

# PAMLICO COUNTY OFF-PREMISE SIGN ORDINANCE

## Article 1 AUTHORITY

In pursuance of the authority conferred by the North Carolina General Statutes, particularly Chapter 153A-121, the County Commissioners of Pamlico County, North Carolina hereby ordain and enact into law the following article and sections.

## Article 2 PURPOSE & SCOPE

2.1. Purpose. The purpose of this ordinance is to provide standards and restrictions for off-premise signs and to regulate the erection and placement of such signs in Pamlico County. It is the intent of this ordinance to preserve the scenic and aesthetic character of Pamlico County in order to protect and promote the tourist industry and the quality of life of the County's residents and visitors. The regulations further seek to insure the safety of the motorist in the community by reducing the distracting influence of uncontrolled off-premise signage.

2.2. Scope. The provisions of this ordinance shall apply to the erection and maintenance of all off-premise signs within the jurisdiction of the ordinance in Pamlico County, North Carolina. It shall be unlawful following the effective date of this ordinance to erect any off-premise sign except in conformance with the provisions of this ordinance. Furthermore, it shall be unlawful to move, relocate, or enlarge any off-premise sign erected or constructed prior to the enactment of this ordinance, except to bring the sign into conformance with this ordinance. Provided, however, this ordinance shall not prohibit the relocation of any off premise sign, which is required to be relocated as a result of highway expansion in Pamlico County.

## Article 3 JURISDICTION

The provisions of this ordinance shall apply to the unincorporated areas of Pamlico County, North Carolina, exclusive of municipalities. If a municipality is not exercising sign regulation within its extraterritorial jurisdictions, this ordinance shall apply. The ordinance shall be on file in the office of the County Commissioners.

- (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
  - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
  - (c) Slope of fill will not cause wave run-up or ramping.
- (12) There shall be no alteration of sand dunes which would increase potential flood damage.
- (13) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with this section of code.
- (14) Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a) and the Temporary Structure provisions of Article 5, Section B(7).

**SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).**

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- (15) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BFE has been established.
- (16) All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5, Section B(2).

**ARTICLE 6. LEGAL STATUS PROVISIONS.**

**SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted \_\_\_\_\_ as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Pamlico County enacted on \_\_\_\_\_ as amended, which are not reenacted herein are repealed.

**SECTION B. EFFECT UPON OUTSTANDING BUILDING PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.

**SECTION C. EFFECTIVE DATE.**

This ordinance shall become effective upon adoption.

Article 4  
LEGAL STATUS

4.1. Severability. It is the legislative intent of the Board of Commissioners in adopting this ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the health, safety and general welfare of the inhabitants of Pamlico County. Should any provision, portion, section, or subsection of this ordinance be held to be invalid by a court of competent jurisdiction, such ruling shall not be construed as affecting the validity of any of the remaining provisions, portions, sections, or subsections, it being the intent of the Board of Commissioners that this ordinance shall stand, notwithstanding the invalidity of any provisions, section, or part thereof.

4.2. Conflict with Other Laws. Whenever the regulations of this ordinance conflict with the requirements of another statute, the more restrictive standard shall apply.

4.3. Effective Date. This ordinance shall become effective and enforceable on the date of its adoption by the Board of Commissioners of Pamlico County.

Article 5  
DEFINITIONS

The following words and terms shall have the meaning as hereinafter defined.

5.1. Abandoned Sign. A sign or sign structure which has not been utilized for a period of 180 days or more, or a sign, the contents of which pertain to a place, time, event or purpose which no longer exists, applies or which has occurred.

5.2. Adjacent. Adjacent shall mean a tract of real property contiguous to another tract of real property, including a tract separated by a road, river, easement or right-of-way.

5.3. Animated Sign. Any sign using flashing or intermittent lights, sound, color changes or other mechanical or electrical means to give motion to the sign or the impression of motion or movement to the sign or any sign with visible moving, revolving or relocating parts.

5.4. Area of Sign. The area of a sign shall be considered to be that of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, frame design or symbols, together with any background on which the sign is located and any illuminated part of the sign, if such background or such illuminated part of the sign 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 sign shall be excluded. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction.

