

TITLE IX: PLANNING AND REGULATION OF DEVELOPMENT

Chapter

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- 91. Homesite and Dwelling**
- 92. Signs**

CHAPTER 90: BUILDING REGULATIONS

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Statutory reference:

- Adoption of technical codes by reference, see G.S. 160A-76
- Building permit requirements, see G.S. 160A-417 et seq.
- Minimum housing standards, see G.S. 160A-441 et seq.

ADOPTION OF REGULATORY CODES BY REFERENCE

90.01 SCOPE.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

- (A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to such building or structure;

(B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;

© The installation, erection, alteration, repair, use, and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment, and appurtenances thereof; and

(D) The installation, erection, alteration, repair, use, and maintenance of electrical system and appurtenances thereof.

90.02 BUILDING CODE ADOPTED.

The North Carolina State building Code (Volume I, General Construction) – 1978 edition, as adopted by the North Carolina Building Code Council and as amended, is adopted by reference as fully as though set forth herein.

90.03 PLUMBING CODE ADOPTED.

The North Carolina Plumbing Code (North Carolina State Building Code, Volume II, Plumbing) – 1980 edition as adopted by the North Carolina Building code Council and as amended, is adopted by reference as fully as though set forth herein.

90.04 HEATING CODE ADOPTED.

The North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating) – 1980 edition as adopted by the North Carolina Building code Council and as amended, is adopted by reference as fully as though set forth herein.

90.05 ELECTRICAL CODE ADOPTED.

The North Carolina Electrical Code (North Carolina State building Code, Volume IV, Electrical) – 1978 edition, as adopted by the North Carolina Building Code council and as amended, is adopted by reference as fully as though set forth herein.

90.06 RESIDENTIAL BUILDING CODE.

The North Carolina Uniform Residential Building Code 1968 edition with amendments 1969-1976, as adopted by the North Carolina Building Code Council, is adopted by reference as fully as though set forth herein.

90.07 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town.

90.08 COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code, General Construction, Volume I or the North Carolina Uniform Residential State Building Code, whichever is applicable, or of both if both are applicable.

(B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina Plumbing Code (North Carolina State Building code, Volume II, Plumbing).

(C) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Heating Code (North Carolina State building Code, Volume III, Heating).

(D) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina electrical Code (North Carolina State Building Code, Volume IV, Electrical).

90.09 COUNTY TO ENFORCE.

All appropriate Avery County officials shall issue all permits, enforce all state codes adopted above, and enforce this chapter within the corporate limits of the town.

REPAIR, CLOSING, OR DEMOLITION OF ABANDONED STRUCTURES# 90.50 FINDING: INTENT.

It is found that there exist within the town abandoned structures which the Council finds to be hazardous to the health, safety, and welfare of the residents of the town due to the attraction of insects or rodents; conditions creating a fire hazard; dangerous conditions constituting a threat to children; or frequent use by vagrants as living quarters in the absence of sanitary facilities.

Therefore, pursuant to the authority granted by G.S. 160A-441, it is the intent of this subchapter to provide for the repair, closing, or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing, or demolition of dwellings unfit for human habitation.

90.51 DUTIES OF THE COUNTY BUILDING INSPECTOR.

The County Building Inspector is designated as the officer to enforce the provisions of this subchapter. It shall be the duty of the County Building Inspector:

- (A) To locate abandoned structures within the town and determine which structures are in violation of this subchapter;
- (B) To take such action pursuant to this subchapter as may be necessary to provide for the repair, closing, or demolition of the structures.

90.52 POWERS OF THE COUNTY BUILDING INSPECTOR.

The County Building Inspector is authorized to exercise such powers as may be necessary to carry out the intent and the provisions of this subchapter, including the following powers in addition to others herein granted:

- (A) To investigate the condition of buildings within the town in order to determine which structures are abandoned and in violation of this subchapter;
- (B) To enter on premises for the purpose of making inspections;
- (C) To administer oaths and affirmations, examine witnesses and receive evidence; and
- (D) To designate such other officers, agents, and employees as he deems necessary to carry out the provisions of this subchapter.

