

SIGNS

THE REGULATION OF OUTDOOR ADVERTISING IDENTIFICATION, BUSINESS AND PRINCIPAL USE SIGNS AND THE PROHIBITION OF OFF-PREMISES SIGNS IN THE TOWN OF CANTON, NORTH CAROLINA.

ARTICLE I. INTENT. These regulations shall apply to the regulation of all outdoor advertising and to identification, business and principal use signs as defined by this Ordinance.

ARTICLE II. DEFINITIONS.

A. Sign. A name, identification, description, display or illumination which is affixed to, or painted, or represented directly or indirectly upon a building structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

B. Temporary Sign. An informational sign or other advertising device intended for a limited period of display.

C. Off-Premises Signs. A sign which is designed to advertise or intended to advertise a business, activity, product or function which is not carried on or conducted on the property on which the sign is located.

D. Lot. A tract or parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open space belonging to the same.

E. Principal Use Identification Signs. A sign which advertises a product, business or services or which conveys general information or data relating to the primary use of or primary products produced by the principal user of the lot or premises.

F. Attached Sign. A sign which is itself directly affixed to the principal building on a lot.

G. Free-Standing Sign. A sign supported by a structure placed in the ground and which is wholly independent of any building or object other than the sign structure for support.

H. Sign Structure. A supporting structure erected or intended for the purpose of displaying a sign. This definition does not include a building, fence, or any other structure that is designed for any purpose other than the display of a sign.

I. Pennants and Balloons. Any animated, rotating, fluttering or nonstationary device made of flexible materials designed to attract attention.

J. Roofline. The horizontal line which passes through the highest point of any roof.

K. Unified Business Development. Where more than one principal building or business exists on a single lot or where any building contains a gross floor area of 5,000 square feet or more, such building(s) or business(es) shall be deemed to be a unified business development. Bona fide motels and rental cottages shall not be deemed to be unified business developments unless operated in conjunction with other businesses.

L. Commemorative Sign. Any sign erected in remembrance of a person or event or which is commemorative in nature. Any commemorative sign shall be approved by the Board of Aldermen.

M. Construction Sign. A temporary sign whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building, and the expected completion date.

N. Governmental Sign. Any sign erected by or on the order of an authorized public official in the performance of his office or duty including, but not limited to, traffic control signs, street name

signs, warning and directional signs, public notice, or signs of a similar nature.

O. Incidental Sign. A single face, non-illuminated professional or announcement sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information.

P. Noncommercial message. Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service for sale.

Q. Political Sign. A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town may vote.

R. Portable Sign. A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles and signs defined as temporary signs are not included in this definition.

S. Reader Board: A sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols and other similar character or changeable pictorial panes.

T. Flashing Sign: A sign that incorporates flashing or blinking lights, or a sign with moving parts or parts which simulate movement, including signs or lights on signs reflecting or emitting a glaring light that could impair driver vision.

U. Banners: A sign with message or advertisement that is applied to flexible substrate of cloth or vinyl. The sign is held in place by grommets, ropes, and ties and is intended for temporary use only.

V. Changeable Copy Sign that includes Scrolling marquees, time and temperature and like signs on which message copy is changed electronically.

W. Sign, outdoor advertising. A type of advertising sign with overall display dimensions not in excess of 12 by 25 feet (sometimes called "Billboard").

ARTICLE III. ENFORCEMENT AND ADMINISTRATION.

A. The Building Inspector is hereby given the authority to administer and enforce the provisions of this ordinance. He shall be responsible for issuing permits for the erection of all outdoor signs and advertising, identification, business and principal use signs. (He shall be responsible for issuing permits in accordance with the provisions of this ordinance). The Building Inspector shall refuse a permit for the erection of any sign which does not meet the requirements of this Ordinance. In addition to this requirement, a permit shall be refused if the owner has or possess any outstanding sign violation until said violation is corrected. In the absence of the Building Inspector, the Manager or an appointee designated by the Manager shall have the authority to act in that capacity.

B. Any person, firm or corporation aggrieved by any decision of the Building Inspector regarding any provision of this ordinance may appeal such decision to the Board of Adjustment. Such appeal may be taken within ten (10) days of the Building Inspector's decision by filing with the Building Inspector a Notice of Appeal setting forth either the reasons that the appellant believes that the Building Inspector's decision is in error or the reasons that the appellant should be granted a variance from the provisions of this ordinance. Upon receipt of an appeal, the Building Inspector shall transmit the appeal together with any necessary records to the Board of Adjustment for hearing.

C. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

D. The Board of Adjustment shall hear and decide appeals for variances from the provisions of this Ordinance. Variances may be granted by the Board of Adjustment only when special conditions exist whereby a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship.

E. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse a decision or determination of the Building Inspector or to grant a variance from the provisions of this Ordinance.