5.5. Commemorative Sign. Any sign, marker, tablet or monument erected in remembrance of an historic person, place, event or which denotes, honors, celebrates or acknowledges an historic person, place or event.

5.6. Dangerous Sign. Any sign which the County building inspector determines to be dangerous or prejudicial to the public health or safety, pursuant to N.C. Gen. Stat. 153A-352.

5.7. Exempt Sign. Any sign which is specifically listed as exempt from this ordinance. Said listed exempt signs are not regulated by the terms of this ordinance and shall not require a permit.

5.8. Flashing Sign. A sign illuminated by direct or indirect artificial light that flashes on and off in regular or irregular sequence, including but not limited to strobe light.

5.9. Freestanding Pole Sign. A sign which is permanently affixed to the ground by a pole or other structure and which is not part of a building.

5.10. Governmental Sign. Any sign erected by or on the order of an authorized public official which includes, but is not limited to, traffic control signs, street name and identification signs, warning and directional signs, public notices or signs of a similar nature.

5.11. Grade. The lowest point at which a sign is attached to the ground.

5.12. Ground sign. A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to a building.

5.13. Height of Signs. The distance as measured from the elevation of the road surface of the nearest roadway to the highest point on the sign. Measurements shall be taken from the centerline of the roadway from the sign location. If the sign site is at an intersection of roadways, the roadway with the highest traffic count shall be the site of the measuring point.

5.14. Illuminated Signs. A sign which has any method of artificial illumination, including lighting of any type which has the effect of making the sign visible during non-daylight hours.

5.15. Maintenance of Signs. For the purpose of this ordinance, maintenance shall include those activities and procedures listed in Article 8. Work

done to restore or repair a sign which is damaged or destroyed shall be considered repairs and shall comply with the provisions of this ordinance.

5.16. Non-commercial Sign. Any sign which is not by definition an off-premise sign, an off-premise advertising sign, an off-premise directional sign, an on-premise sign, an on-premise advertising sign, or an on-premise directional or information sign, and which sign displays a substantive message, statement or expression that is protected by the First Amendment to the U.S. Constitution. Non-commercial signs shall not contain any reference to a business or product.

5.17. Non-conforming Sign. Signs that are erected and in place prior to the adoption of this ordinance and which do not conform to the provisions of this ordinance are declared non-conforming signs. A sign that is erected and that is in place and which conforms to the provisions of the sign ordinance at the time it is erected, but which does not conform to an amendment to this ordinance enacted subsequent to the erection of said sign is declared a non-conforming sign.

5.18. Off-Premise Sign. Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place including products, or services sold or offered for sale on premise other than on the premises where such sign is displayed. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premises sign unless excluded from regulation by Article 6.3.

5.19. Off-Premise Advertising Sign. Any sign advertising a product, service, business or activity which is sold, located or conducted elsewhere than on the premises on which the sign is located, or which said product, service, business or activity is sold, located or conducted on such premises only incidentally, if at all.

5.20. Off-Premise Directional sign. Any off-premise sign indicating the location of or directions to a business, church, community event, park, historic property, school, or other place of public assembly.

5.21. On-Premise sign. Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, product, operation, service or activity sold or offered for sale or to other information offered on the premises where the sign is located.

5.22. Premises. A tract of real property in single ownership which is not divided by a public street or right-of-way.

5.23. Political signs. Signs of any political party or announcing the candidacy of any individual for any nomination or office or the position on any election issue.

5.24. Portable or Moveable Sign. A sign with a permanent frame and a display area for changeable copy, designed or intended to be relocated and not permanently affixed to the ground or structure. This shall include signs on wheels, trailers, or any other device which is intended to be moved from one location to another.

5.25. Prohibited Sign. Any sign, or element of a sign, which is specifically listed as prohibited in Section 6.4 shall not be permitted.

5.26. Setback. For the purpose of this ordinance, setback shall mean the horizontal distance between a street right-of-way or property line and the closest point of a sign or sign structure on such lot.

5.27. Sign. Any display of letter, words, numbers, figures, devices, emblems, pictures, logos, or any other means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to or as a part of a structure, surface, or any other object where natural or man made. The term sign shall include sign structure.