90.53 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned structure within the town shall be deemed in violation of this subchapter whenever the structure constitutes a hazard to the health, safety, or welfare of the town citizens as a result of:

- (1) The attraction of insects or rodents;
- (2) Conditions creating a fire hazard;
- (3) Dangerous conditions constituting a threat to children; or

(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(B) In making the preliminary determination of whether or not an abandoned structure is in violation of this subchapter, the County Building Inspector may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings, or roof which might attract rodents and insects, or become breeding places for rodents and insects;

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

(3) Violations of the state building code, the state electrical code, or the fire prevention code which constitute a fire hazard in the structure;

(4) The collection of garbage, rubbish or combustible material which constitutes a fire hazard in the structure;

(5) The use of the structure or nearby grounds or facilities by children as a play area;

(6) Violations of the state building code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and

(7) Repeated use of the structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking, or eating.

Penalty, see # 10.99

90.54 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the County Building Inspector by at least five residents of the town charging that any structure exists in violation of this subchapter or whenever it appears to the Inspector, on inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served on the owner of and parties whose interest is in the structure, a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the structure. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After the notice and hearing, the Inspector shall state in writing his determination as to whether the structure violates this subchapter. If the Inspector determines that the dwelling is in violation, he shall state in writing his findings of the fact to support such determination, and shall issue and cause to be served on the owner thereof an order directing and requiring the owner to either repair, alter, and improve the structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any structure shall fail to comply with an order of the Inspector within the time specified therein, the Inspector may petition the superior court for an order directing the owner to comply with the order of the Inspector, as authorized by G.S. 160A-446 (g).

(2) In rem remedy. After failure of an owner of a structure to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C) (1) above, the Inspector shall cause the structure to be removed or demolished, as provided in the original order of the Inspector, and pending the removal or demolition, to placard such dwelling as provided by G.S. 260A-443.

(D) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector shall have the right, within 30 days after issuance of the order, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160A-446 (f).

90.55 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the County Building Inspector shall be served on persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of the complaint or order on such person may be made by publication once at least ten days prior to the hearing in a newspaper having general circulation in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

90.56 IN REM ACTION BY COUNTY BUILDING INSPECTOR: PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the County Building Inspector issued pursuant to the provisions of this subchapter, the Inspector shall proceed to cause the structure to be removed or demolished, and shall cause to be posted on the main entrance of the structure a placard prohibiting the use of occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each such order shall be recorded in the office of the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443 (5).

Penalty, see # 10.99

90.57 COSTS A LIEN ON PREMISES.

As provided by G.S. 160A-443 (6), the amount of the cost of any removal or demolition caused to be made or done by the County Building Inspector pursuant to this subchapter shall be a lien against the real property on which the cost was incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes.

90.58 ALTERNATIVE REMEDIES.

Neither this subchapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process, and the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

RESOLUTION
MARCH 5, 2019

The Newland Town Council moved that the following resolution be adopted.

WHEREAS, the Newland Town of Council has adopted the revised Chapter 91: Homesites and Dwellings.

NOW, THEREFORE, BE IT RESOLVED THE THE Newland Town Council has approved the Chapter 91: Homesites and Dwellings on March 5th, 2019



Mayor, Valerie Jaynes

ATTEST:



CLERK

The following Council Members voted in the affirmative:

James C. Johnson
 Kenny Caraway
 Lauren Turbyfill
 Dave Calvert

The following council members voted in the negative:

None

CHAPTER 91: HOME SITE AND DWELLING

Section

- 91.01 Goals
- 91.02 Concerns
- 91.03 Site Requirements
- 91.04 Dwelling Requirements
- 91.05 Existing violations, situations, and conditions
- 91.06 Severability
- 91.07 Enforcement and Administration

91.01 GOALS:

- (A) To protect and enhance the appearance of the Town
- (B) To protect the values of property within the Town
- (C) To make the Town more “pedestrian and motorist friendly”

91.02 CONCERNS:

- (A) The safety of residents within the Town
- (B) Devaluation of property in Town
- (C) Individual incidents in which property owners have acted irresponsibly and their actions have had a negative impact on their neighbors.
- (D) To make the Town more appealing and cohesive.