F. All decisions and findings of the Board of Adjustment shall be final administrative decisions. Appeals from decisions of the Board of Adjustments shall be taken to the Superior Court by proceedings in the nature of certiorari.

G. If any sign is erected, constructed, repaired, converted or maintained in violation of this Ordinance, the Board of Aldermen or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop the violation.

- 1) Penalty. Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding Fifty (\$50.00) Dollars. Each day that a violation continues to exist shall be considered a separate offense, provided the violation is not corrected within seven (7) days, or forty-eight (48) hours for a temporary sign, after notice of the violation has been given.

In addition to the above statement and in accordance with G.S. 160A-175, the Town of Canton shall have the power to impose penalties for the violation of the provisions of this ordinance as provided in this section. The Town may enforce this ordinance by any one, all, or a combination of the remedies authorized and prescribed by G.S. 160A-175, with the exception of subsection (b). When a violation subjects an offender to a civil penalty, said penalty shall be \$50.00 per day. Unless the violation is corrected or appeal is made to the Town of Canton Board of Zoning Adjustment, the civil penalty shall begin ten days after the notice of the violation has been given by means of a certified letter by the Town of Canton official. Further, this ordinance shall provide that each calendar day's continuing violation shall constitute a separate and distinct offense, and the total penalty thus resulting shall be recorded as a lien against the property.

SIGNS EXEMPT FROM REGULATIONS. The following signs are exempt from the regulations of this ordinance, except where prohibited under Section VI.

- A. Signs not legible from beyond the boundaries of the property on which they are located.
- B. Governmental signs, including traffic warning or regulatory signs and devices.
- C. Trade names and graphics which are located on gas pumps, newspaper, soft drink and similar vending devices.
- D. Flags, or insignia of any governmental, non-profit, or civic organization.
- E. Seasonal/holiday signs and decorations associated with a national or religious holiday.
- F. Warning of danger signs posted by utility or construction companies.
- G. Signs on vehicles indicating the name of a business, unless the primary use of the vehicle is for advertising or for the display of signs. Vehicles may not park on state or private property for displaying purposes. All vehicles must be registered, licensed and have a valid inspection.
- H. Non-advertising decorative flags or devices.
- I. Signs required by law, statute or ordinance.
- J. No trespassing, no loitering and similar private warning signs.
- K. Incidental signs.
- L. Commemorative signs that have been approved by the Town Council.

M. Signs painted on or displayed in windows.

ARTICLE IV. SIGNS NOT REQUIRING A PERMIT The following types of signs are permitted without requiring a permit:

A. Regulatory or warning signs not used for advertising purposes. Such signs shall not exceed sixteen (16) square feet in area per side.

B. "For Sale" or "For Rent" signs pertaining to realty, on the premises offered for sale or rent which do not exceed eight (8) square feet and which are not illuminated. There shall be a limit of one such sign for each lot and the sign must state what is for sale or rent such as house, lot, etc. A commercial lot or any residential tract of land with two (2) or more acres or five hundred (500) feet or more of road frontage will be allowed one sign not to exceed sixteen (16) square feet. All such signs shall be removed within five (5) days from the rental or sale closing.

C. Church bulletin boards and identification signs whether lighted or unlighted. There shall be a limit of one such sign for each lot.

D. Signs advertising agricultural products produced on the premises, not exceeding sixteen (16) square feet in area per side. There shall be a limit of one such sign for each lot.

E. Directional or informational signs of public, civic and non-profit organizations.

F. Historical markers erected by a bona fide historical association. All signs shall be limited to sixteen (16) square feet in area per side.

G. Construction signs pertaining to and during the construction or repair of property on which they are located. Such signs shall be removed prior to completion of such project and may not be erected prior to issuance of a building permit. Such signs shall be limited to sixteen (16) square feet in area per side.

H. Political signs. Such signs shall not be attached to utility poles, shall not be displayed more than sixty (60) days prior to the election, and shall be removed within five (5) days after the issue to which the signs refer has occurred, and shall have the written permission of the property owner on which the sign is placed. Political signs shall not exceed sixteen (16) square feet in area. A fifty dollar (\$50.) refundable deposit is required prior to erection of any political signs.

I. Board authorized or ordered Signs to include Town sponsored special events, congratulatory or special recognition signs or banners for athletic teams, military units and the like. Time limits shall be set along with the authorization to post such signs or banners.

J. Yard Sales providing that all other requirements regulating yard sales as listed in the Code of Ordinances are complied with.

ARTICLE V. SIGNS REQUIRING A PERMIT

- 1) Principal Use Identification Signs. The total sign area which is allotted to principal use identification shall not exceed one hundred ninety two (192) square feet (total front and back, 2 sided). Only one sign may be an unattached (free-standing detached) sign. No (free-standing detached) principal use identification sign shall have more than ninety six (96) square feet per surface side. No more than ninety six (96) square feet shall be allotted to attached signs. No attached sign shall be less than sixteen (16) square feet in area. No banners, pennants or balloons may cover, or be attached, to a principal use identification sign. Banners, pennants or balloons may not be used as a permanent sign, but for special events and sales as approved and permitted.

