



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Montre' Freeman, City Manager
Reginald Goodson, Interim Community Development Director

DATE: October 20, 2023

RE: Discussion -Portable signs displayed within the public right-of-way

****Original memo from May, but provided as background information for discussion. ****

BACKGROUND:

There is an increase in the number of portable signs being erected in the public right-of-way advertising services for everything from buying junk, pressure washing, purchasing ugly homes, and various business opportunities. These signs are erected on the ground and on utility poles.

ANALYSIS:

The City of Elizabeth City's Unified Development Ordinance includes a Sign Ordinance in Article 11. The Sign Ordinance defines a portable sign as "a sign not permanently attached to any surface." Article 11-1.1(CC), define temporary signs as "those signs which relate to such events as elections, farm auctions, yard sales, agricultural production sales, horse shows, festivals, and home show openings. Article 11-1.3(H), Exempt Signs, state that "temporary signs shall not be placed more than 30 days prior to the event or election and must be removed within 10 days following the event or election. Such signs are limited to 32 square feet in area and 6 feet maximum height."

The signs listed above in the background section of this memorandum are not event or election signs and are not regulated by Article 11-3.3(H). However, those signs are regulated by Article 11-1.4(D), Prohibited Signs. This section state that "portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign in residential districts, shall be prohibited except that portable signs used as temporary signs as defined in 11-1.1(Z) and in compliance with 11-1.3(H) are permitted."

Article 11-1.1(Z), defines how to measure a sign area. The reference made to this subsection was made in error. The reference to Article 11-1.3(H) clarifies that portable signs for events and elections are allowed.

STAFF RECOMMENDATION:

Staff has recommended that the Code Enforcement officers remove the portable signs identified in the background section of this memorandum out of the public right-of-way and store them in a safe location. The owners of the portable signs will be allowed to recover the signs once after agreeing not to place them in the public right-of-way again. Portable signs that are removed a second time will be destroyed. Future violations will lead to the signs being confiscated and civil fines assessed to the owners of the signs.

ARTICLE XI

DEVELOPMENT STANDARDS

11-1 SIGNS

The purpose and intent of this Section is to recognize that signs serve a legitimate public service and that they complement and support trade, tourism and investment within Elizabeth City. These regulations are intended to establish standards which maximize the effectiveness of permitted signs while limiting visual distraction to motorists and preserving the land values and natural attractiveness of the area.

All signs except those specifically listed in Section 11-1.3 shall be erected, installed, or modified only in accordance with a duly-issued and valid sign permit issued by the Zoning Administrator. Sign permits shall be issued in accordance with the requirements and procedures of Article IV, Permits and Procedures, and the submission requirements of Appendix 1. If plans submitted for a zoning, Special Use, or Council Use Permit include sign plans in sufficient detail, as determined by the Planning Director, that the permit issuing authority can determine whether the proposed sign(s) comply with the provisions of this Section, then issuance of the requested zoning, Special Use, or Council Use Permit shall constitute approval of the proposed sign(s).
(Amended 04/26/2021)

11-1.1 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section should have the meaning indicated when used throughout Section 11-1.

(A) Sign

Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.

(B) Advertising Signs (Billboards)

A sign which publicizes and directs attention to a business, profession, commodity, activity, product, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

(C) Animated Sign

Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

(D) Banner

A sign of light weight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners. *(Banner amended 02/07/2000)*

(E) Building Marker

A sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

(F) Canopy Sign

Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

(G) Changeable Copy Sign

Any sign on which copy is changed manually and copy is shown on the same sign face such as reader boards with changeable letters or changeable pictorial panels but not limited to the above. Poster panels and painted boards are not changeable copy signs.

(H) Commercial Message

Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos on instructional signs.

(I) Construction Sign

A sign on a construction site during the period of construction on which is printed or written the name of the owner, developer, contractor, architect, planner, engineer, or development title.

