

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1248
HOUSE BILL 1195

1 AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION OF OUTDOOR
2 ADVERTISING IN THE VICINITY OF THE INTERSTATE AND PRIMARY
3 HIGHWAY SYSTEM, AND FOR THE ADMINISTRATION OF SUCH CONTROLS
4 AND REGULATIONS.
5

6 The General Assembly of North Carolina do enact:
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8 **Section 1.** This Act may be cited as the Outdoor Advertising Control Act.

9 **Sec. 2.** Declaration of Policy. The General Assembly hereby finds and declares that
10 outdoor advertising is a legitimate commercial use of private property adjacent to roads and
11 highways but that the erection and maintenance of outdoor advertising signs and devices in
12 areas in the vicinity of the right of way of the Interstate and primary highways within the State
13 should be controlled and regulated in order to promote the safety, health, welfare and
14 convenience and enjoyment of travel on and protection of the public investment in highways
15 within the State, to prevent unreasonable distraction of operators of motor vehicles and to
16 prevent interference with the effectiveness of traffic regulations and to promote safety on the
17 highways, to attract tourists and promote the prosperity, economic well-being and general
18 welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and
19 areas in the vicinity of the State highways and to promote the reasonable, orderly and effective
20 display of such signs, displays and devices. It is the intention of the General Assembly to
21 provide and declare herein a public policy and statutory basis for the regulation and control of
22 outdoor advertising.

23 **Sec. 3.** Definitions. As used in this Act.

24 a. "Interstate System" means that portion of the National System of Interstate and
25 Defense Highways located within the State, as officially designated, or as may hereafter be so
26 designated, by the State Highway Commission, or other appropriate authorities.

27 b. "Primary Systems" means that portion of connected main highways, as now
28 officially designated, or as may hereafter be so designated by the North Carolina State
29 Highway Commission as primary system, or other appropriate authorities.

30 c. "Outdoor Advertising" means any outdoor sign, display, light, device, figure,
31 painting, drawing, message, plaque, poster, billboard, or any other thing which is designed,
32 intended or used to advertise or inform, any part of the advertising or information contents of
33 which is visible from any place on the main-traveled way of the Interstate or primary system.

34 d. "Safety Rest Area" means an area or site established and maintained within or
35 adjacent to the highway right of way by or under public supervision or control, for the
36 convenience of the traveling public.

37 e. "Information Center" means an area or site established and maintained at safety rest
38 areas for the purpose of informing the public of places of interest within the State and providing
39 such other information as the State Highway Commission may consider desirable.

40 **Sec. 4.** Limitations of Outdoor Advertising Devices. No outdoor advertising shall
41 be erected or maintained within 660 feet of the nearest edge of the right of way of the Interstate
42 or primary highways in this State so as to be visible from the main-traveled way thereof after
43 the effective day of this Act except the following:

1 a. Directional and other official signs and notices, which signs and notices shall
2 include those authorized and permitted by Chapter 136 of the General Statutes, which include
3 but are not limited to official signs and notices pertaining to natural wonders, scenic and
4 historic attractions and signs erected and maintained by a public utility, electric or telephone
5 membership corporation, or municipality for the purpose of giving warning of or information as
6 to the location of an underground cable, pipeline or other installation.

7 b. Outdoor advertising which advertises the sale or lease of property upon which it is
8 located.

9 c. Outdoor advertising which advertises activities conducted on the property upon
10 which it is located.

11 d. Outdoor advertising, in conformity with the rules and regulations promulgated by
12 the State Highway Commission, located in areas which are zoned industrial or commercial
13 under authority of State law.

14 e. Outdoor advertising, in conformity with the rules and regulations promulgated by
15 the State Highway Commission, located in unzoned commercial or industrial areas.

16 **Sec. 5.** Regulation of Advertising. The State Highway Commission is authorized to
17 promulgate rules and regulations governing the erection and maintenance of outdoor
18 advertising permitted in subsections (a), (d) and (e) of Section 4 herein, as may be necessary to
19 carry out the policy of the State declared in this Act.

20 **Sec. 6.** Removal of Existing Nonconforming Advertising. The State Highway
21 Commission is authorized to acquire by purchase, gift or condemnation all outdoor advertising
22 and all property rights pertaining thereto which are prohibited under the provisions of Section 4
23 of this Act, provided such outdoor advertising is in lawful existence on the effective date of this
24 Act or provided that it is lawfully erected after the effective date of this Act.

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

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

37 In any acquisition, purchase or condemnation, just compensation to the owner of the fee in
38 the real property upon which the outdoor advertising is located, where said owner also owns the
39 outdoor advertising located thereon, shall be limited to the fair market value of the outdoor
40 advertising plus the difference in the fair market value of the entire tract immediately before
41 and immediately after the taking by the Commission of the right to erect and maintain such
42 outdoor advertising thereon and in arriving at the fair market value after the taking, any special
43 or general benefits accruing to the property by reason of the acquisition shall be taken into
44 consideration.

45 **Sec. 7.** Condemnation Procedure. For the purpose of this Act, the State Highway
46 Commission shall use the procedure for condemnation of real property as provided by Article 9
47 of Chapter 136 of the General Statutes.

48 **Sec. 8.** Permits Required. No person shall construct or maintain any outdoor
49 advertising within 660 feet of the nearest edge of the right of way of the Interstate or primary
50 highway system, except those permitted under Section 4, subsections (b) and (c) of this Act,
51 without first obtaining a permit from the State Highway Commission. The permit shall be valid

1 until revoked for the nonconformance with this Act or rules and regulations promulgated by the
2 State Highway Commission thereunder. Any person aggrieved by any action of the State
3 Highway Commission in refusing to grant or in revoking a permit may appeal in accordance
4 with the terms of Article 33 of Chapter 143 of the General Statutes.

5 **Sec. 9. Unlawful Advertising.** Any outdoor advertising erected after the effective
6 date of this Act in violation of the provisions of this Act, shall be unlawful and shall constitute
7 a nuisance. The State Highway Commission shall give 30 days' notice by certified mail to the
8 owner of the nonconforming outdoor advertising if such owner is known or can by reasonable
9 diligence be ascertained, to move the outdoor advertising or to make it conform to the
10 provisions of this Act and rules and regulations promulgated by the State Highway
11 Commission hereunder. The State Highway Commission or its agents shall have the right to
12 remove the nonconforming outdoor advertising at the expense of the said owner, if the said
13 owner fails to act within 30 days after receipt of such notice. The State Highway Commission
14 or its agents may enter upon private property for the purpose of removing outdoor advertising
15 prohibited by this Act or rules and regulations promulgated by the State Highway Commission
16 hereunder without civil or criminal liability.

17 **Sec. 10. Enforcement Provisions.** Any person, firm, corporation or association
18 placing or erecting outdoor advertising along the Interstate system or primary system in
19 violation of this Act shall be guilty of a misdemeanor. In addition thereto, the State Highway
20 Commission may seek injunctive relief in the Superior Court of the county in which the said
21 nonconforming outdoor advertising is located and require the outdoor advertising to conform to
22 the provisions of this Act and rules and regulations promulgated pursuant hereto, or require the
23 removal of the said nonconforming outdoor advertising.

24 **Sec. 11. Zoning Changes.** All zoning authorities shall give written notice to the
25 State Highway Commission of the establishment or revision of any commercial and industrial
26 zones within 660 feet of the right of way of Interstate or primary highways. Notice shall be by
27 registered mail sent to the offices of the State Highway Commission in Raleigh, North
28 Carolina, within 15 days after the effective date of the zoning change or establishment.

29 **Sec. 12. Information Directories.** The State Highway Commission is authorized to
30 maintain maps and to permit informational directories and advertising pamphlets to be made
31 available at safety rest areas and to establish information centers at safety rest areas and install
32 signs on the right of way for the purpose of informing the public of facilities for food, lodging
33 and vehicle services and of places of interest and for providing such other information as may
34 be considered desirable.

35 **Sec. 13. Agreements with United States Authorized.** The State Highway
36 Commission is authorized to enter into agreements with other governmental authorities relating
37 to the control of outdoor advertising in areas adjacent to the Interstate and primary highway
38 systems, including the establishment of information centers and safety rest areas, and to take
39 action in the name of the State to comply with the terms of the agreements.

40 **Sec. 14. Alternate Control.** In addition to any other control provided for in this Act,
41 the State Highway Commission may regulate outdoor advertising in accordance with the
42 standards provided by this Act and regulations promulgated pursuant thereto, by the acquisition
43 by purchase, gift, or condemnation of easements or any other interests in real property
44 prohibiting or controlling the erection and maintenance of advertising within 660 feet of the
45 right of way line of the Interstate and primary system of the State.

46 **Sec. 15. Availability of Federal Aid Funds.** The State Highway Commission shall
47 not be required to expend any funds for the regulation of outdoor advertising under this Act,
48 nor shall the provisions of this Act, with the exception of Section 13 hereof, have any force and
49 effect until Federal funds are made available to the State for the purpose of carrying out the
50 provisions of this Act, and the State Highway Commission has entered into an agreement with

1 the Secretary of Transportation as authorized by Section 13 hereof and as provided by the
2 Highway Beautification Act of 1965 or subsequent amendment thereto.

3 **Sec. 16.** If any provision of this Act, or the application thereof to any person or
4 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
5 the Act which can be given effect without the invalid provision or application, and to this end
6 the provisions of this Act are declared to be severable.

7 **Sec. 17.** All laws and clauses of laws in conflict with this Act are hereby repealed.

8 **Sec. 18.** This Act shall be in full force and effect from and after its ratification.

9 In the General Assembly read three times and ratified, this the 6th day of July, 1967.