

CHAPTER 155: SIGN REGULATIONS

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§ 155.01 PURPOSE AND SCOPE.

(A) Purpose of sign regulations. The purpose of this chapter is to provide sign standards and restrictions which allow for the legitimate needs for identification of residential, office, commercial, industrial and other activities while at the same time promoting signs which do not unduly detract from the overall aesthetics of the community; which reduce intrusions and protect property values; which provide for improved public safety by minimizing undue distraction of the motoring public; which provide standards for the erection and maintenance of signs; which provide for the protection and enhancement of the tourist industry by promoting a more harmonious and pleasing community image; which provide equitability for the nature and scale of the activities to be identified; and which generally enhance and strengthen the economic stability of the Town of Franklin.

(B) Scope. the provisions of this chapter shall apply to the erection and maintenance of all signs and sign structures within the jurisdiction of the town and its adopted extraterritorial jurisdiction (ETJ) and it shall be unlawful following the effective date of this chapter to erect, maintain or alter any sign or sign structure except in conformance with the provisions of this chapter and application sections of the Unified Development Ordinance (UDO).

(Ord. passed 3-1-10)

§ 155.02 DEFINITIONS.

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

ABANDONED SIGN. A sign erected in conjunction with a particular use, which use has been discontinued for a period of 180 days or more, or a temporary sign for an event which has occurred.

BANNER. Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame or ties at one or more edges, not exceeding 36 square feet. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BANNER, SPECIAL EVENTS. A sign of lightweight, windproof material that is mounted to poles or buildings by ties or other means on both sides of a street within the town such that the sign crosses over the said street, not exceeding 240 square feet in area.

CHANGEABLE COPY SIGN. A sign on which message copy is changed manually or electronically in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and temperature signs are not included in this definition.

~~**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 Council members.~~

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.

COMMUNITY FESTIVAL SIGN. Signs that are placed to commemorate and/or attract attention to a community festival officially recognized by the Council members.

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.

DIRECTIONAL SIGN, ON OR OFF-PREMISES. Any sign only indicating the location of or providing directions to a business, development, or other activity.

ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS). Any sign with a message, text, or photo made wholly or partially of lights, including but not limited to, light emitting diodes (LED), incandescent lights, or exposed light bulbs.

EXEMPT SIGN. Any signs that are specifically listed as exempt for this chapter. The listed **EXEMPT SIGNS** are not regulated by the terms of this chapter.

FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, or other entity.

FLASHING SIGN. A sign that incorporates flashing or blinking lights, or other lighting that is not constant in intensity or that exhibits sudden or marked changes in lighting effects, or a sign with moving parts, or parts which simulate movement, including signs or lights on signs reflecting or emitting a glaring or distracting light that could impair or distract driver vision.

GOVERNMENTAL SIGN. Any sign erected by or on the order of an authorized public official in the performance of his or her office or duty including, but not limited to, traffic control signs, street name signs, warning and directions signs, public notice, or signs of a similar nature.

HOME OCCUPATION SIGN. A sign used in association with a permitted home occupation conducted in the dwelling unit occupied by the operator of the business.

ILLEGAL SIGN. Any sign erected or maintained in violation of this chapter or erected, altered, moved, repaired, maintained, or replaced in violation of this chapter.

INCIDENTAL SIGN. A single or double-faced, announcement sign containing information relative to emergencies, store hours, credit cards honored, directional arrows, entrance, exit, and other similar accessory information. No sign with an advertising message legible from a position off the property on which the sign is located shall be considered incidental.

MULTIPLE TENANT DEVELOPMENT. A development in which there exists a number of individual and/or separate activities, in which there are appurtenant-shared facilities such as parking.

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.

NONCONFORMING SIGN. A sign legally erected and in existence prior to the date of adoption of this chapter or an amendment to the chapter, that does not meet the standards imposed by this chapter. An ILLEGAL SIGN is not a nonconforming sign.

OFF-PREMISES ADVERTISING SIGN. A sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished or taking place at a location other than the property on which the sign is located. This term is sometimes interchanged with the terms "outdoor advertising" ([which as defined in G.S. §160D-912 includes any off-premises outdoor advertising visible from the main-traveled way of any road](#)) or billboards.