91.03 SITE REQUIREMENTS:

- (A) Any home site must have a minimum of eight thousand(8000) square feet.
- (B) Density of dwellings shall be limited to no more than four (4) dwellings per acre, and shall not be over four (4) stories in height. Maximum height of structures shall be no more than 60 feet in height.
- (C) All private dwellings shall have a minimum off street parking area to include ample space for two (2) vehicles. Parking shall be at least four (4) feet from the edge of the street. Parking will not be permitted in the street right of way.
- (D) Fences shall be maintained and structurally sound. Painted fences shall not be peeling and/or cracking. Fences shall be set back a minimum of six (6) feet from edge of the street. Fences will

not be permitted in the street right of way and shall not obstruct view to street entrance. Temporary fencing shall be allowed no more than 90 days.

(E) All home sites with four (4) or more units per acre shall require a community garbage container with permanent foundation and fenced area. All garbage containers shall be emptied on a regular basis.

(F) All units shall require a separate water meter for each unit unless specifically stated by the public works director.

(G) Landscaping shall be maintained in manner not to obstruct view of motorist and/or entrance to the street.

91.04 DWELLING REQUIREMENTS:

(A) Any dwelling shall have a minimum of nine hundred and eighty (980) square feet. In addition, non-owner occupied dwellings shall have a minimum of 196 square feet per adult and 98 square feet per child under the age of 18 years old.

(B) All structures shall be located at least 10 feet from any property line and 10 feet from the street right-of-way. The eaves of any structure shall not extend more than 3 feet into the required set back.

(C) Manufactured homes shall be no more than 5 years old. Manufactured homes shall have vinyl siding, shingled roof or corrugated metal roofing and be in good appearance.

(D) Foundations or underpinning shall be all the same material. The color should match or harmonize with the color of the home. Foundations or underpinning shall be of approved materials; painted plywood, tin, vinyl, standard home skirting or masonry. All new home sites shall require a permanent foundation.

(E) Homes and other structures shall be in good repair and if painted shall not be peeling or cracking.

91.05 EXISTING VIOLATIONS, SITUATIONS AND CONDITIONS:

Any existing condition at the time this Ordinance is adopted shall not be effected. In the event that there is any change in condition concerning a violation, the property owner would be required to be in compliance from that time.

91.06 SEVERABILITY:

If any section, sub-section or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections and clauses shall not be affected thereby.

#91.07 ENFORCEMENT AND ADMINISTRATION:

A. The Newland Town Administrator is hereby given the authority to administer and enforce the provisions of this ordinance. The Town Administrator shall be responsible for issuing permits for the erection of all Dwelling and fences. The Town Administrator shall deny a permit for the erection of any Homesite/Dwelling, which does not meet the requirements of this ordinance. In addition to this requirement, a permit shall be refused if the owner has or possesses any outstanding Homesite/Dwelling violation until said violation is corrected.

B. Any denial of permit by the Town Administrator may be appealed to the Town Council. Notice of Appeal must be taken within (10) days of the decision by filing a Notice of Appeal with the Town Administrator. The Notice of Appeal shall set forth either the reason that the appellant believes that the decision is in error or the reasons that the appellant should be granted a variance from the provisions of this ordinance. Upon receipt of an Appeal, the Town Administrator shall transmit the Appeal together with any necessary records to the Newland Town Council for the purpose of scheduling a hearing, which shall be scheduled within 45 days of filing the notice of Appeal.

#91.08 VIOLATIONS, PENTALITIES AND FINES:

1. First offense – \$50.00
2. Second offense – \$100.00
3. Third offense – \$500.00

Notice of violation shall state specific violation. Each day the violation continues in existence shall constitute a separate violation.

