

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 385
SENATE BILL 296

AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION OF OUTDOOR
ADVERTISING WITHIN THE VICINITY OF THE BLUE RIDGE PARKWAY.

The General Assembly of North Carolina enacts:

Section 1. Article 7 of Chapter 143B of the North Carolina General Statutes is hereby amended by inserting a new Part to be numbered "Part 17B", and entitled "Control of Outdoor Advertising near the Blue Ridge Parkway", and to read as follows:

"§ 143B-324.1. No advertisement or advertising structure shall be erected, constructed, installed, maintained or operated within 1000 feet of the center line of the Blue Ridge Parkway, except the following:

(a) Sign displays or devices which advertise sale, lease, rental, or development of the property on which it is located.

(b) On-premises signs. For the purpose of this act, these signs, displays or devices which carry only advertisements strictly related to the lawful use of the property on which it is located including signs, displays or devices which identify the business transacted, services rendered, goods sold or produced on the property, name of the business, name of the person, firm or corporation occupying or owning the property. The size of signs advertising the major business activity is not regulated hereunder. Signs which advertise brand name products or service sold or offered for sale on the property shall not be displayed as on-premise signs unless such signs are on or attached to the building in which such products are sold. All such signs permitted under this subsection shall be located not more than 150 feet from the building in which such business activity is carried on.

(c) Historic markers erected by duly constituted and authorized public authorities.

(d) Highway markers and signs erected or caused to be erected by the State Highway Commission or other authorized authorities in accordance with the law.

(e) Directional and official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with lawful authorization for the purpose of carrying out the official duty or responsibility.

(f) Signs located within a 1000 foot radius of intersections created by the crossing of the center line of the Blue Ridge Parkway with the center lines of components of the National System of Interstate and Defense Highways, Federal Aid Primary Highway System, or the North Carolina System of Primary Highways, not, however, inconsistent with other provisions of the General Statutes.

"§ 143B-324.2. The Secretary of the Department of Natural and Economic Resources shall have authority to make and promulgate rules and regulations necessary for the carrying out of the provisions of this act.

"§ 143B-324.3. Any billboard in existence upon the effective date of this act and which does not conform to the requirements of this act may be maintained for the life of such advertisement or advertising structure, provided that: The Department of Natural and Economic Resources is authorized to acquire by purchase, gift or condemnation all outdoor advertising and all property rights pertaining thereto existing on the effective date of this act which are nonconforming.

(a) In any acquisition, purchase or condemnation, just compensation to the owner of the outdoor advertising, where the owner of the outdoor advertising does not own the fee, shall be limited to the fair market value at the time of the taking of the outdoor advertising owner's interest in the real property on which the outdoor advertising is located and such value shall include the value of the outdoor advertising.

(b) In any acquisition, purchase or condemnation, just compensation to the owner of the fee or other interest in the real property upon which the outdoor advertising is located where said owner does not own the outdoor advertising located thereon shall be limited to the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Commission of the right to erect and maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration.

(c) In any acquisition, purchase or condemnation, just compensation to the owner of the fee in the real property upon which the outdoor advertising is located where said owner also owns the outdoor advertising located thereon, shall be limited to the fair market value of the outdoor advertising plus the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Department of Natural and Economic Resources of the right to erect and maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration.

"§ 143B-324.4. Any outdoor advertising erected or established after the effective date of this act in violation of the provisions of this Article, shall be unlawful and shall constitute a nuisance. The Department of Natural and Economic Resources shall give 30 days' notice by certified mail to the owner of the nonconforming outdoor advertising structure if such owner is known or can by reasonable diligence be ascertained, to move the outdoor advertising structure or to make it conform to the provisions of this Article and rules and regulations promulgated by the Department of Natural and Economic Resources hereunder. The Department of Natural and Economic Resources or its agents shall have the right to remove or contract to have removed the nonconforming outdoor advertising at the expense of the said owner if the said owner fails to act within 30 days after receipt of such notice. The Department of Natural and Economic Resources or its agents or contractor and his employees may enter upon private property for the purpose of removing outdoor advertising prohibited by this Article or rules and regulations promulgated by the Department of Natural and Economic Resources hereunder without civil or criminal liability.

"§ 143B-324.5. For the purposes of this act, the Department of Natural and Economic Resources shall use the procedure for condemnation of property as provided for by Act 9 of Chapter 136 of the General Statutes.

"§ 143B-324.6. Any person, firm, corporation or association placing or erecting outdoor advertising structure or junkyard along the Blue Ridge Parkway in violation of this Article or any regulations passed pursuant thereto, shall be guilty of a misdemeanor. In addition thereto, the Department of Natural and Economic Resources may seek injunctive relief in the superior court of the county in which the said nonconforming outdoor advertising is located and require the outdoor advertising to conform to the provisions of this Article and rules and regulations promulgated pursuant hereto, or require the removal of the said nonconforming outdoor advertising."

Sec. 2. The North Carolina National Parks, Parkway and Forest Development Council is hereby directed to conduct investigations, including, but not limited to, necessary consultations with the National Park Service, to study the feasibility of the use of uniform informational signs along the Parkway which relate to commercial establishments accessible from the Parkway, and report back to the 1977 Session of the General Assembly.

Sec. 3. Part 17 of Chapter 143B of the North Carolina General Statutes is hereby renumbered "Part 17A".

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1975.