ON-PREMISES ADVERTISING SIGN. A sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

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, including, but not limited to A or T frames, menu and sandwich board signs, balloons or other inflatable devices designed to attract attention or used as signs. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles used in the normal day-to-day operations of the business, and signs defined as temporary signs are not included in this definition.

REAL ESTATE SIGN. A sign erected by the owner, or his or her agent, advertising real property upon which the sign is located for rent, for lease, or for sale.

ROOF SIGN. A sign erected over or on and wholly supported by or partially dependent upon the roof of any building for support, or attached to the roof in any way and which extends in any part above the roofline of the building.

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

SIGN. Any form of publicity or advertising which is designed to be visible from any public way, directing attention to an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names, or trademarks, or other pictorial matter designed to convey such information.

SIGN STRUCTURE. A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence.

TEMPORARY SIGN. Any sign, whether attached to a principle structure or free standing, which is intended to be displayed for a limited time for a specific event. This definition does not include portable signs. If a sign display area is permanent but the copy displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(Ord. passed 3-1-10; Am. Ord. passed 6-1-15)

§ 155.03 AREA OF SIGN DEFINED.

The area of a sign shall be considered to be that of the smallest figure which encompasses all lettering, wording, design or symbols, but which shall have a continuous perimeter of not more than eight straight lines, 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 the sign, but supports and bracing which are not intended as part of the message shall be excluded. In the case of a double-faced sign, where the faces are part of the same sign structure and not more than 36 inches apart, the area of the sign shall be considered to include all faces visible from any one point. The area of a wall or window sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

(Ord. passed 3-1-10)

§ 155.04 METHOD OF ATTACHMENT DEFINED.

(A) Attached sign. Any sign attached to, applied on, or supported by any part of a building (such as a wall, window, canopy, awning, marquee or on the slope of a roof but not extending above the roof line) which encloses or covers useable space.

(B) Free-standing detached signs. Signs supported by a structure placed in the ground and which are wholly independent of any building or object other than the sign structure for support.

(Ord. passed 3-1-10)

§ 155.05 HEIGHT OF FREE-STANDING, DETACHED SIGNS DEFINED.

The height of a free-standing detached sign shall not exceed the maximum height set forth in this chapter. The height of a free-standing detached sign shall be measured as the vertical distance from the uppermost point of the sign or sign structure, whichever is higher, and the base of the sign at grade. However, when the base of a sign at grade is

located below the adjacent street grade, the height of the sign shall be measured from the uppermost point of the sign or sign structure to the street grade.

(Ord. passed 3-1-10)

§ 155.06 VALUE OF SIGNS DEFINED.

The value of an existing sign shall be the value for tax purposes of any sign so listed. If the tax value is not available, the value shall mean the original cost of the sign. In the absence of information as to the original cost submitted by the sign owner, the Land Use Administrator shall estimate the original cost based upon the best information reasonably available. Provided, however that this section shall be applied to outdoor advertising required to be removed pursuant to this chapter as required by G.S. §§160D-912 and 136-131.1

(Ord. passed 3-1-10)

§ 155.07 PERMITS REQUIRED.

All signs hereafter erected, placed, posted, attached, painted or otherwise made visible from an adjacent property or right-of-way require a sign permit in accordance with the provisions of this chapter except as otherwise prohibited, exempted or not requiring a permit by this chapter. Any sign that requires a permit, which is displayed without the requisite permit, shall be in violation of this chapter and shall be considered an illegal sign.

(Ord. passed 3-1-10)

§ 155.08 SIGNS EXEMPT FROM REGULATION.

The following signs are exempt from the regulations of this chapter, except where such signs would be prohibited under § 155.10.

(A) Signs not visible from beyond the boundaries of the property on which they are located.

(B) Signs of a governmental body, including traffic warning or regulatory signs and devices. These signs shall also include other governmental signs including building identification, directional, information, and welcome signs.

