

COPY

RESOLUTION

WHEREAS, Section 153.135(B) of the Code of Murphy, North Carolina, provides that proposed amendments to the Zoning Ordinance, Chapter 153 of the Code of Murphy, North Carolina, may be initiated by the Planning Board; and

WHEREAS, the Planning Board recommended to the Board of Commissioners of the Town of Murphy that the Zoning Ordinance, Chapter 153 of the Code of Murphy, North Carolina, be amended as follows:

AMENDMENT

That Section 153.060, Section 153.061, and Section 153.062 be stricken and deleted in their entirety and following inserted in lieu thereof:

§ 153.060 DEFINITIONS.

For the purpose of this subchapter on Signs (Section 153.060 through Section 153.072), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. Any of the following signs:

(A) A sign erected in conjunction with a particular use, which use has been discontinued for a period of 180 days or more, or

(B) A temporary sign for an event which occurred more than 3 days earlier, or

(C) A sign in violation of the maintenance provisions of Section 153.071 (A) which has not been repaired within 180 days of the date of service of the notice of violation pursuant to Section 153.072(D) (1).

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

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

BILLBOARD. Any sign which is not located on the premises on that it identifies or advertises and is larger than 50 square feet.

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

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

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

CONSTRUCTION SIGN. A temporary sign whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building, and the expected completion date.

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

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

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

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

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

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

signs of a similar nature.

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

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

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

MURAL. A picture or scene painted on the wall of a building.

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

NONCOMMERCIAL MESSAGE. Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service for sale.

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

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

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

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a

rope, wire, or string, usually in series, designed to move in the wind.

POLITICAL SIGN. A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town may vote.

PORTABLE SIGN. A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels, including, but not limited to A or T frames, menu and sandwich board signs, balloons or other inflatable devices designed to attract attention or used as signs. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles used in the normal day-to-day operations of the business, and signs defined as temporary signs are not included in this definition.

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

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

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

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

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

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

§ 153.061 AREA OF SIGN DEFINED.

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

§ 153.062 METHOD OF ATTACHMENT DEFINED.

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

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

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

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

§ 153.064 PERMITS REQUIRED.

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

in violation of this chapter and shall be considered an illegal sign.

§ 153.065 SIGNS EXEMPT FROM REGULATION.

The following signs are exempt from the regulations of this chapter, except where such signs would be prohibited under § 153.067.

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

(B) Signs of a governmental body including but not limited to traffic, health and public safety, crime control and prevention; building identification, directional, informational, and welcome signs; official notices or advertisements related to any court actions; the location of underground utilities; historical markers or monuments; and other community service signs approved by the Board of Commissioners of the Town of Murphy.

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

(D) Flags, badges, or insignia of any governmental, non-profit, or religious organization.

(E) Seasonal/holiday signs and decorations associated with a national or religious holiday.

(F) Warning of danger signs posted by utility or construction companies.

(G) Signs painted on or attached to licensed operational vehicles used in the normal day-to-day operations of the business indicating the name of the business, unless the primary use of the vehicle is for the display of signs.

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

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

(J) Incidental signs.

(K) Construction site identification signs.

(L) Signs painted on or displayed in windows.

(M) Temporary lighting and displays as part of customary holiday decorations and displayed up to 45 days prior to said holiday.

(N) For sale signs on private vehicles.

(O) Names and lettering on mail boxes and newspaper tubes.

(P) Signs denoting a product being sold out of a vending machine, telephone booth, gasoline pump or newspaper stand and

actually located on same.

(Q) Signs displayed on the inside of a business that are not visible from any public street or walkway.

(R) Signs related to trespassing or public safety, such as danger from animals.

(S) Church signs located on church property.

(T) Signs promoting municipal, school or civic events.

§ 153.066 SIGNS EXEMPT FROM PERMIT REQUIREMENTS.

