

SECTION 100. PURPOSE AND LEGISLATIVE INTENT

The purpose of this Sign Ordinance is to provide for the public health, safety and welfare pursuant to the general ordinance authority granted to counties by the General Assembly of North Carolina. (NCGS §153A-121 *et seq.* and other pertinent statutes and amendments thereto). By enacting this Ordinance it is the County’s intent to:

1. To promote the creation of an attractive visual environment that promotes a healthy economy by:
 - a. Permitting businesses to inform, identify, and communicate effectively; and
 - b. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on buildings and sites.
2. To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
 - a. Encouraging the appropriate design, scale, and placement of signs.
 - b. Encouraging the orderly placement of signs on buildings while avoiding regulations that are so rigid and inflexible that all signs in a series are monotonously uniform.
 - c. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
3. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
4. To have administrative review procedures that is the minimum necessary to:
 - a. Balance the community’s objectives and regulatory requirements with the reasonable advertising and way finding needs of businesses.
 - b. Allow for consistent enforcement of the Sign Ordinance.
 - c. Minimize the time required to review a sign application.
 - d. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community’s standards.

SECTION 101. MEASUREMENT STANDARDS

101.01. Determining Sign Area and Dimensions.

1. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
2. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.
3. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or

combination of forms, which comprises all of the display areas, including the space between different elements.

4. Minor appendages to a particular regular shape, as determined by the Administrator, shall not be included in the total area of a sign.
5. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
6. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
7. In the event of a dispute in determining the area or dimensions of any sign, a negative decision of the Administrator may be appealed to the Board of Adjustment.

101.02. Determining Sign Height.

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

101.03. Determining Building Frontages and Frontage Lengths.

1. Building Unit - The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
2. Primary and Secondary Frontage - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
 - a. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 - b. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection "a" above.

101.04. Length of Building Frontage.

1. The length of any primary or secondary building frontage as defined in Section 107 shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Administrator as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

SECTION 102. SIGNS PERMITTED

102.01. Residential Subdivisions

1. Residential Subdivision and Multi-Family Development signs shall be limited to 50 square feet.
2. Signs advertising home occupations shall be limited to 6 square feet.
3. Temporary signs shall be limited to a total of 16 square feet per parcel.

102.02. Unzoned Commercial Areas

1. Signs located in unzoned commercial areas shall be as described, located and designed in Section 103.
2. Temporary signs shall be limited to a total of 32 square feet per parcel.
3. Highway signs shall be as described, located and designed in Section 103.07.

SECTION 103. DEVELOPMENT STANDARDS

103.01. Wall Signs

1. The basic allowance for wall signs shall be limited to 1.5 square feet of sign area for each lineal foot of building or tenant frontage.
2. Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the basic allowance established for wall signs.
3. The wall sign or signs shall not be greater than 80% of the length of the tenant space or the length of the building frontage for single tenant buildings.
4. The area of any wall sign may be increased by 25% when the building is setback at least 200 feet from the public right-of-way.
5. Additional wall sign area is permitted for a secondary frontage (see Definitions) which shall be equal to 100% of the primary sign area allowance.
6. The following additional wall signs may be permitted:
 - a. Projecting Signs - In addition to the allowances for wall signs, projecting signs are permitted when designed and placed for the purpose of identifying the businesses for a pedestrian walking along the same side of the street as the business they seek or under a continuous rain canopy projecting from the building. Projecting signs shall have a maximum area of 16 square feet; the bottom of the sign shall be a minimum of 8 feet above the sidewalk; the sign shall not project more than 4 feet from the wall; and adjacent projecting signs shall not be closer than 20 feet.

- b. Building Directory – In addition to the allowances for wall signs, a directory sign may be permitted up to a maximum of 16 square feet for the purpose of identifying first floor tenants that do not have outside building frontage or upper floor tenants.
8. Additional Wall Signs for Multiple Story Buildings – An additional building sign is permitted on each of the building’s primary and secondary frontages according to the following:
- a. For a building with two floors, the area of any wall sign may be increased by 25% for each eligible wall.
 - b. This additional permitted sign area may be increased by 10% for each additional building floor.
 - c. The sign must be placed at the height for which the bonus has been granted.

103.02. Freestanding signs

- 1. One freestanding sign is permitted for each 200 feet of primary road frontage with a maximum of 3 freestanding signs per parcel.
- 2. The permitted area of each freestanding sign shall not exceed 50 square feet except for:
 - a. Properties entitled to more than one freestanding sign based on primary frontage. In this instance the sign area of a single sign may be increased to a maximum area of 100 or 150 square feet in lieu of erecting a second or third sign.
- 3. No portion of a freestanding sign shall be in, or project over, the public right-of-way.
- 4. The maximum height of a freestanding sign shall be 35 feet in height above the road grade or natural grade level, whichever is higher.