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

(D) Flags or insignia of any governmental, non-profit, or business 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 painted on or attached to licensed operational vehicles used in the normal day-to-day operations of the business indicating the name of the business, unless the primary use of the vehicle is for the display of signs.

(H) Signs required by law, statute, or ordinance.

(I) No trespassing, no loitering and similar private warning signs.

(J) Incidental signs.

~~(K) Commemorative signs.~~

(L) Special event signs and special event directional signs related to events sponsored by non-profit organizations. Signs must be removed within three days of the end of the event.

(M) Political signs. Signs must be removed within three days after the election.

(N) Construction site identification signs.

(O) Signs painted on or displayed in windows.

(Ord. passed 3-1-10)

§ 155.09 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

The following on premises signs shall not require a permit and shall not be counted as part of the allowable sign area. However, such signs shall conform to the requirements set forth below, as well as other applicable requirements of this chapter.

(A) Private information signs. Signs containing information to direct pedestrian or vehicular traffic or informing the public of private regulations shall be located on the premises for which directions or information are indicated. Such signs shall not exceed three square feet per face, two faces per sign, and shall not exceed three feet in height if freestanding or six feet in height if attached to the principal or an accessory structure. These signs may be directly or internally (indirectly) illuminated with lighting limited to the sign face. Lighting that casts shadows away from the sign shall not be permitted. Restaurants will be allowed one sandwich or attached type, menu sign not to exceed four square feet.

(B) Copy changes and maintenance. No permit is required for copy changes made to a changeable copy sign, menu board or marquee sign. No permit is required for maintenance carried out in accordance with the provisions in § 155.13 and where no structural changes are made. No permit is required for copy changes to an existing sign, made where the size, shape, or height of the sign is not altered, made more non-conforming, or otherwise modified; provided, however, outdoor advertising devices may be repaired or reconstructed as permitted by G.S. §136-131.2.

(C) Residential identification signs. Signs which provide the name and/or address of an individual residence, either attached or free-standing, indirectly or non-illuminated, provided no sign shall exceed two square feet in size per sign face.

(D) In any residential district. One real estate sign, not exceeding four square feet per sign face area shall be permitted per street frontage. Real estate signs for property over three acres shall comply with the standards for business, commercial or industrial real estate signs.

(E) In any business, commercial or industrial district, a real estate sign shall be permitted on the premises for sale, rent or lease. Such sign shall be non-illuminated, not exceed 32 square feet in area per sign face and if free-standing, shall not exceed eight feet in height.

(F) Temporary signs. ~~Signs related to special events including, but not limited to, special sales, grand openings, and going out of business.~~ Temporary signs are do not required to receive a permit; provided, the such signs shall be located on the premises where the event occurs and shall be erected or placed not to exceed 30-days prior to the event, and shall be removed after when the event concludes. Signs may not be temporarily posted and removed for the purpose of evading enforcement under this section. Total

square footage of such signs shall not exceed 50% of the allowed sign area for the property as indicated in § 155.11.

(G) Off-premises directional signs. Such signs shall not exceed two square feet in area and shall not be illuminated. Such signs shall not be placed in the public right-of-way and will consist of only the company name and a directional arrow. Permission must be obtained from the property owner before placement.

(Ord. passed 3-1-10)

§ 155.10 SIGNS PROHIBITED.

The following are prohibited within the jurisdiction of this chapter:

(A) Any non-governmental sign that resembles a public safety warning or traffic sign;
(B) Signs, whether temporary or permanent, within any public street or highway right-of-way or placed upon a utility pole, and unauthorized signs are forfeited to the public and are subject to confiscation, with the exception of:

(1) Governmental signage, including signs to identify public property, convey public information, direct or regulate pedestrian or vehicle traffic;
(2) Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
(3) Awning, projecting, and suspended signs over a public right of way so long as they do not interfere with function of the right of way and they comply with this chapter and the Unified Development Ordinance, as applicable; and

(4) Signs for community festivals or events permitted by the Town of Franklin;

(C) Flashing signs;

(D) Roof signs;

(E) Any sign or sign structure which does not conform to the building codes or creates in any way an unsafe distraction for motor vehicle operators. (See Flashing Signs definition), or obstructs the view of motor vehicle operators entering a public roadway;

(F) Abandoned signs, where the business or activity which the sign refers has ceased to operate or function or use the sign for 180 or more days;

(G) New off-premises advertising signs following the adoption of this chapter;

(H) Portable signs, except as provided for in § 155.09(A) and § 155.11(B)(1) and (2); and

(I) Signs on fences except public-owned ball field advertising/sponsorship fence signs, and except delivery directional signage in an I-1 zoning district.