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

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

(2) Copy changes and maintenance. No permit is required for copy changes made to a changeable copy sign, menu board or marquee sign. No permit is required for maintenance carried out in accordance with the provisions in § 153.071 and where no structural changes are made. No permit is required for copy changes to an existing sign, made where the size, shape, or height of the sign is not altered, made more non-conforming, or otherwise modified provided, however, outdoor advertising devices may be repaired or reconstructed as permitted by North Carolina General Statutes Section 136-131.2.

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

(4) In any residential district. One real estate sign, not exceeding four square feet per sign face area shall be permitted

per street frontage. Real estate signs for property over three acres shall comply with the standards for business, commercial or industrial real estate signs.

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

(6) Temporary signs. Temporary signs do not require a permit; provided, such signs shall be located on the premises where the event occurs and shall be erected or placed not to exceed 30-days prior to the event, and shall be removed within three days after the event concludes. Signs may not be temporarily posted and removed for the purpose of evading enforcement under this section. Total square footage of such signs shall not exceed 50% of the allowed sign area for the property as indicated in § 153.067.

(B) The following off premises signs shall not require a permit. However, such signs shall conform to the requirements set forth below, as well as other applicable requirements of this chapter.

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

(2) Political signs. Political signs are allowed 30 days prior to one stop early voting and must be removed ten days after primary or general election days.

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

§ 153.067 SIGNS PROHIBITED.

The following are prohibited within the jurisdiction of this chapter:

(A) Any non-governmental sign that resembles a public safety warning or traffic sign;

(B) Signs, whether temporary or permanent, within any public street or highway right-of-way or placed upon a utility pole, and unauthorized signs are forfeited to the public and are subject to

confiscation, with the exception of:

(1) Governmental signage, including signs to identify public property convey public information, direct or regulate pedestrian or vehicle traffic;

(2) Informational signs of a public utility regarding its poles, lines, pipes, or facilities;

(3) Awning, projecting, and suspended signs over a public right of way so long as they do not interfere with function of the right of way; and

(4) Signs for community festivals or events permitted by the Board of Commissioners of the Town of Murphy;

(C) Any sign which may be confused with or obstruct the view of any public traffic signal or traffic sign or in any way constitute a hazard to traffic.

(D) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, latter, or opening intended to provide light, air, ingress or egress for any building.

(E) Flashing signs;

(F) Roof signs;

(G) All signs shall be setback ten feet from the right of way of any street or highway unless the sign is attached to or is part of a building located within the setback.

In the event that a right of way is not defined among the public records of Cherokee County, this prohibition shall apply to an area within 15 feet of the edge of the ware surface of any public thoroughfare.

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

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

(J) New billboards;

(K) Portable signs, except as provided for in § 153.066(A).

(L) Signs on fences except public-owned ball field advertising/sponsorship fence signs, and except delivery directional signage in the G-B General Business District, the H-B Highway Business District, and the I-H-C Industrial Heavy

Commercial.

(M) No political sign shall be closer than three feet from the edge of the pavement of the road.

(N) No sign shall obscure motorist visibility at an intersection.

(O) No political sign shall be higher than 42 inches above the edge of the pavement of the road when in right of way.

(P) No political sign shall be larger than 864 square inches or six square feet when in road right of way.

(Q) No political sign shall be permitted in the right of way of a fully controlled access highway.

§ 153.068 GENERAL PROVISIONS.

(A) Signs indicating a customary home occupation shall not exceed 16 square feet in total surface area, shall include the hours of operation, and shall not be illuminated.

(B) All signs, except those protected by glass or other transparent cover, shall be constructed of materials that will not rapidly deteriorate, fade, fall apart or in any way become a hazard to the public health, safety and general welfare. Where signs are placed over one another, the original sign shall be removed or adequately covered so that the original sign cannot be seen.

(C) In the G-B General Business District the area of a sign shall not exceed 1 square foot per linear foot of building frontage, not to excess 100 square feet.

(D) In the H-B Highway Business District and the I-H-C Industrial and Heavy Commercial District:

(1) The area of a free-standing detached sign shall not exceed 48 square feet.