103.03. Electronic Message Center/Changeable Copy Signs

- 1. Changeable copy by non-electronic means may be utilized on any permitted sign.
- 2. Only one EMC sign is permitted on each road on which the development fronts.
- 3. EMCs may not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising.
- 4. EMCs are permitted provided that the copy does not change more than once every 8 seconds.
- 5. Copy changes must be accomplished within a one second interval.
- 6. EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- 7. EMCs may not exceed 50% of the total sign area permitted.

103.04. Instructional signs

- 1. Instructional or “way-finding” signs shall be permitted in addition to all other signs when they are of such size and location that satisfy the intended instructional purpose and based on their size, location, and intended purpose will not constitute additional advertising. Instructional signs may include the name of the business and logos.

103.05. Window Signs

1. Permanent window signs shall not exceed 25% of the area of a window and the total area of all window signs, including both permanent and temporary, shall not exceed 50% of the window area.

103.06. Temporary Signs

1. In addition to the signs permitted in Section 102, temporary signs related to Special Events are allowed on private property for a time period not to exceed 30 days. Such signs are permitted on and off-premises.
2. In addition to the signs permitted in Section 102, temporary signs related to a single event for commercial enterprises are allowed on private property for a time period not to exceed 30 days, with a limit of 4 events per calendar year. Such signs are permitted on-premises only.
3. Temporary signs containing any message are allowed on private property during an election period subject to the area limitations stated herein. An election period begins on the 30th day before the beginning date of one-stop early voting and ends ten days after any election conducted under federal, state, county, or city laws or ordinances in which residents of Watauga are entitled to vote, including elections or votes regarding selection or recall of any federal, state, county or city officials, any ballot questions, referendum, constitutional amendments, or advisory vote.
4. Temporary sign(s) located in residential subdivisions may not exceed a total area of 16 square feet per parcel.
5. Temporary sign(s) located in unzoned commercial areas may not exceed a total area of 32 square feet per parcel.
6. Temporary signs located on property offered for sale or lease are allowed for time periods exceeding those listed herein provided such signs are promptly removed following the sale or lease closing date. All signs are subject to the area limitations stated in this Section.
7. No temporary signs may be illuminated.
8. All temporary signs must be secured to prevent them from becoming a hazard to pedestrians, vehicles or adjacent property during high winds.
9. Temporary directional signs are allowed off-premises for a time period not to exceed 60 days as a navigational aid to specific destination(s).

103.07. Highway Signs

1. Highway signs shall not exceed 300 square feet in area. This square footage includes both sign face and border.
2. Highway signs shall:
 - a. Be located outside the right-of-way of all roads, or 35 feet from the center line if there is no recorded right-of-way, provided that on corner lots no part of a highway sign may be located within a triangular area formed by the street right-of-way lines and a line connecting them at points 50 feet from the right-of-way intersection.
 - b. Be located only in "Unzoned Commercial Areas" as defined in the North Carolina DOT Outdoor Advertising Manual and spaced as set forth in said manual except

that new “side-by-side” signs shall be prohibited. This paragraph shall be applicable on all streets/roads in Watauga County which are not within the jurisdiction of a municipality.

- c. Be located not closer than 100 feet to a pre-existing residential structure on an adjoining lot. This does not prevent the owner of a residence from placing a highway sign on the same lot as the residence provided that the placement of such sign complies with subparagraph “b” above.
 - d. Not exceed 35 feet in height above the street/road grade level.
 - e. Not exceed a width of 30 feet.
 - f. Be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code and local electric utilities’ requirements.
 - g. Be located only on primary highway systems (i.e. 105, 221, 321, and 421) with evidence of NCDOT approval.
 - h. Not be located on designated scenic byways.
3. No existing highway sign may be converted to, or replaced with, a digital billboard.
 4. No new locations for digital billboards shall be permitted.
 5. Only one highway sign shall be permitted per parcel.

SECTION 104. NON-CONFORMING SIGNS

104.01. General Provisions

1. Nonconforming signs shall be maintained in good condition pursuant to Section 106.
2. A Nonconforming sign shall not be altered, modified or reconstructed except:
 - a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
 - b. When the existing use has new ownership which results in a change in the name or logo of the use or business on the property, and such change complies with subsection “d” below;
 - c. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection “d” below;
 - d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, erection or relocation of the sign unless such changes conform to subsection “a” above.
3. Nonconforming highway signs for which there is in effect a valid NCDOT permit may be repaired or reconstructed without limitation so long as the square footage of the sign face is not increased.
4. A nonconforming sign shall be removed upon verification that the use to which such non-conforming sign refers has been abandoned for more than 180 consecutive days.