(Ord. passed 3-1-10; Am. Ord. passed 2-7-11)

§ 155.11 ON-PREMISES SIGNS.

The following on-premises signs are regulated by this chapter and require a permit.

(A) Residential district.

(1) Residential developments (subdivisions, one family dwellings and multiple family dwellings) and all permitted non-residential in the NMU and MICR zones shall be allowed one attached sign not to exceed 12 square feet in area and one freestanding sign per street frontage not to exceed 32 square feet in area and six feet in height. A freestanding sign shall have a setback of no less than eight feet from the street right-of-way or ten 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. Provided, however, multiple tenant non-residential developments in either the NMU or MICR zones and which have street frontage on U.S. or N.C. highways will be permitted to have a) a freestanding sign, subject to the same setback requirements as other freestanding signs allowed by this section, that shall not exceed 50 square feet in area and shall not exceed ten feet in height, and b) attached signage not to exceed one square foot for each linear foot of building frontage. Any such signs may also be illuminated.

(2) On plots containing permitted public utility buildings or home occupations or uses, other than accessory, one attached non-illuminated sign not exceeding six square feet in area unless otherwise regulated by the Unified Development or other ordinance provisions.

(B) Commercial and industrial districts.

(1) As this subsection is applied to multiple tenant developments, only one illuminated freestanding sign shall be permitted per street frontage. Second street frontage must be at least 100 feet long with a street entrance to be counted as a frontage. In the C-1 Central Commercial zoning district, the sign shall not exceed 70 square feet in area. In the C-2 Secondary Commercial zoning district, the sign shall not exceed 90 square feet in area. In the C-3 Highway Commercial or I-1 Industrial zoning districts, the sign shall not exceed 150 square feet in area. Signs regulated by this subsection shall be a maximum of 18 feet in height, and shall be located no closer than eight feet to the street right-of-way or ten feet to the traveled portion of a street where the street right-of-way does not exist or cannot be determined.

(a) In addition, each establishment may be issued a temporary banner permit, not to exceed 30 days, for a banner not exceeding 32 square feet; or

(b) Each establishment may be issued a temporary permit, not to exceed 30 days, for an illuminated portable sign not exceeding 32 square feet. Each establishment is limited to no more than two such temporary permits, as described in (a) or (b) above, during a calendar year.

(2) Any establishment not operating in a multiple tenant development shall be allowed one illuminated free-standing sign per street frontage. Second street frontage must be at least 100 feet long with a street entrance to be counted as a frontage. The sign not to exceed 50 square feet in area, shall be a maximum of 18 feet in height, and shall be located no closer than eight feet to the street right-of-way or ten feet to the traveled portion of a street where the right-of-way does not exist or cannot be determined. Illuminated attached signage shall also be allowed not to exceed one square foot for each linear foot of building frontage.

(a) In addition, each establishment may be issued a temporary banner permit, not to exceed 30 days, for a banner not exceeding 32 square feet; or

(b) Each establishment may be issued a temporary permit, not to exceed 30 days, for an illuminated portable sign not exceeding 32 square feet. Each establishment is limited to no more than two such temporary permits, as described in (a) or (b) above, during a calendar year.

(3) Any establishment in I-1 Industrial zoned areas shall be allowed one illuminated freestanding sign. The sign is not to exceed 200 square feet and shall be a maximum of 24

feet in height. The sign shall be located no closer than eight feet to the street right-of-way or ten feet to the traveled portion of a street where the right-of-way does not exist or cannot be determined.