(J) Entry Marker (Halstead Overlay District only)

The primary purpose of entry markers is to announce the name of a commercial or residential subdivision or development and to identify key anchors within the project. Entry markers may be used for developments of at least 10 acres in size, or with a minimum of four businesses with a total of at least 100,000 square feet of floor area.

The entry marker is permitted to contain logos, trademarks or other identifying symbols for up to a maximum of ten individual properties, tenants, or information relating to a permanent leasing office. The entry marker is not intended to be used for a single business. Message Area on an entry marker is the or area devoted to the name of the development in addition to business logos, trademarks or other identifying symbols. *(Adopted 03/10/08; Amended 12/02/09 & 08/10/10)*

(K) Electronically Controlled Message Sign

A sign on which the copy changes automatically on a lamp bank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.

(L) Flashing Sign

A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronically controlled message sign is not a flashing sign.

(M) Freestanding Sign

Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

(N) Governmental Sign

Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(O) Identification Sign

A permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, multifamily or townhouse development, planned unit development, church, school, park or quasi-public structure or facility, and uses permitted in residential zoning districts.

(P) Incidental Sign

A sign which provides only information for the convenience and necessity of the public. Company logos may be displayed on such signs but must not occupy more than 25% of the sign area. Incidental signs include directories, entrance, exit and other necessary directional signs.

(Q) Menu Sign

A permanent on-premises sign located at businesses which provide drive-up or drive-through services such as fast food restaurants, banks, laundries, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.

(R) Nonconforming Sign

Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

(S) On-Premises Sign

A sign which publicizes and directs attention to a profession, commodity, activity, product, service or entertainment conducted, sold or offered upon the premises where such sign is located. On-premises signs include pole and ground mounted signs.

(T) Portable Sign

A sign not permanently attached to any surface.

(U) Professional or Occupational Sign or Name Plate

A sign which publicizes and directs attention to a home occupation or to a profession.

(V) Projecting Sign

Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

(W) Real Estate Sign

A sign which advertises the sale, rent, or lease of property.

(X) Sandwich Board Sign

Sandwich Board signs are self supporting A-frame freestanding moveable signs with only two visible sides. *(Adopted 11/04/08)*

(Y) Sign Area

The area of a sign shall be measured in conformance with the following:

- (1) The area of the face of a sign shall be calculated to include the outermost part which forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed 3 feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.
- (2) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.
- (3) In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.
- (4) Back-to-back and V-type signs mounted so as to be connected and not spread more than 15 feet will be considered as one sign location when

calculating horizontal separation between signs. Advertising signs (billboards) shall not be stacked, horizontally or vertically.

(Z) Sign Height

The vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign except as follows: When the ground elevation is different from the elevation of an adjacent street, the height of a sign shall be measured from the street elevation of the adjacent street at the edge of the pavement.

(AA) Special Event Sign

A sign which relates to such events as grand openings, closeout sales, fund raising membership drives, or events of civic, fraternal, philanthropic, educational, or religious organizations. After the issuance of a special event permit, the following signs may be erected: on-premise portable signs, banners, and windblown signs such as pennants, spinners, flags, and streamers for a period not to exceed thirty days. Signs with blinking lights are prohibited. This permit is limited to a maximum of two per calendar year per premise.

(Special Event amended 02/19/2001)

(BB) Temporary Signs

Temporary signs are those signs which relate to such events as elections, farm auctions, yard sales, agricultural production sales, horse shows, festivals, and home show openings.

(Temporary Signs amended 02/19/01)

(CC) Wall Sign

A sign which is attached to a wall or facade of a building or canopy.

(DD) Warning Sign

Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing', and similar directives.

11-1.2 Sign Standards

(A) All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC State Building Code. Sufficient documentation shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued. Such documentation shall be signed and sealed by a registered North Carolina Architect or Engineer.

(B) All signs shall be installed and maintained in compliance with the North Carolina State Building Code and the National Electrical Code and shall have appropriate permits and inspections. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.