SECTION 105. SIGN REVIEW PROCEDURES

1. A sign permit shall be required for all permanent signage.

2. All sign permit applications shall be reviewed for compliance with these regulations and the North Carolina State Building Code within 10 business days from the time a completed application has been accepted by the Administrator.
3. All appeals and variances regarding the sign ordinance shall be heard by the Board of Adjustment in accordance with Section 110.

SECTION 106. SUPPLEMENTAL CONSIDERATIONS

106.01. Construction Standards

The construction, erection, safety and maintenance of all signs shall comply with the North Carolina State Building Code and all of the following:

1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
2. All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
3. If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
4. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
5. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
6. Signs shall be structurally designed in compliance with ANSI and ASCI standards. All electric signs shall be constructed according to the technical standards of UL or other certified testing laboratory.
7. Signs may be illuminated – by external or internal means -- provided that:
 - a. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;
 - b. Light sources shall be shielded from all adjacent buildings and streets; and
 - c. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

106.02. Maintenance

All signs shall be maintained in accordance with the following:

1. The property owner shall maintain signs in a condition appropriate to the intended use and to all County standards.
2. The property owner has a continuing obligation to comply with all building code requirements.
3. If the sign is deemed by the Administrator to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the county with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after 30 days, the unsafe condition has not been corrected through repair or removal, the Administrator may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in

full within 60 days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional 10 percent penalty for collection as prescribed for unpaid real estate taxes.

4. In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice.
5. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - b. There is no enlargement or increase in any of the dimensions of the sign or its structure; and
 - c. The sign is accessory to a legally permitted or nonconforming use.

106.03. Exempt from these Regulations

The following shall be exempt from regulation under this Ordinance:

1. Government Signs.
2. Works of Art.
3. Holiday Decorations, when displayed during the appropriate time of the year.
4. Flags, except feather flags.
5. Building markers.

106.04. Prohibited Signs

The following signs are prohibited in the County:

1. Abandoned Signs.
2. Animated Signs.
3. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
4. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by the regulations.
5. Off-Premises temporary signs, other than those explicitly permitted by Section 103.6.
6. Any signs placed on public property without consent or placed in violation of local, state, or federal requirements.

SECTION 107. DEFINITIONS

The following words and phrases used in this Ordinance shall have the following meanings:

Abandoned Sign. A sign which for a period of at least 180 consecutive days or longer no longer advertises or identifies a legal business establishment, product or activity.

Alteration. Any change in copy, color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

Animated Sign. A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

Area of Sign. Refer to measurement standards in Section 101.

Art. An aesthetic physical item or artistic creation.

Attraction or Reader Board. Any sign having changeable copy for the purpose of advertising events, sales, services or products provided on the site.

Awning. A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Awning Sign. Any permanent sign painted on or attached to or supported by an awning.

Balloon Sign. A temporary lighter-than-air gas-filled balloon, tethered in a fixed location that has a sign with a message on its surface or attached in any manner to the balloon.

Banner Sign. A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constricted of non-durable materials, including, but not limited to, cardboard, cloth and/or plastic.

Building Identification Sign. A permanent sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

Canopy. A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Canopy Sign. Any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy. **See Also Projecting Sign.**

Directional Sign. A temporary sign, not exceeding 4 square feet, used as a navigational aid to direct motorists to specific destination(s) for a single purpose or event open to the public.

Electronic Message Center / Changeable Copy Sign. A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for

example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

Construction Sign. A temporary sign identifying the persons, firms or business directly connected with a construction project.

Directional Sign: A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

Digital Billboard. A highway sign utilizing electronic image displays that present multiple static advertisements on a rotating basis.

Freestanding Sign. Any permanent sign which is affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

Footcandle. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Governmental Sign. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

Grade. The level of the site at the property line located at the closest distance to the sign.

Height of Sign. Refer to measurement standards in Section 101.

Highway Sign. A sign directing attention to a business, commodity, service or entertainment which is conducted, sold or offered on premises other than the premises upon which the sign is located.

Holiday Decorations. Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Illegal Sign. Any sign placed without proper approval or permits as required by this Ordinance at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Ordinance.

Illuminated Sign. A permanent sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Instructional Signs. A permanent sign clearly intended for instructional purposes, as determined by the Administrator, shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the intended instructional

purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.

Length of Frontage.

1. The measurement purposes, the length of any primary or secondary frontage as defined in Section 101, shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Administrator or Planning Commission as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.
3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Logo, Logogram, or Logotype. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

Marquee. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right-of-way.

Marquee Sign. A permanent sign painted on or attached to or supported by a marquee.

Mural. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Multi-Family Development. Three or more dwelling units intended for residential occupancy contained within one building or a Planned Unit Development.

Neon Sign. A sign with tubing that is internally illuminated by neon or other electrically charged gas.

Nonconforming Sign. A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Ordinance.

Off-Premises Sign. Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.

On-Premises Sign. Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

Primary and Secondary Frontage. The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

1. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a building unit.
2. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

3. The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.

Private Street. Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

Projecting Sign. A permanent sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also Canopy sign.