(C) Electronic changeable message signs.

(1) Electronic changeable message signs (ECMS) shall be permitted on freestanding on premises business identification signs subject to the following limitations and requirements:

(a) The ECMS shall be part of the single-tenant freestanding business identification sign or be allowed in lieu thereof, but in no case shall the square footage of the ECMS exceed 50% of the total allowed sign face area for any such freestanding sign. In the case of multi-tenant signs the ECMS shall not exceed 50% of the total allowed sign face area for multi-tenant signs or 36 square feet, whichever is less;

(b) ECMS on freestanding signs shall be allowed in certain zoning districts subject to certain location and land use restrictions as follows: (All street designations are as defined in the Unified Development Chapter (UDO) in § 152.098(A) - Street Classification.)

1. In all commercial (C) districts, except C-1, but not allowed along frontages of streets smaller than Collector rated, opposite residential (R) districts.

2. In all industrial (I) districts, but not allowed along frontages of streets smaller than collector rated, opposite residential (R) districts.

3. In residential (R) districts for schools, museums, and churches/houses of worship, provided that the ECMS is located along the frontage of a arterial street having three or more lanes at the time of permitting.

(c) ECMS shall not be permitted on sites where existing freestanding signs are nonconforming unless such signs are made conforming to this chapter. ECMS is not permitted on off-premises advertising signs.

(2) In the downtown commercial (C-1) district, an ECMS is permitted for theaters, and other public event facilities (spectator sports facilities, civic and conference facilities), whether publically or privately owned; and the ECMS may be attached to the building or may be freestanding if at a location permitting a freestanding sign.

(3) In any commercial (C) district, industrial (I) district, or neighborhood mixed use (NMU) district, an ECMS, not exceeding six square feet may be permitted behind a street fronting window of any business where an ECMS is not used on a freestanding sign. In any commercial (C) district or industrial (I) district an ECMS may be used on the motor fuel pump canopy for up to 50% of the allowable signage for such structure, provided no ECMS is used on any freestanding sign and all other signage on the site conforms to this chapter.

(4) No ECMS message (copy and/or image) shall be allowed to flash, animate, scroll, or otherwise move, or transition from one message to another in a moving manner. Transition between messages shall be instantaneous. Each message shall be continuously displayed for a minimum of ten seconds before changing to another message.

(5) Each ECMS or other sign employing the use of light emitting diodes (LEDs) for display shall be equipped with a control system that automatically adjusts the light emission level to ambient light conditions so as to not cause glare or excessive brightness. In no case shall the light level of any such sign exceed 500 NITS (candelas per square meter) between the time of sunset and sunrise, and 5,000 NITS at other times (daytime). If

ambient light levels, day or night, in the area of the sign are significantly lower and the sign still produces glare or is excessively bright at the levels listed above, the sign light levels will be further reduced to eliminate the glare or excessive brightness. Focused or directed light shall be aimed away from passing traffic and residential occupancies.

(6) Any EMCS within or opposite a residential (R) district as described above shall be operated or lit only between the hours of 7:00 a.m. and 10:00 p.m.

(Ord. passed 3-1-10; Am. Ord. passed 2-7-11; Am. Ord. passed 11-2-15; Am. Ord. 2019-002, passed 3-4-19)

§ 155.12 OFF-PREMISES SIGNS.

No new off-premises advertising signs shall be allowed within the corporate limits or the extraterritorial jurisdiction (ETJ) of the town.

(Ord. passed 3-1-10)

§ 155.13 SIGN MAINTENANCE.

(A) Maintenance provisions. All signs, supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the following standards:

(1) A sign shall be in a state of disrepair when more than 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 chapter;

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages, or struts that cause the sign to stand more than 15 degrees from the perpendicular;

(3) 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;

(4) No illuminated sign shall be allowed to stand with only partial illumination operational;

(5) If illuminated, signs shall be illuminated only by the following means:

(a) By steady stationary light of reasonable intensity, shielded and directed solely at the sign;

(b) External light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance; or

(c) Electrical requirements pertaining to signs shall be as prescribed in local codes; and

(6) Any sign which violates the maintenance provisions listed above shall be in violation of this chapter and shall be repaired or removed as required by the applicable sections of this chapter.

(B) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or

other vegetation located within a public right-of-way of any road or highway, except as required by the North Carolina Department of Transportation.

(Ord. passed 3-1-10) Penalty, see § 10.99

§ 155.14 NON-COMMERCIAL MESSAGES.

Notwithstanding any other provisions of this chapter, any sign display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting, height and other requirements of the district in which it is located.

§ 155.15 PERMITS, FEES, NON-CONFORMING SIGNS, AND ENFORCEMENT.

(A) Permits. All new signs, except as otherwise provided in § 155.09, shall require a sign permit prior to being located or erected on any property within the jurisdiction of this chapter. A sketch of the proposed sign to scale, along with a general sketch of the proposed placement of the sign in the parcel shall accompany the application for a permit. Sign permits shall be issued by the Land Use Administrator. If a sign permit is denied, the decision may be appealed to the Board of Adjustment as provided in this chapter, specifically as indicated in § 152.075 through § 152.078.

(B) Permit fees. The Town Council may establish a fee schedule by resolution for all sign permits issued in accordance with this chapter.

(C) Nonconforming signs.

(1) Signs that are erected and were in place prior to the adoption of this chapter but which do not conform to the provisions of this chapter are declared nonconforming signs. Signs that were erected and that are in place and which conformed to the provisions of this chapter at the time erected, but which do not conform to an amendment of this chapter enacted subsequent to the erection of the signs also are declared nonconforming signs. Any sign erected after the passage of this chapter must meet all the criteria within this chapter.

(a) All nonconforming signs erected and located within the town's jurisdiction at the time of the adoption of the sign ordinance on May 3, 2004 must be made conforming or removed within five years of the adoption of this chapter.

(b) All signs made nonconforming by the adoption of this chapter must be made conforming or removed within 12 years of the adoption of this chapter.

(2) All nonconforming signs shall be maintained in accordance with § 155.13 but shall not be:

(a) Moved, changed, replaced, reestablished, or relocated except in conformance with the provisions of this chapter, provided that copy may be changed on an existing sign;

(b) Expanded; or

(c) Modified in any way which increases the sign's degree of nonconformity.

(3) Existing off-premises nonconforming billboards cannot be modified to include digital or other electrically or electronically controlled signage in accordance with § 155.11(C)(1)(c).

(D) Enforcement. Violation of the provisions of these sign regulations shall be enforceable as set forth below in addition to the enforcement provisions as set forth in this chapter.

(1) Notice of violation. The Land Use Administrator shall have the authority to issue a notice of violation for all violations of the sign ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the Land Use Administrator, a copy of the notice of violation shall be delivered to the sign owner by hand delivery or by certified mail. In all other cases, a copy of the notice of violation shall be posted on the sign and a copy shall be delivered by hand delivery or certified mail to the property owner as shown on the Macon County tax records. In addition, service hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure.

(2) Time to remedy violation. In instances where the violation or violations of the sign ordinance is or includes failure to obtain a sign permit as required in § 155.15(A), all violations must be remedied immediately. For purposes of this division, “immediately” means within a 24-hour period following the earlier of the posting of the notice of violation on the sign or the delivery of a copy of the notice of violation to the sign owner or property owner. In all other cases, the sign owner and/or the property owner shall have ten days to remedy all violations set forth in the notice of violation. The ten-day period shall commence upon the earlier of the posting of the notice of violation on the sign or the delivery of a copy of the notice of violation to the sign owner or property owner.

(3) Extension of time for compliance. The Land Use Administrator shall have the authority to grant a single 30-day extension of time within which the sign owner must comply with the notice of violation. The single extension of time may be issued based upon a written request for extension of time, which sets forth valid reasons for not complying within the original 30-day period.