5.28. Sign administrator. The sign administrator shall be that person designated by the Commissioners of Pamlico County.

5.29. Street. A right-of-way for vehicular traffic which affords the principal means of access to abutting properties. the word "street" includes the words "road" and "highway".

5.30. Street Frontage. That portion of a lot abutting a publicly maintained street or alley.

5.31. Temporary sign. A sign with or without a structural frame, not permanently attached to a building, structure, or the ground and intended for a limited period of display provided, however, a temporary sign does not include a portable or moveable sign as herein defined.

5.32. Warning or danger sign. A sign erected by a public utility or construction company to warn of hazardous conditions.

Article 6  
GENERAL PROVISIONS

6.1. Administration. The Pamlico County building inspector shall be designated the sign administrator and shall be responsible for the administration and enforcement of this ordinance. The duties of the sign administrator shall include the issuance of permits as required in this section and the enforcement of all sign provisions.

## 6.2. Permit Requirements.

6.2.1. General Requirements. Except as otherwise provided in this ordinance, it shall be unlawful to erect, move, alter or maintain any sign regulated in this ordinance without first obtaining a sign permit. Application for the permit shall be made in writing on forms furnished by the sign administrator and signed by the applicant or authorized agent. No permit shall be required, however, for the maintenance requirements of Section 8.1.1 through 8.1.4. Failure to secure a permit shall constitute a violation of this ordinance.

6.2.2. Plans, Specifications and Other Data Required. The application shall be accompanied by complete information as required on forms provided by the sign administrator and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, indicating the proposed location of the sign, setbacks, height, dimensions and square footage of the proposed sign and any other data as the sign administrator may determine is necessary for review of the application. The sign administrator shall not issue a sign permit unless the plans, specifications and intended use of such sign conform in all respects to the applicable provisions of this ordinance.

### 6.2.3. Fees.

6.2.3.1. Fees Required. A sign permit fee shall be paid to Pamlico County for each sign permit applied for in accordance with this ordinance in an amount determined by Pamlico County. This permit fee does not include building inspection permit fees, which shall be additional. A sign permit fee shall not be charged for replacing a non-conforming sign with a conforming sign or for bringing a non-conforming sign into conformance with this ordinance if such action is undertaken voluntarily within three (3) years of the effective date of this ordinance.

6.2.3.2. Fees Payable. Sign permit fees shall be paid upon the application for a sign permit and prior to commencement of any sign construction on the lot where the sign will be located.

### 6.2.4. Revocation of Permits for Non-use.

6.2.4.1 Commencement of Work. If actual work for the permitted sign on the site is not commenced within one hundred eighty (180) days from the date of issuance of such sign permit or if substantial work for the permitted sign is suspended for a period of one hundred eighty (180) days, after issuance of the sign permit, the permit shall automatically become null and void. The work on any sign shall be completed within one year of the date of issuance of the sign permit.

6.2.4.2 Extensions of Time. The provisions of subsection 6.2.4.1 above shall not apply when delays are not a result of willful acts or neglect of the

persons obtaining the permit. In that event, the sign administrator may grant an extension of thirty days of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

6.2.5. Forfeiture of Fees. When any permit has been revoked under the terms of this Article, the permit fees shall not be refunded. If a sign permit is denied, the permit fee will not be refunded.

6.2.6. Permit for New Off-Premise Advertising Signs.

6.2.6.1 A permit shall be issued upon proper application, approval, and the payment of fees for lawful off-premise advertising signs.

6.2.6.2 The erection of new off-premise advertising sign structures shall not commence until a permit has been issued. The sign structure must be completely constructed and erected within 180 days from the date of issuance of the permit. During the 180-day period, the new sign structure shall be considered in existence for the purpose of spacing of adjacent signs as set out in the appropriate rules and regulations of this ordinance.

6.2.7. Transfer of Permit. The transfer of ownership of an off-premise advertising sign for which a permit has been lawfully issued to the original owner shall not in any way affect the validity of the permit for that specific sign, provided that the sign administrator is given notice in writing of the transfer of ownership within thirty (30) days of the actual transfer.