Residential Subdivisions. A collection of land parcels designated and platted (mapped) exclusively for residential development.

Revolving or Rotating Sign. An Animated Sign.

Roof Sign. Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

Sign. Any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

Sign Face. An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

Site. All the contiguous ground area legally assembled into one development location or individual lot defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

Special Event Sign. A temporary sign advertising or pertaining to any annual or seasonal event of interest to, open to, or available to, the general public.

Temporary Sign. A sign utilized for a limited time which is not permanently anchored or secured to a building or the ground and may be easily moved from one location to another. Examples include air-activated motion signs, balloon signs, banner signs, yard signs, feather flag signs, portable message center signs, snipe signs, and sidewalk signs.

Unzoned Commercial Area. A site outside of municipal and county zoning jurisdiction which is within 660 feet of the nearest edge of the primary highway right of way and is actually used for commercial or industrial purposes.

Vehicle Sign. A sign permanently or temporarily attached to or placed on a vehicle or trailer.

Wall Sign. A sign permanently attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 3 inches wide.

Window Sign. A sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

SECTION 108. SEVERABILITY

1. If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said ordinance without such unconstitutional provision, and the remainder of this Ordinance shall be deemed and held to be valid as if such portion had not been included.

SECTION 109. SUBSTITUTION

1. Notwithstanding any other provision of this Ordinance and subject to the property owner's consent, any non-commercial copy may be substituted, in whole or in part, for any commercial copy on any sign permitted by this Ordinance. If non-commercial copy is substituted, the resulting sign will continue to be treated as the original commercial sign under this Ordinance and will not be deemed or treated as an off-premises sign.

SECTION 110. APPEALS AND VARIANCES

1. Request for Variance: When unnecessary hardships would result from strict application of the ordinance, upon application by an aggrieved party with standing, the Board of Adjustment may hold a hearing pursuant to NCGS §160A-388 (a2) and may grant variances to the provisions of the ordinance in accordance with the standards and procedures established in NCGS §160a-388(d) and as established by County policy.
2. Appeal: Any sign owner or applicant who alleges that a County administrative official acted erroneously in enforcing this ordinance may appeal the decision of that administrative official to the Board of Adjustment.
3. Every decision of the Board of Adjustment shall be subject to review at the instance of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the filing of the Notice of Decision in the office of the ordinance administrator.

SECTION 111. PENALTIES FOR VIOLATION

1. Any person violating provisions of this ordinance shall be given 10 working days to comply. Failure to comply within ten 10 working days shall be, upon conviction, guilty of a Class 3 misdemeanor punishable by a fine not exceeding \$50.00 or by imprisonment

not to exceed 30 days, or both. Each day that the violation continues shall be deemed a separate offense.

2. In addition to, or in lieu of, the criminal penalties outlined above, each person violating this ordinance shall be subject to a civil penalty in the amount of \$200.00 per day for each day the violation is allowed to continue.

SECTION 112. REMEDIES

1. When the ordinance administrator determines that a sign has been erected, constructed, reconstructed, altered, repaired, converted or continued in violation of this ordinance, he or she is authorized to institute an action for injunction or take other appropriate action to prevent or abate such violation.
2. The ordinance administrator shall have the authority to remove and impound any sign prohibited by Section 106.04 of this ordinance without further notice. The ordinance administrator shall impound such signs for a period of 10 days. During the 10-day impoundment period, the ordinance administrator shall attempt to notify the owner that the sign has been impounded and may be recovered upon payment of a \$10.00 recovery fee. In the event impounded signs are not claimed within the 10-day impoundment period, the county shall have the authority to dispose of such signs.
3. In the event signs prohibited by this ordinance require special resources for collection and/or impoundment, the county, or independent contractor under the county's supervision, shall collect and impound the sign. The resulting charges shall be assessed to the sign owner.

SECTION 113. INTERPRETATION AND CONFLICTS

1. The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance.
2. Whenever this ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.
3. When the provisions of any applicable state or federal statutes impose higher standards, the provisions of such statutes shall govern unless it is determined that such higher standard is not being enforced. In such case, the provisions of this ordinance shall govern until such time as the higher standard is enforced.

SECTION 114. JURISDICTION

The provisions of this ordinance shall be applicable only to unincorporated areas of Watauga County which are not included in the extraterritorial jurisdiction of a municipality. The Valle Crucis Historic District and Foscoe-Grandfather Community have additional regulations concerning allowable signage.

SECTION 115. REPEAL

1. Upon adoption of this ordinance, the current ordinance entitled “An Ordinance to Regulate Signs in Watauga County,” and all subsequent amendments thereto, shall be repealed.

SECTION 116. EFFECTIVE DATE

1. This ordinance shall become effective on the 20th day of December, 2016.