(2) The area of an attached sign shall not exceed 20% of the wall to which the sign is attached.

(E) All signs shall comply with applicable requirements of the N.C. State Building Code, National Electrical Code, and other applicable federal, state or local codes.

(F) Every sign and its supports, frames, guys, anchors and electrical equipment shall be secured to withstand adverse weather conditions.

(G) All signs shall be kept free from defective or missing parts or peeling paint.

(H) The immediate premises around a sign shall be kept free from litter and debris and grass/weeds shall be regularly trimmed.

(I) Indirectly illuminated signs shall be lit by a shielded indirect white or amber light of reasonable intensity and directed solely at the sign face.

(J) No sign shall be greater than 50 feet in height, measured from the adjacent road grade to the uppermost point of the sign or sign standard, whichever is greater.

(K) All signs shall be setback ten feet from the right-of-way of any street or highway unless it is attached to or is a part of a building located within the setback.

In the event that a right of way is not defined among the public records of Cherokee County, this prohibition shall apply to an area within 15 feet of the edge of the ware surface of any public thoroughfare.

§ 153.069 ELECTRONIC CHANGEABLE MESSAGE SIGNS.

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

1. The ECMS shall be part of a freestanding business identification sign or be allowed in lieu thereof, but in no case shall the square footage of the ECMS exceed 50% of the total allowed sign face area for any such freestanding sign.

2. ECMS on freestanding signs shall be allowed in commercial zoning districts.

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

(B) In the G-B General Business District, an ECMS is permitted for theaters, and other public event facilities (spectator sports facilities, civic and conference facilities), whether publicly or privately owned; and the ECMS may be attached to the building or may be freestanding if at a location permitting a freestanding sign.

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

(D) Each ECMS or other sign employing the use of light

emitting diodes (LEDs) for display shall be equipped with a control system that automatically adjusts the light emission level to ambient light conditions so as to not cause glare or excessive brightness. In no case shall the light level of any such sign exceed 500 NITS (candelas per square meter) between the time of sunset and sunrise, and 5,000 NITS at other times (daytime). If ambient light levels, day or night, in the area of the sign are significantly lower and the sign still produces glare or is excessively bright at the levels listed above, the sign light levels will be further reduced to eliminate the glare or excessive brightness. Focused or directed light shall be aimed away from passing traffic and residential occupancies.

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

§ 153.070 NEW BILLBOARDS

No new billboards shall be allowed within the corporate limits of the Town of Murphy.

§ 153.071 SIGN MAINTENANCE.

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

(1) A sign shall be in a state of disrepair when more than 20% of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this subchapter;

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

(3) No sign or sign structure shall be allowed to have weeds, vines, or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed;

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

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

(a) By steady stationary light of reasonable intensity,

shielded and directed solely at the sign;

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

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

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

(B) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within a public right-of-way of any road or highway, except as required by the North Carolina Department of Transportation.

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

(A) Permits. All new signs, except as otherwise provided in § 153.066, shall require a sign permit prior to being located or erected on any property within the jurisdiction of this chapter. A sketch of the proposed sign to scale, along with a general sketch of the proposed placement of the sign in the parcel shall accompany the application for a permit. Sign permits shall be issued by the Zoning Administrator. If a sign permit is denied, the decision may be appealed to the Board of Adjustment as provided in this chapter, specifically as indicated in § 153.098.

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

(C) Nonconforming signs.

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

(2) All nonconforming signs shall be maintained in accordance with §153.071 but shall not be:

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

(b) Expanded; or

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

(3) Existing off-premises nonconforming billboards cannot be modified to include digital or other electrically or electronically controlled signage.

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

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

(2) Time to remedy violation. In instances where the violation or violations of the sign ordinance is or includes failure to obtain a sign permit as required in § 153.064, all violations must be remedied immediately. For purposes of this division, "immediately" means within a 24-hour period following the earlier of the posting of the notice of violation on the sign or the delivery of a copy of the notice of violation to the sign owner or property owner. In all other cases, the sign owner and/or the property owner shall have 30 days to remedy all violations set forth in the notice of violation. The 30 day period shall commence upon the earlier of the posting of the notice of violation on the sign or the delivery of a copy of the notice of violation to the sign owner or property owner.