CHAPTER 92: SIGN REGULATIONS

Section

- 92.01 Goal
- 92.02 Definitions
- 92.03 Enforcement and Administration
- 92.04 Signs Exempt from Regulations
- 92.05 Signs Not Requiring a Permit
- 92.06 Signs Requiring a Permit
- 92.07 Prohibited Signs
- 92.08 Non-Conforming Signs
- 92.09 Off-Premise Signs
- 92.10 General Requirements
- 92.11 Maintenance
- 92.12 Fee for Sign Permit
- 92.13 Severability
- 92.14 Non-Commercial Messages

92.01 GOALS.

The regulation of outdoor advertising identification, business and principal use signs, "on premise" and "off premise", in the Town of Newland, North Carolina. These regulations shall apply to the regulation of all outdoor advertising and to identification, business and principle use signs as defined by this ordinance.

92.02 DEFINITIONS.

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

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

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

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

e. On-Premise Identification Sign – A sign that advertises a product, business or service which conveys general information or data relating to the primary use of or primary

products produced by the principle user of the lot or premises.

f. **Attached Sign** – A sign that is itself directly affixed to the principal building on a lot.

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

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

i. **Pennants and Balloons** – Any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

j. **Roofline** – The horizontal line which passes through the highest point of any roof.

k. **Unified Business Development** – Where more than one principle building or business exists on a single lot or where any building contains a gross floor area of 5,000 square feet or more. Such building or business shall be deemed to be a Unified Business Development. Also known as strip shopping centers and shopping malls.

l. **Commemorative Sign** – Any sign erected in remembrance of a person or event of which is commemorative in nature. The Town Council must give prior approval for all commemorative signs that are placed in the town.

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

n. **Governmental Sign** – Any sign erected by or on the order of an authorized public official in the performance of his office or duty including, but not limited to, traffic control signs, street name signs, warning signs, directional signs, public notice or signs of a similar nature.

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

p. **Non-Commercial Message** – Any message protected by the First Amendment that does not direct attention to a business operated for profit, commodity or service for sale.

q. Political sign – A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which registered voters of the town may or may not vote.

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

s. Reader Board – A sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, other similar characters or changeable pictorial panes.

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

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

v. Changeable Copy sign – A sign that includes scrolling marquees, time and temperature and like signs on which message copy is changed electronically.

92.03 ENFORCEMENT AND ADMINISTRATION.

a. The Newland Police Department is hereby given the authority to administer and enforce the provisions of this ordinance. In addition, the Newland Maintenance Department will report any possible violations to the Police Department for inspection. The Town Administrator shall be responsible for issuing permits for the erection of all outdoor signs and advertising, identification, business, off-premises and on-premise signs. The Town Administrator shall refuse a permit for the erection of any sign, which does not meet the requirements of this ordinance. In addition to this requirement, a permit shall be refused if the owner has or possesses any outstanding sign violation until said violation is corrected.

b. Any person, firm or corporation aggrieved by any decision of the Police Department or Town Administrator regarding any provision of this ordinance may appeal the decision to the Newland Town Council. Notice of such appeal may be taken within ten (10) days of the decision by filing a Notice of Appeal with the Town Administrator. The Notice of appeal shall set forth either the reasons that the appellant believes that the decision is in error or the reasons that the appellant should be granted a variance from the provisions of this ordinance. Upon receipt of an appeal, the Town Administrator shall transmit the appeal together with any necessary records to the Newland Town Council for the purpose of scheduling a hearing.

c. The Newland Town Council shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Police Department or Town Administrator in the enforcement of this ordinance.

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

e. The concurring vote of three (3) members of the Newland Town Council shall be necessary to reverse a decision or determination of the Police Department or Town Administrator or to grant a variance from the provisions of this ordinance.

f. All decisions and findings of the Newland Town Council shall be final. Appeals from decisions made by the Newland Town Council may be taken to the superior Court by proceedings in the nature of certiorari.

g. If any sign is erected, constructed, repaired, converted or maintained in violation of this ordinance, the Newland town Council or any other property owner that would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation.