6.2.8. Revocation of Permit. Any valid permit issued for a lawful off-premise sign structure shall be revoked by the sign administrator for any one of the following reasons:

6.2.8.1. Mistake of material facts by the issuing authority for which, had the correct facts been made known, the sign permit in question would not have been issued.

6.2.8.2. Misrepresentation of material facts by the applicant on the application for permit for sign.

6.2.8.3. Failure to construct the sign structure within 180 days from the date of issuance of the permit.

6.2.8.4. Any alteration of a sign structure for which a permit has previously been issued which would cause that sign structure to fail to comply with the provisions of this ordinance.

6.2.8.5. Failure to maintain a sign such that it reaches a state of dilapidation or disrepair as described in Section 8.1.

6.3. Signs Exempt from Regulations. Unless otherwise prohibited hereinafter, the following signs are exempt from the permitting provisions of these regulations. Said signs are subject to the maintenance provisions of these regulations.

6.3.1. On-premise signs.

6.3.2. Governmental signs.

6.3.3. Warning or danger signs.

6.3.4. Commemorative signs.

6.3.5. Signs on vehicles indicating the name of a business, when the vehicle is not intended to be used for a display of signs.

6.3.6. Signs required by law, statute, or ordinance.

6.3.7. Temporary signs. Temporary signs are allowed provided such signs do not: (i) exceed fifteen (15) square feet in area; (ii) exceed twelve (12) feet in height; (iii) stand longer than thirty (30) days and are removed within 10 days of the end of the event or project.

6.3.8. Off-Premise Directional signs. Off-premise directional signs are allowed provided such signs do not: (i) exceed fifteen (15) square feet in area; and (ii) exceed twelve (12) feet in height. Three off-premise directional signs are allowed per business.

6.4. Signs Prohibited. The following off-premise signs and/or features shall not be erected or maintained:

6.4.1. Any non-governmental sign which resembles a public traffic sign or a safety warning sign.

6.4.2. Signs, whether temporary or permanent, within any street or highway right-of-way, with the exception of those signs approved by the government with road maintenance responsibility.

6.4.3. Any sign which obstructs ingress or egress, creates an unsafe distraction for motorists, or obstructs the view of motorists entering a public road or highway.

6.4.4. Animated and flashing signs.

6.4.5. Abandoned signs.

6.4.6. Signs on Roadside Appurtenances. Off-premise signs on roadside appurtenances, including, but not limited to roadside benches, bus stop shelters, planters, utility poles, trees, parking meter poles and refuse containers, with the exception of commemorative signs or governmental signs.

## ARTICLE 7 SIGNS REGULATED

7.1. Regulation of Off-Premise Advertising Signs. The following regulations shall be applicable to off-premise advertising signs as defined in Article 5. Any sign not specifically allowed is prohibited.

7.1.1. Size. No off-premise advertising sign shall exceed thirty-two (32) square feet in area.

7.1.2. Sides. A maximum of two (2) faces per sign structure is allowed, positioned either back to back or v-shaped, such that only one (1) face is allowed per side. Both sides of a double-faced or v-shaped sign shall be of equal size. In no case shall there be more than one face per directional flow of traffic.

7.1.3. Height. No off-premise advertising sign shall exceed twelve (12) feet in height. The height of a sign shall be measured from the elevation at the nearest roadway. Measurements shall be taken from the edge of the roadway on a sight line perpendicular to the roadway from the sign location. If the sign site is at an intersection of roadways, the roadway with the highest traffic density shall be the site of the measuring point.

### 7.1.4. Spacing.

7.1.4.1. The minimum distance between any two (2) off-premise advertising sign structures shall be one-half mile on either side of the same street, road or highway.

7.1.4.2. No off-premise advertising sign shall be located within a one thousand (1000) foot radius of a school, residential structure, a church or place of worship, public park or cemetery.

7.1.4.3. No off-premise advertising shall be located within three hundred (300) feet of any bridge or the intersection of two or more streets, roads or highways.