- (C) All signs shall be maintained in a state of good repair, in compliance with all building and electrical codes and this Ordinance, and shall present a neat, well-kept appearance.
- (D) All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. The Zoning Administrator shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.
- (E) No illuminated sign, other than professional or occupational signs or nameplates, on-premises signs, incidental signs, back-lit awnings or identification signs shall be permitted within 100 feet of any residential zone. Illuminated signs other than those listed above which are located within 300 feet of a residence or residentially zoned district shall not be illuminated between the hours of 12 midnight and 6 a.m.
- (F) The Zoning Administrator or his authorized representative shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign (excluding billboards) or its support structure with no message display for a period of 90 days, shall be justification to declare the sign abandoned and require its removal.
- (G) Any sign erected without proper permits or in violation of this Ordinance shall be brought into compliance within 7 days of notification by the Zoning Administrator or said sign shall be removed immediately.
- (H) Any permitted sign projection over a public sidewalk shall be no lower than 10 feet above the level of the sidewalk or lower than 15 feet above the level of a vehicular driveway. An encroachment agreement must be obtained from the City of Elizabeth City or the NCDOT, as applicable.

11-1.3 Exempt Signs

The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and street rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements, except that any illuminated sign shall require an electrical permit. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs which are found to be in violation shall be ordered corrected or removed.

- (A) Any directional, instructional or warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs provided such signs contain no commercial message except for a business logo or name.
- (B) Any sign that is required by law or erected at the direction of a governmental agency.

- (C) Signs erected to regulate traffic.
- (D) Mailboxes, house numbers, nameplates, and building markers not exceeding 4 square feet in area.
- (E) Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.
- (F) Construction signs having a maximum area of 32 square feet and a maximum height of 6 feet and limited to one sign per construction site per street frontage. Exempt construction signs must be removed within 15 days following the completion of the project.
- (G) Real estate signs having a maximum area of 4 square feet and a maximum height of 3 feet in residential districts and 32 square feet in other districts and a maximum height of 6 feet. Real estate signs are limited to one per site or one per 300' of street frontage.

Temporary real estate signs associated with the marketing of a subdivision shall be limited to one sign per subdivision entrance and 32 square feet in area and 6 feet in height. This type of sign must be set back a minimum of 2 feet from all exterior property lines of the subdivision and shall remain clear of the roadway sight distance easement. An additional directory-type sign of the same dimension, height and setback requirements may be located within the interior of a subdivision. Real estate signs must be removed within 30 days following completion of the project or transaction.

- (H) Temporary signs shall not be placed more than 30 days prior to the event or election and must be removed within 10 days following the event or election. Such signs are limited to 32 square feet in area and 6 feet maximum height.
- (I) Works of art with no commercial message.
- (J) Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- (K) Hand-carried signs.
- (L) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of such structures.
- (M) Flags of the United States, State of North Carolina, local governmental jurisdictions, foreign nations, and any other flags adopted or sanctioned by the City. No more than six flags per premise.
- (N) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.

- (O) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.
- (P) Historical or memorial plaques, tablets, or markers.
- (Q) Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- (R) Window signs painted on the inside of a window.
- (S) Changing copy of existing sign(s) without enlarging; however, a drawing of the new sign face must be submitted to the Planning Department prior to changing the sign face.
- (T) Banners on or across public streets upon the approval of the City Manager.
- (U) Portable signs subject to the following conditions:
 - (1) The sign shall not be placed within the site triangle (this will prevent visual obstruction);
 - (2) The sign must be properly maintained at all times;
 - (3) There shall be only one (1) portable changeable copy sign per premise;
 - (4) The sign face shall be secured to the frame of the sign so as to sustain winds up to 30 miles per hour as determined by the Code Enforcement Officer;
 - (5) Flashing lights are prohibited in accordance with Section 11-1.4;
 - (6) All commercial banners must be located on the premises of the business it is advertising;
 - (7) Banners, Spinners permitted. Non-commercial event banners shall only be displayed within 30-days prior to the event and shall be removed within seven (7) days after commencement of the event; and
 - (8) Violations of this section will be fined according to Article V-Enforcement.