1. Penalty – Any person, firm or corporation who violates any provisions of this ordinance shall, upon conviction, be guilty of misdemeanor and shall be fined fifty (\$50.00) dollars. Each day that a violation continues to exist shall be considered a separate offense, provided that the violation is not corrected within seven (7) days or forty-eight (48) hours for a temporary sign, after notice of the violation has been given. When a violation subjects an offender to a civil penalty, said penalty shall be fifty (\$50.00) dollars per day, unless the violation is corrected or appeal is made to the Newland Town Council. The civil penalty shall begin ten (10) days after a Town of Newland official has given the notice of the violation by means of a certified letter. Furthermore, this ordinance shall provide that each calendar day's continuing violation shall constitute a separate and distinct offense and the total penalty thus resulting shall be recorded as a lien against the property.

92.04 SIGNS EXEMPT FROM REGULATIONS.

The following signs are exempt from the regulations of this ordinance, except where prohibited under Article VII:

- a. signs that are not legible from beyond the boundaries of the property on which they are located.
- b. Governmental signs, including traffic warning or regulatory signs and devices.

- c. Trade names and graphics which are located on gas pumps, newspaper, soft drink and similar vending devices.
- d. Flags or insignia of any government, non-profit or business organization.
- e. Seasonal or holiday signs and decorations associated with a national or religious holiday.
- f. Warning of danger signs posted by utility or construction companies.
- g. Signs on vehicles indicating the name of a business, unless the primary use of the vehicle is for advertising or the display of signs. Vehicles may not park on state, town or private property for displaying purposes. All vehicles must be registered, licensed and have a valid inspection, in accordance with state law.
- h. Non-advertising decorative flags or devices.
- i. Signs required by law, statute or ordinance.
- j. No trespassing, no loitering and similar private warning signs.
- k. Commemorative signs that have been approved by the Newland Town Council.
- l. Signs painted on or displayed in windows.

92.05 SIGNS NOT REQUIRING A PERMIT.

The following types of signs are permitted without requiring a permit:

- a. Regulatory or warning signs that are not used for advertising purposes. Such signs shall not exceed sixteen (16) square feet in area per side.
- b. Professional signs announcing professions, businesses or home occupations not exceeding four (4) square feet per side in area and are not illuminated.
- c. "For Sale" or "For Rent" signs pertaining to realty on the premises offered for sale or rent which do not exceed eight (8) square feet per side and are not illuminated. There shall be a limit of one such sign for each lot. If the lot is not located on a primary thoroughfare, one (1) directional sign will be permitted at each change of direction, to point direction to location of the lot. Any tract of land consisting of three (3) or more acres or five hundred (500) feet or more of road frontage will be allowed one sign not to exceed sixteen (16) square feet per side. All such signs shall be removed within five (5) days from the rental or sale closing.

- d. Church bulletin boards and identification signs whether illuminated or not.
- e. Signs advertising agricultural products produced on the premises, not exceeding sixteen (16) square feet in area per side. There shall be a limit of one such sign for each lot.
- f. Directional or informational signs of public, civic and non-profit organizations. Special event signs can be put up thirty (30) days prior to an event and must be removed within five (5) days after the event is over.
- g. Historical markers erected by a bona fide historical association. All signs shall be limited to sixteen (16) square feet in area per side.
- h. Construction signs pertaining to and during the construction or repair of property on which they are located. Such signs shall be removed prior to the completion of such project and may not be erected prior to issuance of a building permit. Such signs shall be limited to sixteen (16) square feet in area per side.
- i. Yard Sale, Garage Sale and Rummage Sale signs shall be allowed and may be placed one day prior to the event. These signs shall be removed immediately following the event.
- j. Political signs are allowed, but may not be placed on town property or street right of ways.