7.1.5. Setbacks. Minimum setback distances shall be as follows:

7.1.5.1. Ten (10) feet from any road right-of-way.

7.1.5.2. Twenty (20) feet from the edge of the travel way of a road if no right-of-way exists.

7.1.5.3. Twenty-five (25) feet from property lines other than 7.1.5.1 & 7.5.1.2.

7.1.5.4. Outside all sight visibility triangles.

7.2. Noncommercial Messages. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale.

## Article 8 MAINTENANCE

8.1. Maintenance. The following maintenance requirements must be observed for all off-premise signs visible from any public street or highway within the jurisdiction of this ordinance.

8.1.1. No sign shall have more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.

8.1.2. No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts or be allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) successive days.

8.1.3. No sign shall be allowed to have weeds, vines, landscaping or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days.

8.1.4. No directly or indirectly illuminated sign may be allowed to stand with only partial illumination for a period of more than thirty (30) successive days.

8.1.5. If a sign is damaged such that more than fifty (50) percent of the value is lost, with such determination made by the sign administrator, any repair or replacement must be done in conformance with this ordinance.

8.2. Inspection. The sign administrator may inspect all signs for compliance with these maintenance requirements.

Article 9  
ENFORCEMENT

Violation of the provisions of this ordinance shall be enforceable as set forth below.

9.1. Notice of Violation. The sign administrator shall have the authority to issue a notice of violation for all violations of this ordinance. Where the owner of the sign is indicated on the sign or is otherwise apparent or known to the sign 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. A copy of the notice of violation shall also be delivered by hand delivery or certified mail to the property owner as shown on the Pamlico County tax records.

9.2. Time to Remedy Violation. All violations shall be remedied within thirty (30) days. The thirty (30) day period shall commence upon the service of the notice of violation as set forth above.

9.3. Extension of Time for Compliance. The sign administrator shall have the authority to grant a single thirty (30) day extension of time within which to remedy the violation. An 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 time period.

9.4. Remedies for Failure to Comply. Pursuant to N.C. General Statutes section 153A-123 (f), the sign administrator, in consultation with the County attorney, may choose from the remedies set forth below to enforce the requirements of this ordinance when there is a failure to comply with the notice of violation. Those remedies are as follows:

9.4.1. In addition to or in lieu of the other remedies set forth in this section, the sign administrator may issue a citation setting forth a civil penalty of Fifty Dollars (\$50.00), pursuant to N.C. General Statutes § 153A-123 (c). In the case of a continuing violation, each twenty-four (24) hour period during which the violation continues to exist shall constitute a separate violation. The citation shall be served upon the person(s) described in sub-section 9.1 by the means set forth therein. In the event the offender does not pay the penalty within thirty (30) days of service of the citation, the civil penalty shall be collected by the county in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C. General Statutes §14-4.

9.4.2. In addition to or in lieu of the other remedies set forth in this section, the sign administrator shall have the authority to issue a remove order for any sign not brought into compliance with the provisions of this ordinance within

the time required by the foregoing provisions. Remove orders shall be issued to and served upon the person(s) described in subsection 9.1 by the means set forth therein. The sign shall be removed within thirty (30) days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity 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 this Article which has been violated.

9.4.3. In addition to or in lieu of the other remedies set forth in this section, the County attorney may seek injunctive relief in the appropriate court.

9.5. Removal and Recovery of Expense. In the event of failure to comply with the requirements of a remove order, the sign administrator may cause such sign to be removed. The sign owner and property owner may 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 subsection 9.1 by the means set forth therein. If said sum is not paid within thirty (30) days thereafter, said sum shall be collected by the county in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C. General Statutes section 14-4.

9.6. Removal of Dangerous Signs. Pursuant to N.C. General Statutes §153A - 352, the sign administrator shall have the authority to summarily remove, abate or remedy a sign which Pamlico County Building Inspector determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by sign owner, or if the sign owner cannot be determined, by the property 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.

9.7. Stay upon Appeal. In the event of a timely appeal of a decision of the sign administrator to the Pamlico County Board of Commissioners, enforcement of all proceedings and the furtherance of the action appealed from is stayed, unless the sign administrator certifies to the Board of Commissioners that a stay would cause imminent peril to life or property.