(Portable Signs adopted 02/19/2001.)

11-1.4 Prohibited Signs

The following signs shall not be permitted, erected or maintained within the Elizabeth City planning and zoning jurisdiction.

- (A) Signs with moving, revolving or rotating parts, optical illusions or movement or mechanical movements by any description or other apparent movement achieved by electrical, electronic or mechanical means, except for time, temperature, date signs; traditional barber poles; three (3) message displays on billboards, and electronically controlled message signs.
- (B) Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations,

except for: time, temperature, date signs; traditional barber poles; and electronically controlled message signs.

- (C) Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations, during the appropriate holiday period.
- (D) Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign in residential districts, shall be prohibited except that portable signs used as temporary signs as defined in 11-1.1(Z) and in compliance with 11-1.3(H) are permitted.
- (E) Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.
- (F) Signs attached to a building which extends vertically above the highest portion of the roof of any structure. Signs on roofs are permitted; however, they shall not exceed the maximum height requirement for the applicable zoning district.
- (G) Signs which obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress or signs which interfere with any opening required for ventilation.
- (H) Signs which imitate traffic control devices or interfere with any warning or instructional sign.
- (I) Signs which project over a public right-of-way, except that wall signs may project up to 18 inches over a public right-of-way in zoning districts which permit structures to be built at the property line adjoining the street.

11-1.5 Sign Placement, Size, Height, Setback, Separation, Clearances and Construction by Sign Type

(A) Advertising Signs (Billboards) *(Also reference Section 11-1.4(A) & 11-4.4)*

- (1) Maximum height: 30 feet. (In the event that unique conditions exist on a site which renders the 30-foot maximum height requirement impracticable, the Board of Adjustment may, upon proper finding of facts, grant a height variance not to exceed a maximum height of 40 feet.)
- (2) Minimum separation from another billboard: 300 feet measured along the same side of the street and 100 feet radius along an intersecting or adjacent street.
- (3) Billboards shall maintain a minimum separation of 150 feet from any residence as measured along the street beginning at a point projected perpendicular from the near side of an existing residence to the street right-of-way and 150 feet from any residential zoning district boundary. Billboards can be located within 150 feet of a residence if the property owner of the residence gives consent.

- (4) Maximum sign size:
 - (a) 320 square feet in area on streets with four or more lanes and 200 square feet in area on streets with less than four lanes.
 - (b) Top outs and side outs are permitted in addition to the above sign area dimensions. Top outs and side outs shall be confined to the immediate plane of the sign and may extend above and/or to the side of the sign face a maximum of two feet. Top outs and side outs shall not exceed a total of 32 square feet in area.
- (5) There shall be a minimum setback of 10 feet from the street right-of-way of all streets. However, there shall be a minimum setback of 50 feet at the intersection of major thoroughfares.
- (6) Minimum separation from other structures and side or rear property lines: 10 feet, except that a billboard shall be set back 150 feet from any residential use.
- (7) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
- (8) All structures, blank surfaces, backs and supports shall be uniformly painted in a neutral finish when exposed to any street and shall be maintained in good repair.
- (9) Minimum requirements contained within the North Carolina Outdoor Advertising Control Act (North Carolina General Statute 136-126 et seq.) which are more stringent or in addition to those contained in this Section shall apply.

(B) On-Premises Signs (freestanding pole or ground mounted on-premises signs)

- (1) Maximum height and area: For businesses that have 100 or less linear feet of property frontage facing a public street, a sign may not exceed 15 feet in height and 100 square feet in area. For businesses that have more than 100 linear feet of frontage facing a public street, a sign may not exceed 20 feet in height and 150 square feet in area.
- (2) Maximum number of freestanding or ground mounted on-premises signs per parcel: 1 sign per adjoining public street frontage.
- (3) Minimum separation from rights-of-way, property lines and structures: 10 feet.
- (4) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.
- (5) No unfinished surfaces or structures shall be exposed on on-premises signs.

(C) Wall Signs (including canopy, awning and building facade signs)

- (1) Maximum area: 2 square feet of sign area per linear foot of building frontage (facing a street) if the parcel is not permitted a free standing sign, and 1.5 square feet of sign area per linear foot of building frontage (facing a street) if the parcel is permitted a free standing sign.

- (2) Minimum guaranteed wall signage area at any individual premises is 40 square feet.
- (3) The maximum projection of a wall sign shall not exceed 18 inches.
- (4) The height of a wall sign shall not exceed the height of the building or canopy facade.

(D) Professional or Occupational Name Plates and Incidental Signs

- (1) Maximum sign area: 6 square feet.
- (2) Maximum height: 30 inches if ground mounted, signs in this category may also be mounted against the structure.
- (3) Minimum setback from all property lines: 2 feet.
- (4) Maximum number of signs per business establishment: 1 sign

(E) Identification Signs

- (1) Maximum sign area: 32 square feet.
- (2) Maximum height: 6 feet.
- (3) Minimum setback: 10 feet from all property lines.
- (4) Maximum number of signs per adjoining street frontage: 1 sign

(F) Menu Signs

- (1) Maximum sign area: 45 square feet.
- (2) Maximum height if ground mounted: 8 feet.
- (3) Minimum setback from all property lines: 10 feet.
- (4) Maximum number of signs per business establishment: shall be limited to two (2) each per drive-thru aisle and/or station.

(Menu Signs Section (4) Amended 4/11/11)

(G) Construction Signs

- (1) Maximum sign area: 16 square feet in residential zoning districts and 64 square feet in nonresidential zoning districts.
- (2) Maximum height: 6 feet in residential zoning districts and 10 feet in nonresidential zoning districts.

(H) Multi-establishment Signs

To achieve a congruity, unity of development, and to avoid conflicts within any premise with more than one principal building, no sign permit shall be issued to any development containing more than one establishment until a set of written unified sign criteria is submitted to and approved by the Planning Director or his designee. No permit will be issued in violation of the adopted sign criteria. Such criteria shall be as follows:

- (1) Specified allowed type of script which shall be observed.
- (2) Maximum and minimum letter height which shall be observed.

- (3) Specified allowed sign types; all other signs are prohibited.
- (4) Sign placement by specifying sign panel location or elevation.
- (5) Specified maximum of three colors to be applied to the sign and its background which shall be observed. Notwithstanding the three color limit, such criteria may allow the use of one additional color of either black or white or a color that matches the building material color of the wall on which it is attached. Federal and state registered trademarks or service marks may employ additional colors, provided that they do not exceed twelve and one-quarter feet in any dimension. Only those signs which are erected or altered after the unified sign criteria are established shall be affected by the adopted unified sign criteria. The unified sign criteria can be amended by the owner of the multi-establishment property. However, any sign that does not comply with the revised sign criteria must be removed within 30 days of adoption of the revised sign criteria.

(I) Changeable Copy Signs

(Changeable Copy Signs deleted by Council 08/06/2001)

(J) Sandwich Board Signs

Sandwich board signs shall only be allowed for use in conjunction with retail stores or shops, and on-premises eating or drinking establishments within the Central Business District and General Business district. Sandwich board signs to be located in the Central Business District that are also within the local historic district, do not require a Certificate of Appropriateness.