Reader Board Signs provided the sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols and other similar characters or changeable

pictorial panels provided that the message or information is presented in such a manner as not to flash. Such signs shall be included in the allotted 96 square feet.

Changeable Copy Signs, Scrolling marquees, time and temperature and like signs are allowed as a special exception provided that the message or information is presented in such a manner as to deliver the message and not to "get attention". The words or symbols may scroll or alternate but not in such a manner as to flash. Such signs shall be included in the allotted 96 square feet.

2) Entrance, Exit and Parking Signs. "Entrance", "Exit", or "Parking" signs with a maximum size of six square feet (3 sq. ft per side), shall be permitted under this Ordinance. All such signs shall be limited to the wording "entrance", "exit", or "parking". Only one sign shall be allowed for each exit or entrance. Entrance, Exit and Parking signs may include the business name but may not exceed a maximum size of three (3) square feet per side.

3) Residential developments (subdivisions, planned unit developments, mobile home parks) and all permitted non residential uses located in residential districts shall be allowed one attached sign not to exceed 12 square feet in area and one free-standing sign per street frontage not to exceed 32 square feet in area and eight feet in height. A freestanding sign shall have a setback of no less than 10 feet from the street right-of-way or 15 feet from the traveled portion of a street where the right-of-way does not exist or cannot be determined. Such signs may be illuminated.

4) Unified Business Development Signs. In addition to the other regulations of this Ordinance, the following regulations shall apply on property which is developed as a unified or group business development.

a) Individual stores or business establishments within a Unified Business Development are limited to signs having a maximum square footage of 48 square feet and a minimum of sixteen (16) square feet attached to some structural portion of the unified business development in addition to the surface area of its principal use identification signs.

b) In addition to signs permitted for individual stores or business establishments within a Unified Business Development, there shall be no more than one general unattached sign [free-standing detached] not to exceed 150 sq. ft. "General Requirements", shall apply.

5) Portable Signs: Permit not to exceed 30 days for new operating businesses while awaiting the installation of a permanent free standing principal use identification sign or if the principal use identification sign has been destroyed by storm, accident, or other causes. Documentation of a new sign order is required. The permit may be renewed by the building inspector with just cause for 30 days.

6) Professional signs in residentially zoned area announcing professions, businesses or home occupations not exceeding four (4) square feet per side in area and shall be non-illuminated.

7) Special Events and Sales, Banners, Balloons, and Signs: banners and signs may be used for special events provided that the event is recognized, and the use of banners and signs is authorized by the Building Inspector. Special Event Banners and signs shall be used no more than ten days (10) prior to the event nor more than two (2) days after the event. Other event banners and signs may be allowed by permit only.

8) Billboards: Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However no billboard shall be erected to exceed 30 feet above the ground level or 25 feet in length. No billboard shall be erected or placed closer than within 100 feet of any residential district.

9) Sandwich Board Signs. One sandwich board or sidewalk sign is permissible if:

- a. It does not exceed 24" in width and 36" in height
- b. It allows for a clear and straight pedestrian pathway of at least 40" between the sign and any other structure(s). This includes buildings; refuse containers, planters, utility poles and sidewalk displays.
- c. Signs may not be placed in the roadway or in any municipal lot or on street parking area.

ARTICLE VI. PROHIBITED SIGNS. The following signs shall not be permitted, erected or maintained in the Town of Canton:

Outdoor advertising devices such as inflatable signs

Signs which incorporate or emit any sounds which are intended to attract attention.

C. No flashing lights or flashing signs or portable signs shall be erected after the effective date of this ordinance. All flashing lights or flashing signs or portable signs in existence before the effective date shall be considered non-conforming uses and shall be brought into compliance within six months after the effective date of this ordinance.

D. Any sign or sign structure which:

- 1) Was not erected in conformity of the building codes of the Town of Canton; or
- 2) Creates in any way an unsafe distraction for motor vehicle operators; or
- 3) Obstructs the view of motor vehicle operators entering a public roadway from the parking area, serving drive, private driveway, alley or other thoroughfare.
- 4) Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- 5) Any non-governmental sign, whether temporary or permanent, within any public street or highway right-of-way.
- 6) Temporary or portable signs other than allowed in Article V .5)

ARTICLE VII. NON-CONFORMING SIGNS

45. All signs described in Article VI. of this Ordinance shall be removed in six (6) months.

46. Any time that ownership of a non-conforming sign is changed, such non-conforming sign shall be brought into compliance.