(4) Remedies for failure to comply. Pursuant to G.S. § 160A-175(f), the Land Use Administrator may choose from the remedies set forth below to enforce the ordinance when there is a failure to comply with the notice of violation. Those remedies are as follows:

(a) In addition to or in lieu of the other remedies set forth in this section, the Land Use Administrator may issue a citation setting forth a civil penalty of \$50. In the case of a continuing violation, each 24-hour period during which the violation continues to exist shall constitute a separate violation. Where multiple violations are located upon a single property, each shall constitute a separate violation, with each violation subject to separate fines pursuant to this subsection. The citation shall be served upon the person(s) described in division (A) of this section by the means set forth therein. In the event the offender does not pay the penalty within ten days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not constitute a misdemeanor, and in so providing, the Town Council hereby chooses to exercise the option provided by G.S. § 160A- 175(b);

(b) In addition to or in lieu of the other remedies set forth in the section, the Land Use Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time required by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in division (D)(4)(a) of this section by the means set forth therein. The sign owner or the landowner shall be

allowed a period of 30 days after the service of the remove order within which to remove the sign at his or her own expense. The remove order shall describe specifically the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of the code that have been violated; and

(c) In addition to or in lieu of the other remedies set forth in this section, the Land Use Administrator may seek injunctive relief in the appropriate court.

(5) Removal and recovery expense. If a sign owner or property owner fails to comply with the requirements of a remove order, the Land Use Administrator may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in division (D)(4)(a) by the means set forth therein. If the sum is not paid within 30 days thereafter, the sum shall be collected by the town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of G.S. § 14.4.

(6) Removal of dangerous signs. Pursuant to G.S. § 160A-193, the Land Use Administrator shall have the authority to summarily remove, abate, or remedy a sign, which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, by the land owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

(Ord. passed 3-1-10; Am. Ord. passed 6-6-11)

§ 155.16 SPECIAL EVENTS BANNERS.

(A) Anything in this chapter to the contrary notwithstanding, special events banners shall be permitted pursuant to this section.

(B) Permits required. Any person, nonprofit association or corporation, may apply to the Town Planner for a permit to display a special event banner. Any banner which is displayed without the requisite permit shall be in violation of this chapter and shall be considered an illegal sign.

(C) Content. Special events banners may display promotions for nonprofit and community events, which may include fundraising activities and/or promote the Town of Franklin. The names of businesses and for-profit corporate entities may not be included on special events banners, and the use of banners to display commercial messages or promote any particular business or businesses is not permitted.

(D) Location and number. No more than one special event banner may be displayed at any time. Permits shall be issued on a first come, first served basis. The location of the banner shall be as approved from time to time by the Town Planner, but in any case the banner must be located on East Main Street, between the eastern boundary of the Town Hall property and the intersection of East Main Street and Phillips/Iotla Street.

(E) Duration of display. Special events banners may be displayed pursuant to this section for a period of time not to exceed two weeks before the event promoted by the banner. The special event banner must be removed within three days after the conclusion of the event.

(F) Property owner and NCDOT approval. As a condition to issuance of a special events banner permit, the applicant shall demonstrate to the satisfaction of the Town Planner the following: 1) that the applicant has permission from any property owner upon whose

property the banner will be anchored or otherwise affixed to attach the banner for the duration that it will be displayed; and 2) that the North Carolina Department of Transportation has given permission for the banner to be displayed, and/or that the banner conforms to all NCDOT regulations regarding banners crossing state roads then in place. In any event, the lower edge of the special event banner shall be at least 20 feet above the surface of the street.

(G) Liability; insurance. The Town of Franklin shall not be liable for the installation or maintenance of any special event banner displayed pursuant to this section, nor for any cause of action arising from the display of the same. As a part of the application required by this section, the applicant shall sign a statement acknowledging the town's nonliability, and indemnifying the town, its officers, employees and agents from any liability arising therefrom. The applicant shall provide proof of special event insurance or general liability insurance covering the event promoted by the special event banner, and shall have the Town of Franklin named as additional insured on such policy.

(H) Enforcement. Except as otherwise specified herein, special events banners shall be permitted and enforced pursuant to § 155.15 of this chapter.

(Ord. passed 6-1-15)