BRYSON CITY SIGN ORDINANCE

(TOWN OF BRYSON CITY CODE OF ORDINANCES: TITLE XV: LAND USAGE)

CHAPTER 153: SIGN REGULATIONS

Section 153.01 INTRODUCTORY PROVISIONS

Adopted Date: August 3, 2026

Effective Date: August 3, 2026

153.01.1 Title

This ordinance shall be known and may be cited as the "Sign Ordinance of the Town of Bryson City, North Carolina."

153.01.2 Purpose

The purpose of this ordinance is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, and consistent sign standards and requirements. Consistent with this objective, the Board of Aldermen finds that Bryson City is a traditional mountain community that depends largely upon a tourism-based economy. Tourists, in large part, are attracted to the history, natural environment, scenic beauty, and aesthetic character of the community.

A proliferation of signs in the Town would result in visual blight and unattractiveness and would convey an image that is inconsistent. To preserve the quality, character, and economic vitality of the community, these sign regulations are intended to:

1. Create a balance between the need to advertise, identify, and communicate and the desire to maintain a safe, healthful, and attractive community environment.

2. Enhance the general welfare of the community by protecting property values and preserving the natural environment, the unique character, and the aesthetic integrity of the community. The preservation of Bryson City's appearance and natural beauty from excessive and obtrusive signs is a matter of critical importance to the Town because of its reliance on tourism.

3. Permit signs that are compatible with their surroundings and that are consistent with the scenic beauty and aesthetic quality of the community.

4. Improve pedestrian and traffic safety through the proper placement of signs.

5. Protect the public from the dangers of unsafe signs, and require that signs be constructed, installed, and maintained in a safe and satisfactory manner.

6. Lessen the confusion, visual clutter, and sight impairment that can be caused by the proliferation, improper placement, excessive illumination, and disproportionate sizes of signs when such signs are not properly controlled or regulated.

153.01.3 Applicability

No sign shall be erected, constructed, placed, painted, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town of Bryson City except in conformance with the standards, procedures, and other requirements of this ordinance.

153.01.4 Nonconforming Signs.

A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful before the effective date of this Ordinance, or any amendments to this Ordinance, may be continued until they are required to be removed under Section 153.01.5 Where the term "message" is used in the following subsections, it shall not apply to the changeable copy on the message board portion of any sign.

B. Existing signs that do not conform to the provisions of this ordinance shall not be enlarged, extended, reconstructed, structurally altered, redesigned, replaced, or modified as to the message or identification thereon. Nor may illumination be added to any nonconforming sign.

C. The nonconforming use of existing signs shall cease when the message or display contained thereon becomes unreadable, obsolete, or no longer functional. A nonconforming sign may be continued so long as it is kept in good repair and maintained in safe condition.

D. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance.

E. The message of a nonconforming sign other than an outdoor advertising sign may not be changed unless the sign is brought into compliance with the provisions of this ordinance. The message of a nonconforming outdoor advertising sign may be changed, subject to the other provisions of this ordinance.

F. Subject to the other provisions in this section, nonconforming signs may be repaired or renovated so long as the sign is repaired or renovated to be identical is size and message to the preexisting sign as of the Effective Date of this ordinance.

G. If a nonconforming sign, other than a outdoor advertising sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign. A sign that advertises a business, enterprise, or other activity that is closed for the off-season, not to exceed 180 consecutive days, shall not be considered an abandoned sign.

H. If a nonconforming outdoor advertising sign remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after abandonment,

be altered to comply with this ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this subsection, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating, being offered, or being conducted;

2. The advertising message it displays becomes illegible in whole or substantial part; or

3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

153.01.5-Amortization of Nonconforming Signs.

A. Nonconforming signs as of the adoption of this ordinance may be continued so long as the degree of their nonconforming status is not increased.

B. If the nonconformity consists of too many signs on a single lot or building, or excessive sign area, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the property or development into conformity with the provisions of this ordinance.

C. Off-premises signs that are protected from enforced removal by Section 136-131.1 of the North Carolina General Statutes shall not be subject to the provisions of this section unless and until just compensation is provided in accordance with the cited statute, or as amended.