## ARTICLE 10 APPEALS AND VARIANCES

10.1. Types of Appeals. The Pamlico County Board of Commissioners shall hear and decide all appeals from any order, requirement, decision or determination made by the Sign Administrator. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the ordinance.

10.2. Procedure for Filing Appeals. No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision or determination by the Sign Administrator. The applicant must file his application for a hearing with the Sign Administrator, who shall act as Clerk for the Board in receiving this notice. All applications shall be made upon the form specified for that purpose, and all information required thereon shall be complete before an appeal shall be considered as having been filed.

### 10.3. Hearings.

10.3.1. Time. After receipt of notice of appeal, the Board Chairman shall schedule the time for hearing which shall be at a regular or special meeting within thirty (30) days from the filing of such notice of appeal.

10.3.2 Notice of Hearing. The staff to the Board shall mail notices of the hearing to the affected parties to the action appealed from, and to such other persons as the Sign Administrator shall direct, at least ten (10) days prior to the hearing. Such notice shall state the general nature of the question involved in the appeal, and the time and the place of the hearing.

10.3.3. Hearing. Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearing shall be as follows: (a) the Chairman, or such person as he shall direct, shall give a preliminary statement of the case; (b) the applicant shall present the argument in support of his application; (c) persons opposed to granting the application shall present the argument against the application; (d) both sides will be permitted to present rebuttals to opposing testimony; (e) the Chairman shall summarize the evidence which has been present, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of only such evidence as would be admissible in a court of law. The Board may view the premises before arriving at a decision. All witnesses before the Board shall be placed under oath and the opposing party may cross-examine them.

10.3.4. Rehearing. An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The application for rehearing shall be denied by the Board if from the record it finds that there has been no substantial change in facts, evidence or conditions. If the Board finds that there has been a change, it shall thereupon treat the request in the same manner as any other application for a hearing.

### 10.4. Decisions.

10.4.1. Time. A decision by the Board shall be made within thirty (30) days from time of hearing.

10.4.2. Form. Written notice by certified or registered mail of the decision in a case shall be given to the applicant by the secretary as soon as practical after the case is decided. Also, written notice shall be given to owners of the subject property, if not the applicant, and to other persons who have made written request for such notice. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the secretary and the chairman upon approval of the minutes of the Board. Such record shall show the reasons for the determination, with summary of the evidence introduced and the finding of fact made by the Board. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly or modify the order, requirement, decision or determination appealed from. The record shall state in detail what if any, conditions and safeguards are imposed by the Board.

10.4.3. Voting. The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Sign Administrator.

10.4.4. Public Record of Decisions. The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times.

10.5. Variations. The Pamlico County Board of Commissioners shall have the power to hear and act upon applications for a variance, which meet the following requirements:

10.5.1. If the applicant complies strictly with the provisions of this ordinance, the applicant can make no reasonable use of the sign allowed; and

10.5.2. If the hardship of which the applicant complains is unique, or nearly so, and is suffered by the applicant rather than by owners of surrounding properties or the general public; and

10.5.3. If the hardship relates to the applicant's land (such as the terrain of the site) rather than in personal circumstances; and

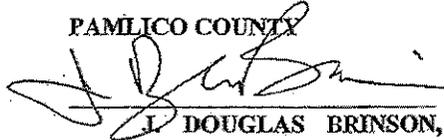
10.5.4. If the hardship is not a result of the applicant's own actions;  
and

10.5.5. If the variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit and if the variance secures the public safety and welfare and does substantial justice.

In granting a variance, the Board of Commissioners shall make written findings that all of the above listed requirements have been met. If a variance is granted it shall be the least possible deviation from the requirements of this ordinance. In granting any variance, the Board of Commissioners may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of the provisions of the variance granted, including any conditions or safeguards, which are a part of the grant of the variance, shall be deemed a violation of this ordinance.

ADOPTED the 15<sup>th</sup> day of November, 2004

PAMLICO COUNTY



J. DOUGLAS BRINSON,

ATTEST:



KATHY P. CAYTON, CLERK

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