

1 19A NCAC 02E .0225 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

2
3 **19A NCAC 02E .0225 REPAIR/MAINTENANCE/ALTERATION/RECONSTRUCTION OF**

4 **~~{CONFORMING} SIGNS AND REPAIR AND MAINTENANCE OF NON-~~**
5 **~~CONFORMING SIGNS~~**

6 (a) Signs ~~shall may~~ not be serviced from or across the ~~right of way~~ right-of-way, or the right-of-way of interstates and
7 fully controlled access primary routes ~~freeways~~ or from or across controlled access barriers or fences of controlled routes.

8 (b) ~~Subject to G.S. 136-131.2, conforming~~ Conforming signs may be altered ~~within the limits of~~ in accordance with the
9 following rules in ~~{Rules of} this Section.~~

10 (1) A conforming sign that has been destroyed or significantly damaged may be reconstructed ~~within the~~
11 ~~limits of~~ in accordance with this Rule and Rule .0203 of this Section. ~~the rules in~~ ~~{Rules of} this {Section.}~~
12 Section by notifying the district engineer in writing of any substantial changes that would affect the
13 original dimensions of the initial permit application. ~~{ Conforming sign structures may be reconstructed~~
14 ~~so long as the reconstruction does not conflict with any applicable state or federal rules, regulations, or~~
15 ~~ordinances.}~~

16 (2) Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with
17 any applicable [state,] [State,] [State or federal] State rules or statutes or Federal regulations. ~~{local rules,~~
18 ~~regulations or ordinances.}~~

19 (3) A nonrefundable alteration permit fee is required with the application. Any alteration beyond reasonable
20 repair and maintenance, reconstruction, or relocation of a conforming sign structure shall not commence
21 until the District Engineer's office receives from the permit holder ~~{submits}~~ a written notice ~~{to the~~
22 ~~District Engineer's office}~~ detailing the proposed alteration and the schedule for the alteration work. The
23 written notice shall include the sign owner's name, the permit number, and the proposed sign
24 configuration. This written notice shall be attached to the sign permit as an alteration permit addendum.
25 The sign structure, except sign faces, shall be completed within 180 days from the date of the receipt
26 [issuance] of the alteration permit addendum. If the sign structure, except sign faces, is not constructed
27 within 180 days of receipt ~~{issuance}~~ of the alteration permit addendum then any intervening rule change
28 shall apply to the sign structure.

29 (4) Conforming sign structures shall not be changed from a static face to an automatic changing face, nor
30 shall the sign height be increased without receipt ~~{issuance}~~ of an alteration permit addendum. ~~{local~~
31 ~~approval.}~~ Local approval may also be required if required by the local government having jurisdiction
32 over the sign location. Any change to a sign that is not considered reasonable repair or reconstruction
33 as defined by this Rule shall obtain local approval before receiving an alteration permit addendum if
34 required by the local government having jurisdiction over the sign location.

35 ~~(4)(2)(5)~~ (5) Conforming signs that are altered, reconstructed, or relocated shall not require a new permit unless the
36 sign is relocated outside of the parcel boundary of the sign location. Conforming signs may be relocated
37 ~~{on}~~ within the same parcel boundary of the ~~{shall have their}~~ sign location. Conforming signs relocated

1 on the same parcel shall have their sign location updated after the alteration, reconstruction, or relocation
2 work is completed. The new location shall be listed on the permit addendum by Department of
3 Transportation personnel. The alteration of a conforming outdoor advertising structure shall not
4 commence until an alteration application has been submitted to the District Engineer's office. An
5 application for an outdoor advertising alteration permit shall be made on NCDOT form OA 1A, which
6 may be obtained at any District Office or the NCDOT website at www.ncdot.gov. The outdoor
7 advertising structure, except sign faces, shall be completed within 180 days from the date of the issuance
8 of the alteration permit. If the outdoor advertising structure, except sign faces, is not constructed within
9 180 days of issuance of the alteration permit then any intervening rule change shall apply to the sign
10 structure. During the 180-day period, the altered outdoor advertising structure shall be considered in
11 existence for the purpose of spacing of adjacent signs. A nonrefundable alteration permit fee is required
12 with the application.