153.01.6-Administrator

The Board of Aldermen shall designate who is to serve as Administrator (such as the Town Manager, Town Public Works Director, Town Planner, etc.).

Section 153.02 GENERAL SIGN REGULATIONS

153.02.1-Permits Required

All signs maintained, erected, placed, posted, attached, painted, or otherwise made visible from an adjacent property or right-of-way, except as otherwise prohibited, exempted, or not requiring a permit by this article, require a sign permit to be issued in accordance with the provisions of this ordinance and any other procedures as may be established by the Administrator under the direction of the Board of Aldermen. Any sign that is erected or maintained without a required permit shall be in violation of this ordinance.

153.02.2-Signs Exempt from this Ordinance

The following signs are exempt within the jurisdiction of this ordinance in Bryson City:

A. The provisions of this ordinance shall not apply to signs placed by the N.C. Department of Transportation or signs required by other Bryson City ordinances.

B. Further, informational, directional or required public instruction signs are likewise exempt, provided such signs shall not exceed fifty (50) square feet in area on any one side exposed to public view.

C. Political signs as defined herein.

D. Trade names and graphics which are located on newspaper, soft drink, and similar vending devices.

E. Manufactures' signs displaying brand names or emblems located on gasoline pumps at service stations.

F. Flags or insignia of any governmental or non-profit organization when not displayed as an advertising device or merchandise.

G. Decorations associated with a national or religious holiday.

H. Warning or danger signs.

I. Commemorative tablets, markers, or monuments erected by or with the permission of the Bryson City Board of Aldermen.

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

K. "For Sale" signs on private vehicles.

L. Residential nameplate signs whether located on or off-premise.

M. Signs required by law, statute or ordinance.

N. Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from this Ordinance until the certificate of occupancy is issued for the final portion of any construction at that site. Should construction be abandoned then such signage shall be subject to this Ordinance. No fence wrap may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

153.02.3 Signs Prohibited.

The following signs are prohibited within the jurisdiction of this ordinance in Bryson City:

A. Any non-governmental signs which resemble a public safety warning or traffic sign.

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

C. 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.

D. Signs which incorporate any flashing or blinking lights or scrolling messages or signs with moving parts or parts which simulate movement, except for time and temperature, changing not less than five seconds and "open" signs inside of a window.

E. Any moving sign or device to attract attention, all or any part of which moves by any means, including fluttering, rotating, or otherwise moving devices set in motion by the atmosphere, or by mechanical means, such as pennants, flags, propellers, discs, or balloons, whether or not any said device has a written message; however, this provision shall not prohibit traditional barber poles located at barber shops.

F. Snipe signs as defined herein.

G. Roof signs as defined herein.

H. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

I. Off-premise signs located on utility poles owned by utility companies.

J. Obscene, Indecent and Profane Broadcast.

1. Obscene content does not have protection by the First Amendment. For content to be ruled obscene, it must meet a three-pronged test established by the Supreme Court: It must appeal to an average person's prurient interest; depict or describe sexual conduct in a "patently offensive" way; and, taken as a whole, lack serious literary, artistic, political or scientific value.
2. Indecent content portrays sexual or excretory organs or activities in a way that does not meet the three-prong test for obscenity.
3. Profane content includes "grossly offensive" language that is considered a public nuisance.

K. No vehicle(s)(including automobiles, trucks, trailers, or any vehicle type) may be parked or placed on within City Limits for the purpose of advertising a business when intended as a stationary display rather than for normal day-to-day operational use.

153.02.4 Regulated Signs Allowed Without a Permit

The following signs are permitted without a sign permit, provided they conform to the requirements of this Ordinance.

153.02.4(1): Temporary Regulated Signs Allowed Without a Permit

A. Temporary on-premise or off-premise signs for church and other community nonprofit functions, except to the extent that such signage shall not be displayed more than 30 days prior to the event and removed within 48 hours after the event.

B. On-premise yard sale signs and off-premise yard sale directional signs, except to the extent that all yard sale signs shall be placed no more than 48 hours prior to the sale and removed within 48 hours after the sale and only with the permission of the landowner where any sign is placed. Any such sale held on a regular basis, constitutes a business and would require a permanent sign permit.