92.06 SIGNS REQUIRING A PERMIT.

The following signs shall require a permit by the Town of Newland:

- a. On-premise Identification Signs -- Only one sign shall be an unattached (free standing) sign. No banners, pennants or balloons may cover or be attached to an on-premise identification sign. Banners, pennants or balloons may not be used as a permanent sign. The following formula will be used in calculating the square area allowed for unattached and attached signs:
 - 1. Unattached Signs (Free Standing) -- Two (2) square feet of total unattached sign area will be allowed for every one (1) foot of building length on road frontage of a primary road. (Example -- If a building is one hundred (100) feet long on the side of the building that is on the road front, then two hundred (200) square feet of total unattached sign area would be allowed. $100 \times 2 = 200$). Unattached signs shall not be more than forty (40) feet in height.
 - 2. Attached Signs -- One (1) square foot of sign area will be allowed for every six (6) square feet of area on the face side of the building where the sign is to be attached. (Example -- If a building were ten (10) feet in height and sixty (60) feet in length, then one hundred (100) square feet of total attached sign area would be allowed. $10 \times 60 = 600$ divided by 6 = 100).

Reader Board Signs and Changeable Copy Signs, as described in # 92.02 of this ordinance shall be included when calculating the total sign area. Changeable Copy Signs may be set to scroll or alternate, but not in such a manner as to flash and distract motorists.

b. Entrance, Exit and Parking Signs shall have a maximum size of six (6) square feet per side per sign shall be permitted under this ordinance. All signs shall be limited to the wording "entrance", "exit" or "parking" and may include the business name. Only one sign shall be allotted per exit or entrance and shall not exceed three (3) feet in height.

c. Residential developments shall be allowed one attached sign not to exceed twelve (12) square feet in total sign area and one (1) free standing sign per entrance not to exceed thirty-two (32) square feet in total sign area and eight (8) feet in height. A free standing sign shall have a minimum setback of ten (10) feet from the street right-of-way or fifteen (15) feet from the traveled portion of a street where a right-of-way does not exist or cannot be determined.

d. Unified Business Development Signs, in addition to other regulations of this ordinance, shall abide by the following regulations on all property that is developed as a Unified or Group Business Development:

1. Individual stores or business establishments within a Unified Business Development are limited to attached signs having a maximum square footage determined by the same calculation formula used for attached signs in # 92.04, a, of this ordinance. The portion of the building occupied by the business that is being advertised will determine the face area.

2. Unified Business Developments shall be allowed no more than one Unattached (Free Standing) Sign. The square area shall be determined by the same calculation formula used for unattached signs in a or # 92.04 of this ordinance. The combined road frontage length of the building occupying the Unified Business Development shall determine the total square footage of sign area allowed. The property owner shall determine the division of the total allotted advertising space between the businesses. Unattached (Free Standing) Signs shall not exceed forty (40) in height.

e. Portable Signs shall be permitted for new operating businesses, but shall not exceed sixty (60) days. If permanent signage has been destroyed by weather, accident or other causes, a Portable Sign may be permitted if documentation of a new sign order is provided.

f. Banners and Temporary Signs are allowed only by permit and are not to exceed twenty four (24) square feet in size. No more than three (3) permits with duration of thirty (30) days each shall be issued for the same location for any twelve (12) month period. Only one banner may be displayed per business, per permit issued.

g. Non-Advertising Special Event Banners and Signs may be used for special events provided that the event is recognized and the Newland Town council authorizes the use of banners and signs. Special Event Banners and Signs shall be used no more than thirty (30) days prior to the event and not more than five (5) days after the event. Other event banners and signs may be allowed by permit only.

92.07 PROHIBITED SIGNS.

The following signs shall not be permitted, erected or maintained in the Town of Newland:

- a. Outdoor advertising devices such as inflatable signs.
- b. Signs that incorporate or emit any sounds which could distract motorists.
- c. Flashing lights or flashing signs.
- d. Any sign or sign structure which:
 1. Was not erected in conformity of the building codes of Avery County; or
 2. Creates in any way an unsafe distraction for motorists; or
 3. Obstructs the view of motorists entering a public roadway from the parking area, business or private driveway, alley or other thoroughfare; or
 4. Obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- e. Any non-governmental sign, whether temporary or permanent, within any public street or highway right-of-way.
- f. New billboards will not be permitted. Existing billboards will not be affected by this ordinance.