(3) Extension of time for compliance. The Zoning Administrator shall have the authority to grant a single 30-day

extension of time within which the sign owner must comply with the notice of violation. The single extension of time may be issued based upon a written request for extension of time, which sets forth valid reasons for not complying within the original 30-day period.

(4) Remedies for failure to comply. Pursuant to North Carolina General Statutes Section 160A-175(f), the Zoning Administrator may choose from the remedies set forth below to enforce the ordinance when there is a failure to comply with the notice of violation. Those remedies are as follows:

(a) In addition to or in lieu of the other remedies set forth in this section, the Zoning Administrator may issue a citation setting forth a civil penalty of \$50. In the case of a continuing violation, each 24-hour period during which the violation continues to exist shall constitute a separate violation. Where multiple violations are located upon a single property, each shall constitute a separate violation, with each violation subject to separate fines pursuant to this subsection. The citation shall be served upon the person(s) described in division (D)(1) of this section by the means set forth therein. In the event the offender does not pay the penalty within ten days of service of the citation, the civil penalty shall be collected by the town in a civil action in the nature of debt, which shall not constitute a misdemeanor, and in so providing, the Board of Commissioners hereby chooses to exercise the option provided by North Carolina General Statutes Section 160A- 175(b);

(b) In addition to or in lieu of the other remedies set forth in the section, the Zoning Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time required by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in division (D)(1) of this section by the means set forth therein. The sign owner or the landowner shall be allowed a period of 30 days after the service of the remove order within which to remove the sign at his or her own expense. The remove order shall describe specifically the location of the sign to be removed and all of the reasons for issuance of the remove order, including specific reference to the provisions of the code that have been violated; and

(c) In addition to or in lieu of the other remedies set

forth in this section, the Zoning Administrator may seek injunctive relief in the appropriate court.

(5) Removal and recovery expense. If a sign owner or property owner fails to comply with the requirements of a remove order, the Zoning Administrator may cause such sign to be removed. The sign owner and property owner shall be jointly and severally liable for the expense of removal. Notice of the cost of removal shall be served upon the person(s) described in division (D) (1) by the means set forth therein. If the sum is not paid within 30 days thereafter, the sum shall be a lien upon the land or premises where the sign was located, and shall be collected as unpaid taxes.

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

WHEREAS, North Carolina General Statutes Section 160D-601(a) and Section 153.138(A) of the Code of Murphy, North Carolina, provide that before enacting any amendment to the Zoning Ordinance, Chapter 153 of the Code of Murphy, North Carolina, the Board of Commissioners of the Town of Murphy shall hold a public hearing (legislative hearing) and further provides that notice of such public hearing (legislative hearing) shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the Town of Murphy, the notice to be published the first time not less than 10 days nor more than 25 days before the date fixed for the public hearing (legislative hearing).

NOW, THEREFORE, IT IS RESOLVED by the Board of Commissioners of the Town of Murphy, State of North Carolina;

1. That the Board of Commissioners of the Town of Murphy, North Carolina, shall hold a public hearing (legislative hearing) on the proposed amendments to the Zoning Ordinance, Chapter 153 of the Code of Murphy, North Carolina, at 5:00 p.m. on Monday, April 1, 2024, in the Annex to the Murphy Electric Power Board Building, 5 Wofford Street, Murphy, North Carolina.

2. That the Town Clerk of the Town of Murphy is directed to

give notice of said public hearing (legislative hearing) once a week for two successive calendar weeks in a newspaper having general circulation in the Town of Murphy, North Carolina, with the notice to be published the first time not less than 10 days nor more than 25 days before the date fixed for the public hearing.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 4th day of March, 2024.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner