polk County Building Inspector shall refuse to issue a permit for that proposed sign structure.

4.8.2 When such non-compliance of this Ordinance has been determined, the Polk County Building Inspector shall so notify the owner of the proposed sign structure in question by registered mail, return receipt requested, in the form of a letter setting forth the reasons why the proposed sign structure in question does not comply, and shall also return the application and 75% of the application fee to the applicant.

ARTICLE 5. NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND ABANDONED SIGNS

5.1 Non-Conforming Signs - Conformance Required.

5.1.1 General - Any sign legally in existence prior to the effective date of this Ordinance which does not satisfy the requirements of this Ordinance is declared non-conforming. The eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety, and welfare as is the regulation of new signs.

5.1.2 All non-conforming off-premise advertising signs shall be made to conform to all provisions of this Ordinance unless explicitly prohibited by State or Federal law.¹

5.1.3 During the amortization period, an off-premise non-conforming sign may be continued and shall be maintained in good condition as defined in Section 3.6.1, but it shall not be:

- A.** Changed for another non-conforming sign
- B.** Structurally altered so as to prolong its life
- C.** Expanded to a larger size or greater height
- D.** Re-established after it has been discontinued for ninety (90) days or more
- E.** Re-established after damage and destruction as defined in Section 3.7.2

5.2 Non-Conforming Signs - Grandfathered.

5.2.1 Any off-premise sign legally in existence, i.e., holding a valid Department of Transportation permit, on a Federal Aid Primary Road, or on Interstate 26 prior to the effective date of this Ordinance which does not satisfy the requirements of this Ordinance is declared non-conforming, but shall not be amortized under Section 5.1.2 of this Ordinance.

5.2.2 Off-premise signs without valid permits shall be subject to the amortization regulations in Section 5.1.2.

5.2.3 Any on-premise sign in use prior to the effective date of this Ordinance which does not satisfy the requirements of this Ordinance shall be non-conforming, but such sign shall not be amortized under Section 5.1.2 of this Ordinance.

5.2.4 No grandfathered non-conforming sign shall be structurally altered, enlarged, moved, or replaced unless the sign is brought into compliance with the provisions of this Ordinance. Once the structural supports fail, the sign must be removed. All non-conforming signs, if any, which are not maintained and/or all non-conforming signs which are abandoned for a period of 180 days, shall be removed. For the purposes of this Ordinance a sign shall be considered as abandoned if no copy or advertising matter is exhibited on the advertising faces of the sign, or if

such copy is only partially legible, or if the business advertised has been abandoned.

5.3 Illegal Signs.

5.3.1 Nothing contained in this Ordinance shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of this or any prior ordinance of Polk County. Moreover, signs erected or altered in violation of this or any prior ordinance shall be removed as provided in this Section.

5.3.2 Any violation of the provisions of this Ordinance by any person is declared to be a public nuisance. Upon ascertaining a violation of the provisions of this Ordinance the Polk County Building Inspector shall cause to be served upon the offender, or his agent, and the owner, or his agent, or the occupant(s) of the premises, a written notice to abate which shall:

- A. Describe the conditions constituting a nuisance under this Ordinance
- B. Revoke the permit
- C. Require removal within thirty (30) days of the notice

5.4 Abandoned Signs.

An abandoned sign, as defined within these regulations, is deemed an illegal sign and shall be subject to the provisions of Article 5.3.

ARTICLE 6. ADMINISTRATION, ENFORCEMENT, APPEALS, AND VARIANCES

6.1 Administration.

6.1.1 The Polk County Board of Commissioners shall appoint the Polk County Building Inspector (the Building Inspector) to be responsible for the administration and enforcement of this Ordinance. The Building Inspector is hereby given authority to administer and enforce the terms and conditions of this Ordinance as herein provided.

6.1.2 Complaints - Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint to the Building Inspector. Such complaint shall state fully the causes and basis thereof. The Building Inspector shall officially record such complaint, immediately initiate investigations, and take such actions thereon as are required by the provisions of this Ordinance.

6.2 Enforcement.

Violation of the provisions of this Ordinance shall be enforceable as set forth below:

6.2.1 Violation Notice - The Building Inspector shall have the authority to issue a Violation Notice for any violation of this Ordinance. A Violation Notice shall be delivered by certified mail, return receipt requested, to the owner of the sign. Whenever the owner of the sign cannot be located, this notice shall be delivered to the owner of record of the real property whereon the sign is located.