92.08 NON-CONFORMING SIGNS.

- a. All signs described in # 92.07 of this ordinance shall be removed within six (6) months of the adoption of this ordinance, with the exception of existing advertising billboards.
- b. Any time that ownership of a non-conforming sign is changed, such non-conforming sign shall be brought into compliance before the Town of Newland will issue a Business License.
- c. No changes shall be allowed as to the shape or size of the total sign structure of any non-conforming sign. Changes in coloring, lettering or information conveyed shall not be permitted without coming into compliance with this ordinance.
- d. Non-conforming signs other than those described in # 92.07 of this ordinance shall be considered non-conforming uses. Existing Non-conforming uses at the time this ordinance is adopted, shall be allowed under a "grandfather" clause until changes are made to the sign or ownership of the business changes. Nothing herein shall prohibit the removal and replacement of seasonal signs exactly in the same condition on a seasonal basis provided that the required sign permit has been issued and in all other ways is in conformance with this ordinance.

92.09 OFF-PREMISE SIGNS.

Off-premises signs are prohibited in the jurisdiction of the Town of Newland. However, any business within the town limits that does not front Highway 194 or 181, shall be permitted two (2) Free Standing Signs that may be located off-premise along with one (1) Unattached (Free Standing) sign on-premise that combined do not exceed the square footage allowed in # 92.06 of this

ordinance concerning Unattached Signs. Such signs shall in all ways comply with the North Carolina Department of Transportation off-premise sign requirements. All signs must be permitted through the NC Department of Transportation (if applicable), the town of Newland and the property owner on which the sign is placed.

92.10 GENERAL REQUIREMENTS.

a. Calculation of Sign Area shall be computed as including the entire area which encompasses all of the display area of the sign and including all the elements of the matter displayed such as lettering, design, and symbols. Background frames and structure members not bearing advertising matter shall not be included in the computation of Sign Area.

b. Sign Location -- No sign shall be erected, constructed or maintained so as to interfere with vision clearance along any public street or road.

c. Setbacks -- Except as specifically authorized herein, all pole (Free Standing Unattached) signs or sign detached from a building shall be placed no less than eight (8) feet from the street curb. No signs of any nature shall be permitted on any public right-of-way except those erected for orderly traffic control and other municipal and governmental purposes.

d. Unattached (Free Standing) Signs shall not exceed a height of forty (40) feet as measured from the curb of the nearest roadway. All Unattached Signs having a setback of less than twelve (12) feet from the curb shall have a minimum ground clearance of six (6) feet (except entrance and exit signs).

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

f. Attached Signs shall not extend above the roofline of the building.

g. Any sign (together with its supporting structure) now or hereafter existing which ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. Said sign shall have the lettering removed, painted over or covered by a non-lettered wrap whose sole purpose is to cover and obscure any sign or sign message or content. The sign owner is responsible for the maintenance of any wrap. This provision shall not apply to permanent signs accessory to businesses that are open only on a seasonal basis.

92.11 MAINTENANCE.

All signs, together with any supports, braces, guys and anchors shall be kept in repair and in a safe place of preservation. Deteriorating or dilapidated signs shall be removed by the owner or by the Town of Newland at a cost of the sign owner after ninety (90) days. A sign shall be in a state of

disrepair when more than twenty percent (20%) of its total surface area is covered with disfigured, faded, cracked, ripped or peeling paint or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this ordinance. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts that cause the sign to stand more than fifteen degrees (15o) from perpendicular. No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed. When necessary corrections are made due to a state of disrepair, the sign will be required to come into compliance with this ordinance.

92.12 FEE FOR SIGN PERMIT.

All persons, firms or corporations applying for a new sign permit shall pay a minimum fee as determined by the Newland Town Council. A sketch drawn to scale with the dimensions of the sign shall be submitted with the fee, along with written permission of the property owner as to the proposed sign.

92.13 SEVERABILITY.

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

92.14 NON-COMMERCIAL MESSAGES.

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