C. One (1) on-premise sign advertising the rent, sale or lease of a commercial or residential property, provided such signage does not exceed thirty-two (32) square feet for commercial or sixteen (16) square feet for residential properties.

D. On-premise real estate signs and off-premise real estate directional signs, except to the extent that each sign is removed within forty-eight (48) hours of the sale or lease and only with the permission of the landowner where any off-premise signs are placed.

E. "Open" signs, limited to one sign per business entrance and shall not exceed four (4) square feet. Types of displays may be wall, freestanding, hanging or displayed within a window. Such signage shall not include any of the prohibited displays described within Sec. 153.02.3 (E).

F. Commercial signage displayed on the inside of the windows are allowed, provided only twenty-five (25) percent of the inside of the window is covered

G. One (1) construction identification sign used prior to and during construction to identify the name of a new project and/or contractor or developer. Such signs shall not exceed thirty-two (32) square feet. Additional signage for each subcontractor is permitted, provided each sign does not exceed four (4) square feet.

153.02.4(2): Permanent Regulated Signs Allowed Without a Permit

153.02.4(2)(A): Permanent On-Premise Signs:

A. Small professional or announcement signs for Customary Home Occupations, non-illuminated and not exceeding four (4) square feet. Such signs must be displayed on the property of the Customary Home Occupation or located at the intersection of the nearest street that provides access to the residence.

B. Private commercial informational signs, such as entrance and exits signs, parking, loading zone, traffic flow, handicap, and other similar signs, provided such signs do not exceed two (2) square feet.

153.02.5-Regulated Signs Requiring a Permit

The following signs are permitted subject to issuance of a sign permit by the administrator and provided they conform to the requirements of this Article.

153.02.5(1): Temporary Regulated Signs Requiring a Permit.

A. One (1) on-premise temporary banner sign advertising the initial opening of a business establishment or promoting special sales or events are permitted, provided such signs shall not

exceed twenty-four (24) square feet and are displayed for a maximum of thirty (30) days, not to exceed four (4) sign displays per year.

B. One (1) sandwich board sign may be allowed per business, per street frontage, as follows:

1. Location. Signs may be placed on a sidewalk directly in front of the associated establishment. The sign shall be placed on that part of the sidewalk closest to the associated use. The sign must be placed so as not to interfere with or obstruct pedestrian or vehicular traffic: however, in any event, a minimum of five (5) feet of passage must be maintained on the sidewalk. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.

2. Size. No sandwich board sign shall exceed 28 inches in width or 48 inches in height.

3. Appearance. The sign must be constructed of materials that present a finished appearance. The sign frame shall be painted or stained wood or anodized aluminum or metal. Windblown devices, including balloons, may not be attached or otherwise made part of the sign unless for a period of 24-hours to celebrate a special occasion. The sign lettering should be professionally painted or applied; however, chalkboard or dry erase signs shall be allowed.

4. Grandfathering. These sandwich board provisions will take effect immediately upon adoption of the sign ordinance. All sandwich boards must comply at that time. No "grandfathering" is permitted.

5. Liability. Any person erecting a sandwich board sign shall indemnify and hold harmless the Town of Bryson City and its officers, agents, and employees from any claim arising out of the presence of the sign on the public property or rights-of-way.

6. Right to Move/Remove. Town staff may move/remove sandwich boards for municipal or safety purposes or non-compliance and give to the owner. (i.e. traffic issues, maintenance, etc.)

153.02.5(2): Permanent Regulated Signs Requiring a Permit

153.02.5(2)(A): Off-Premise Directional Signs:

1. Off-premise directional signs shall not exceed sixteen (16) square feet in area per sign face, one sign face per directional flow of traffic, and a maximum height of six (6) feet.

2. Not more than two (2) off-premise directional signs shall contain directions to the same location from each of two different directions.

153.02.5(2)(B): Outdoor Advertising Signs

Outdoor advertising signs will be allowed only in accordance with the following regulations:

1. **Size:** The maximum size of an outdoor advertising sign shall be 150 square feet per sign face, one sign face per directional flow of traffic per sign structure.