The Violation Notice shall identify the sign and shall describe the nature of the violation, refer to the Section of the Ordinance violated, and specify in detail what action must be taken to correct the violation.

6.2.2 Time to Remedy Violation - All violations shall be remedied within thirty (30) days. The 30-day period shall commence upon the service of the Violation Notice.

6.2.3 Extension of Time for Compliance - The Building Inspector shall have the authority to grant a single 30-day extension of time within which to remedy the violation. This single extension of time may be issued based upon a written request for an extension of time which sets forth valid reasons for not complying with the original 30-day time period.

6.2.4 Remedies for Failure to Comply - Pursuant to North Carolina General Statutes, Section 153A-123(f), the Building Inspector, in consultation with the County Attorney, may choose from the remedies set forth below to enforce the requirements of this Ordinance when there is a failure to comply with the Violation Notice. Those remedies are:

A. In addition to or in lieu of the other remedies set forth in this Section, the Building Inspector shall have the authority to issue a Remove 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 Ordinance. A Remove 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 recipient of the Remove Order shall be allowed thirty (30) days after the receipt of the Remove Order within which to remove the subject sign at his expense. The Remove Order shall identify the sign and the reasons for the issuance of the Remove Order and shall refer to the Section of the Ordinance violated.

B. In addition to or in lieu of the other remedies set forth in this Section, the Building Inspector may issue a citation setting forth a civil penalty of \$50.00 pursuant to the North Carolina General Statutes, Section 153A-123(c), to the owner of the sign in question or the owner of record of the real property whereon the sign is located whenever the owner of the sign cannot be located and notified of said citation. In the case of a continuing violation, each 24-hour period during which the violation continues to exist shall constitute a separate violation.

In the event the offender does not pay the penalty within ten (10) days of service of the citation, the civil penalty shall be collected by the County in a civil action in the nature of debt.

The violation of this Ordinance shall not constitute a misdemeanor, and in so providing, the Board of Commissioners hereby chooses to exercise the option provided by the North Carolina General Statutes, Section 153A-123(b).

C. In addition to or in lieu of the other remedies set forth in this Section, the County Attorney may seek injunctive relief in the appropriate court.

6.2.5 Removal of Dangerous Signs - The Building Inspector shall have the authority to issue an Unsafe Sign Notice should he find that a sign has become insecure or in danger of falling or otherwise unsafe. An Unsafe Sign Notice shall be delivered to the sign owner or to the owner 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 forthwith in the case of immediate danger and in any case within ten (10) days of receipt, secure the sign in such a manner to be approved by the Building Inspector in conformance with the provisions of this Ordinance, or remove the sign.

If within ten (10) days the Notice is not complied with, the Building Inspector shall remove the sign at the expense of the recipient of the Notice.

6.3 Appeals.

Administrative decisions, Violation Notices, and Remove Orders issued by the Building Inspector may be appealed to the Polk County Board of Adjustment within thirty (30) days of receipt thereof. Pending appeal, the time limits set out in the Notice or Order shall be suspended. If the Polk County Board of Adjustment finds that the action of the Building Inspector has been taken for good cause and in accordance with the terms of this Ordinance, it shall so find and the time period for compliance shall run from the issuance of the Board's finding. If the Polk County Board of

Adjustment sustains the appeal of the petitioner, no further action will be taken by the Building Inspector.¹

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.²

6.4 Variances.

6.4.1 Where strict adherence to the provisions of the Ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize a variance, if such variance can be made without destroying the intent of this Ordinance. Any 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, upon a showing of all of the following:

Variances. - When unnecessary hardships would result from carrying out the strict letter of a regulation, the board of adjustment shall vary any of the provisions of the regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (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.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.²

6.4.2 Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.^{1,2}

ARTICLE 7. LEGAL STATUS PROVISIONS

7.1 Conflict With Other Laws.

Wherever the regulations of this Ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

7.2 Separability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any County of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

7.3 Effective Date.

This Ordinance shall take effect and be in force on and after the date of its adoption by the Polk County Board of Commissioners.

Adopted this 3rd day of May, 2021.

Polk County Board of Commissioners

Chair

ATTEST:

Clerk to the Board

County Attorney