- (1) The maximum display area shall be eight (8) square feet per side of sign. The display width of the sign shall not exceed two (2) linear feet. The maximum display height shall be four (4) feet. The maximum exterior dimensions of a sandwich board sign shall not exceed thirty (30) inches in width by fifty four (54) inches in height
- (2) Only one sandwich board sign per business establishment shall be permitted. Sandwich Board signs shall be placed directly in front of the associated establishment. In cases of commercial buildings with multiple tenants, the primary entrance to the building may be considered for sign placement. The sign shall be placed on that part of the sidewalk closest to the associated business at a right angle to the building façade in order to reduce visibility from the adjacent roadway.
- (3) A sign permit is required prior to the installation of a sandwich board sign. Only one permit for a sandwich board sign is allowed per business and such permit may be transferred with the sale of the business. Premises with more than one business establishment are encouraged to apply for a Multi-Establishment sign permit as per § 11-1.5(I). Permits are valid for one year. Annual renewals and inspections are required by September 1, but without additional fees or assessments.
- (4) Any person erecting a sandwich board sign shall indemnify and hold harmless the City and its officers, agents, and employees from any liability or claim arising from the presence or placement of the sandwich

board sign on City property or public rights-of-way. The person placing the sandwich board sign shall sign an indemnification agreement, approved by the City Attorney, prior to the issuance of a sign permit. The indemnification agreement shall be accompanied by evidence of insurance covering the liability assumed in this subsection and the agreement.

- (5) Sandwich Board signs shall not be placed so as to interfere with or obstruct pedestrian or vehicular traffic (as per City Code Section 74-5 and the Department of Justice Americans with Disabilities Act current standards), cause the width of the sidewalk to be reduced below four (4) feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.
- (6) A sketch including dimensions, content, materials, and location of the sandwich board sign must be attached to the permit application. The permit application must be approved and signed by the Zoning Administrator before the sandwich board sign can be displayed. If a sign is displayed prior to obtaining a sandwich board sign permit, application shall be denied.
- (7) Sandwich Board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Sandwich Board signs shall be self-supporting and shall not be anchored to the sidewalk. Additional exterior supports, sandbags, bricks, concrete blocks, etc. are strictly prohibited. Attaching sandwich board signs to newspaper vending boxes, poles, objects, structures, or other appurtenances by means of chains, cords, rope, wire, cable, etc. is prohibited.
- (8) Sandwich Board signs shall only be displayed during the business's operating hours.
- (9) Sandwich Board signs shall be removed from public sidewalks if there is any snow accumulation (the sign may not be displayed until the snow is removed), except those signs located entirely on private property.
- (10) Sandwich Board signs within the public right-of-way may be moved or removed temporarily by the City for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, situations involving an imminent public safety hazard etc.).
- (11) Sandwich Board signs placed in violation of this section will be enforced according to Article V of this Ordinance and will be disposed of at the owner's expense. Assessed fines will not exceed thirty dollars (\$30) per day. Each day is considered a separate violation.

(Sandwich Board Signs adopted by Council 11/04/08 & 9/28/09.)

11-1.6 Nonconforming Signs

It is the intent of this Ordinance to permit signs which were lawful before the effective date of this Ordinance to remain in service. Specific provisions regarding nonconforming signs are delineated in Section 6-7.

**Table 11-1-1
Table of Permitted Signs By Type of Sign**

Sign Type	Residential Districts	CB	GB	O&I	HB	NB	CMU	I1	I2	HEBO District
Advertising (Billboards)*			S*	S*	X*	S*	S*	X	X	
On-Premises		X	X	X	X	X	X	X	X	X
Wall		X	X	X	X	X	X	X	X	X
Professional or Occupational Nameplate, Incidental	X	X	X	X	X	X	X	X	X	X
Identification	X	X	X	X	X	X	X	X	X	X
Menu		X	X	X	X	X	X	X	X	X
Construction	X	X	X	X	X	X	X	X	X	X
Real Estate	X	X	X	X	X	X	X	X	X	X
Temporary	X	X	X	X	X	X	X	X	X	X
Exempt	X	X	X	X	X	X	X	X	X	X
Entry Marker										X
Sandwich Board (Adopted 11/4/08)		X	X							

Notes: X = Indicates permitted with sign permit.

S = Indicates permitted by Special Use Permit (See Section 11-4.3.1).

Blank = Indicates not permitted.

* Advertising signs in this category shall also comply with the permit procedures contained in the current edition of the North Carolina Department of Transportation Outdoor Advertising Manual.