



July 2013 – REVISION #2

**TO: All Political Candidates**

**RE: POLITICAL SIGNS**

This letter will be given to you as you file to run for office and will explain the zoning regulations for political signs. Please remind your campaign workers who install your political signs of these regulations.

**Size:**

**City of Winston-Salem:**

Effective August 1, 2013, the City will not be enforcing the two (2) square feet maximum size limitation for political signs, but rather, will operate under a policy wherein all noncommercial signs, including political signs, are regulated under the following maximum size limitations and conditions:

A noncommercial sign in the YR, AG, MH, RS and RM Zoning Districts shall be allowed a maximum area of six (6) square feet. In all other Zoning Districts, noncommercial signs shall be allowed a maximum area of thirty-two (32) square feet.

Any noncommercial sign permitted in the right of way shall not be in excess of six (6) square feet in area. Prior to installation, any noncommercial sign with posts must have utility locates performed in accordance with the North Carolina Underground Damage Prevention Act (call 811) to determine a safe location for installation. Any noncommercial sign determined, in the sole opinion of the Assistant City Manager/Public Works or his designee, to be a traffic safety hazard shall be required to be removed or relocated. Signs that constitute traffic safety hazards include, but are not limited to, signs that: restrict sight distance for drivers or pedestrians; block the view of official traffic, regulatory or information signs; restrict the movement of pedestrians; and impact vehicle parking.

The square footage maximums have been arrived at to ensure that noncommercial signs are not treated any more restrictively than commercial signs. The decision was also based on staff's observation that, in rights of way, a sign above six (6) square feet in area starts becoming a greater sight distance hazard. The six (6) square feet maximum should also minimize confusion that may exist due to the six (6) square feet provision applicable to state maintained roads. Finally, in residential areas, traffic signs are generally less than six (6) square feet, yet the important traffic message is still able to be properly conveyed.

**Forsyth County:**

Unified Development Ordinance (UDO) Section 3-2.1(B)(1)(e) for Forsyth County and all municipalities except Kernersville states:

- (e) Political Signs. Political signs shall not exceed two (2) square feet in size.**

Signs are measured by multiplying the width in inches by the length in inches and dividing by 144 inches per square foot.

**Placement:**

- Political signs are allowed in any zoning district on private property with the permission of the property owner;
- Generally, signs must be placed outside the right-of-way and cannot be attached to utility poles or other utility structures within the right-of-way. The width of rights-of-way vary throughout the community, but for the purpose of enforcement in residential areas only, **signs should be located behind a utility pole/box or a line between two consecutive utility poles/boxes, behind a fire hydrant or a line between two consecutive fire hydrants, behind a utility meter or a line between two consecutive utility meters or behind the back of the sidewalk. In the absence of the indicators listed above, the sign shall be located at least six (6) feet behind the curb or pavement edge to be considered out of the right-of-way and on private property. Right-of-way width varies in commercial, office and industrial areas.**
- It is also important to remember that for any noncommercial sign with posts, a utility locate must be performed prior to its installation in accordance with the North Carolina Underground Damage Prevention Act (call 811), to determine a safe location for installation.
- Moreover, pursuant to Section 70-14 of the Code and consistent with the City's banner policy, the Assistant City Manager/Public Works may issue a permit, on a first come first serve basis, for the erection of a political banner on the Third Street and University Parkway crosswalks for a period of not more than 15 days and for a fee of \$125.00 per banner.
- Per NCGS 136-32, signs may be placed within the right-of-way of roads/street maintained by the State of North Carolina, **subject to the restrictions contained within the statute. A copy of this statute is attached to this memo.** Since many of the main arterials (Peters Creek Parkway, Silas Creek Parkway, New Walkertown Road, Reynolda Road, Country Club Road, Main Street, Robinhood Road, etc.) switch maintenance back and forth between the City and State along their length, we will consider these and similar "arterials" to be state-maintained for the purposes of enforcement. Such exemptions are not valid for neighborhood streets. If in doubt, please contact Inspections staff for clarification.

City of Winston-Salem Code Section 70-17(a)(1)–(3) makes the posting of signs in the right-of-way a **Civil Penalty punishable by a \$ 50.00 fine for each sign and for each day that the violation continues.** Staff's primary task will be to aggressively monitor and enforce the proper placement of political signs, by ensuring that such signs do not constitute safety hazards and are not placed in the right of way (except as allowed under NCGS 136-32).

Thank you for your cooperation. If you have any question, please call 727-2628 or 727-2830.

**NORTH CAROLINA GENERAL STATUTE 136-32:**

**§ 136-32. Regulation of signs.**

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30<sup>th</sup> day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10<sup>th</sup> day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)