13 (c) Alteration to a nonconforming sign or sign conforming by virtue of the grandfather clause is prohibited. Nonconforming
14 Subject to G.S. 136-131.2, signs not conforming to State standards shall not be ~~altered,~~ altered beyond reasonable repair
15 and maintenance, reconstructed, or relocated unless the sign structure becomes a conforming sign. ~~except that reasonable~~
16 ~~repairs and maintenance shall be permitted or to bring the sign into conformance of the Rules of this Section and the~~
17 ~~Outdoor Advertising Control Act,~~ Reasonable repair and maintenance are permitted including changing the advertising
18 message or copy. The following activities are considered to be reasonable repair and maintenance:

- 19 (1) — Change ~~change~~ of advertising message or copy on the sign face;
- 20 (2) — Replacement ~~replacement~~ of border and trim;
- 21 (3) — Repair ~~repair~~ and replacement of a structural member, including a pole, stringer, or panel, with like
22 material;
- 23 (4) — Alterations ~~alterations of the dimensions of painted bulletins incidental to copy change; and~~
- 24 (5) — Any ~~any~~ net decrease in the outside dimensions of the advertising copy portion of the sign; but if the
25 sign face or faces are reduced they may not thereafter be increased beyond the size of the sign on the
26 date it became nonconforming.

27 (d) The addition of lighting or illumination ~~either affixed or adjacent~~ to existing ~~nonconforming~~ signs ~~not conforming~~
28 ~~to State standards~~ or signs conforming by virtue of the grandfather clause is specifically prohibited as reasonable
29 maintenance; however, ~~such the~~ lighting may be permanently removed from such sign structure.

30 (e) A ~~nonconforming~~ sign ~~not conforming to State standards~~ or sign conforming by virtue of the grandfather clause may
31 continue ~~to be maintained~~ as long as it is not abandoned, destroyed, discontinued, or significantly damaged.

32 (f) When the combined damage to the face and support poles ~~of a sign not conforming to State standards~~ appears to be
33 significant, as defined in 19A NCAC 02E .0201(29), .0201(28), the ~~sign owner permit holder~~ may request the Department
34 to review the damaged sign, including salvageable sign components, prior to repairs being ~~made~~ made to determine the
35 extent or percentage of the damage. Should the ~~sign owner permit holder~~ perform repairs without notification to the
36 Department, and the Department later determines the damage is greater than ~~50%~~ 50 percent of the combination of the sign
37 face and support ~~pole(s), poles~~, the permit ~~shall may~~ be revoked. To determine the percent of damage to the sign structure,

1 the only components to be used to calculate this value are the sign face and support ~~pole(s)-poles~~. The percent damage
2 shall be calculated by dividing the unsalvageable sign components by the original sign structure component quantities,
3 using the following criteria:

- 4 (1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be ~~50%~~50
5 percent and the percentage of damage attributable to sign face shall be ~~50%;~~50 percent;
- 6 (2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be
7 ~~80%~~80 percent and the percentage of damage attributable to sign face shall be ~~20%;~~20 percent; and
- 8 (3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be ~~80%~~80
9 percent and the percentage of damage attributable to sign face shall be ~~20%~~20 percent.

10 (g) For the purposes of this Rule, the following activities are considered to be reasonable repair and maintenance:

- 11 (1) change of advertising message or copy on the sign face;
- 12 (2) replacement of border and trim;
- 13 (3) repair and replacement of a structural member, including a pole, stringer, or panel, with like material;
- 14 (4) alterations of the dimensions of painted bulletins incidental to copy change; and
- 15 (5) any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign
16 face or faces of a Sign Not Conforming to State Standards are reduced they shall not thereafter be
17 increased beyond the size of the sign on the date it became a Sign Not Conforming to State Standards.

18 (h) For the purposes of this Rule and G.S. 136-131.2, "reconstruction" means the rebuilding of a sign and shall include the
19 changing of an existing multipole outdoor advertising structure to a new monopole structure. "Reconstruction" shall not
20 include the changing of a static face to an automatic changing face nor increasing the sign height.

21

22 *History Note: Authority G.S. 136-89.58; ~~136-130~~; 136-131.2; ~~136-130~~; 136-89.58;*

23 *Eff. August 1, 2000;*

24 *Amended Eff. August 1, ~~2000~~-2000;*

25 *Readopted Eff. March 1, 2021.*

26