3) No changes shall be allowed as to the shape or size of the total sign structure of any non-conforming sign. Changes in coloring, lettering, or information conveyed shall be permitted.

4). Non conforming signs other than those described in Article VI of this Ordinance shall be considered non-conforming uses. Non-conforming uses shall be brought into compliance within a period of five (5) years from the date the sign becomes non-conforming. Nothing herein shall prohibit the removal and replacement of seasonal signs exactly in the same condition on a seasonal basis provided that the required sign permit has been issued and in all other ways is in conformance with the ordinance.

ARTICLE VIII. OFF-PREMISE SIGNS. Off-premise signs are prohibited in the jurisdiction of the Town of Canton; however, any business within the corporate limits of the Town of Canton, that does not front on a Town street, NC or US highway shall be permitted one free standing principal use identification sign that may be located off premise along with one free-standing on-premise principal use sign that combined do not to exceed 96 square feet and in all other ways shall comply with the North Carolina Department of Transportation off-premises sign requirements. All new signs must be permitted through the Department of Transportation, if applicable, Town of Canton, and the property owner on which the sign is placed.

ARTICLE IX. GENERAL REQUIREMENTS. The following signs are regulated and require a permit.

A. Maximum Sign Area and Number of Signs:

1) Calculation of Sign Area. The surface area of a sign shall be computed as including the entire area within that of the smallest rectangle, triangle, or circle (smallest geometric figure of not more than eight straight lines.) which encompasses all of the display area of the sign and including all of the elements of the matter displayed such as lettering, design, symbols and background. Frames and structure members not bearing advertising matter shall not be included in computation of surface area.

Any such measurements shall be taken on only one (1) face of the sign; however, informational advertising matter may be displayed on both sides of any permitted sign. All double face sign surface areas shall be parallel and may be separated by not more than twelve inches (12"). When a sign consists of letters placed directly on a wall, building surface, awning or marquee, or against open air (as when raised above a marquee), there being no background to the letters save the wall or surface itself, the area of the sign shall be that of the smallest rectangle, triangle or circle (rectilinear figure of not more than eight straight lines) within which all of the lettering can be included.

B. Sign Location. No sign shall be erected, constructed or maintained so as to interfere with vision clearance along any public street or public road, or at any intersection or junction or two or more traffic arteries.

1) Setbacks. Except as specifically authorized herein, all pole (free-standing detached) signs or signs detached from a building shall be placed no less than eight (8) feet from the street curbline. No signs of any nature shall be permitted on any public right-of-way except those erected for orderly traffic control, and other municipal and governmental purposes, or directional signs of six (6) square feet or less and referring only to organizations which are non-profit in character, or to construction projects in progress.

2) Unattached (free-standing detached) Signs. No unattached (free-standing detached) signs shall exceed a height of twenty (20) feet as measured from the curbline on the nearest roadway. All unattached signs having a setback of less than 12 feet from the curbline shall have a minimum ground clearance of six (6) feet (except entrance and exit signs); however, a solid base shall be allowed to a height of 2 feet above the curbline.

3) Entrance Signs. Entrance signs shall not exceed a maximum height of three (3) feet as measured from the curb grade at the nearest roadway.

4) Signs Attached to Buildings. Signs erected and overhanging any side walk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding 10 feet. No sign shall be allowed to extend above the roofline of the building.

5). Any sign (together with its supporting structure) now or hereafter existing which, thirty (30) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. Said sign shall have the lettering removed, painted over or covered by a non-lettered wrap whose sole purpose is to cover and obscure any sign or sign message or content. The sign owner is responsible for maintenance of any wrap. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis.

6) Construction: All signs, permanent, temporary and portable shall be designed and constructed with a professional appearance using substrates, lettering and graphics standard and commonly used in the sign industry.

ARTICLE X. MAINTENANCE. All signs, together with any supports, braces, guys and anchors shall be kept in repair and in a safe place of preservation. Deteriorating or dilapidated signs shall be removed by owner or by the Town at a cost of the sign owner

after ninety (90) days notice. A sign shall be in a state of disrepair when more than twenty percent (20%) of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this ordinance. 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. No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.

ARTICLE XI. FEE FOR SIGN PERMIT. All persons, firms or corporations applying for a new sign permit shall pay a minimum fee as determined by the Board of Aldermen to the Town of Canton. A sketch drawn to scale with the dimensions of the sign shall be submitted with the fee, along with written permission of the property owner as to the proposed sign.

ARTICLE XII. SEVERABILITY. Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared unconstitutional or invalid.

ARTICLE XIII. NON-COMMERCIAL MESSAGES

Notwithstanding any other provisions of this ordinance, any sign, display or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial 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, height and other requirements of the district in which it is located.

ARTICLE XIV. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after _____.

Patrick U. Smathers, Mayor

Deputy Town Clerk