2. **Height:** The maximum height of an outdoor advertising sign shall be 25 feet; however, if an outdoor advertising sign already exists then the height of the new sign may be the same as the one it is replacing even if it is nonconforming.

3. **Setback:** An outdoor advertising sign shall be setback 10 feet from any road, street or highway right-of-way, if no right-of-way exists, the sign shall be setback 20 feet from the nearest edge of the road, street or highway.

4. **Spacing from Other Outdoor Advertising Signs:** No outdoor advertising sign shall be located closer than 2,000 linear feet from any other outdoor advertising sign as measured from either side of the same road, street or highway.

5. **Spacing from Other Structures or Land Uses:** No outdoor advertising sign shall be located within a 1,000 foot radius of a structure used for residence, a church or place of worship, or within a 1,000 foot radius of any property used for a school, public park or cemetery. Additionally, outdoor signs shall not be located within a 500 foot radius of the intersection of two or more roads, streets or highways or from any bridge 50 feet in length or greater.

6. **Spacing from On-Premise Signs:** No off-premise sign shall be located closer than 100 linear feet from any on-premise sign.

7. No new outdoor advertising within the Downtown District (as defined in definitions) to be permitted after the Effective Date.

153.02.5(2)(C)-On-Premise Signs

On-premise signs, will be allowed only in accordance with the following regulations:

Where permitted by the terms of this ordinance, on-premise signs shall comply with the following dimensional requirements:

WALL		**FREESTANDING**			**~~ROOF~~**	**WINDOW**
Max. # Signs	Max. Size (s.f.)	Max. # Signs	Max. Size (s.f.)	Max. Height (ft)	~~Max. Size (s.f.)~~	Max. Size (% of window area)
4 per business	60 (combined)	1	32	15 ~~ft~~	~~Prohibited~~	25

HANGING			FREESTANDING SHOPPING CENTER		
Max. # Signs	Max. Size (s.f.)	Min. Height (ft)	Max. # Signs	Max. Size (s.f.)	Max. Height (ft)
1 per business entrance	60 (combined)	7 ft above sidewalk	1	100	15

153.02.6-Computation of Sign Area.

A. The Sign area includes the area within a single, continuous perimeter enclosing the sign content and not the background on which the content is located.

Measurement of sign area

B. With respect to a two-sided, multi-sided, or three-dimensional sign, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the preceding statement: when two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 36 inches apart, the sign area shall be computed by the measurement of one of the faces.

C. On-premise signs located outside of the Downtown District may exceed the aforementioned limits by up to twenty percent (20%).

D. With respect to a building with heated space greater than or equal to 10,000 square feet, the dimensions of an on-premise sign may be up to 3 percent (3%) of the total square footage of the wall that the sign will be placed. In addition, for buildings over 10,000 square feet you are permitted a sign on each public facing side of the building.

153.02.7-Computation of Sign Height. The height of a sign shall be computed as the distance between the average grade of the land beneath the sign and the bottom of the sign.

153.02.8 Sign Design, Construction and Maintenance

A. Any sign permitted under this Ordinance must comply with applicable requirements of the NC State Building Code, National Electric Code, and other applicable Federal, State, and local codes.

B. Every sign and its support, frames, guys, anchors, and electrical equipment shall be securely fastened and placed to withstand adverse weather conditions.

C. All signs, except those protected by glass or other transparent cover, shall be constructed of material that are permanent in nature and that will not rapidly deteriorate, fade, fall apart, or in any way become a hazard to the public health, safety, and general welfare.

D. All signs shall be kept free from defective or missing parts or peeling paint. The Administrator shall possess the authority to order the painting, repair or alteration of a sign, at the owner's expense, if such sign constitutes a hazard to the public health, safety, or general welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Notice of such repair shall be given to the owner by personal service or registered mail, return receipt requested.

E. No person other than persons authorized by the Town shall damage, trim, destroy, or remove trees, shrubs, or other vegetation located within the public right-of-way of any street or road for the purpose of increasing or enhancing the visibility of a sign; nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

153.02.9-Murals. A Mural is defined herein as a) a large picture painted directly on a wall or ceiling and b) a greatly enlarged photograph attached directly to a wall. Murals are permitted under this ordinance; however, if a section of the mural is used as an On-Premise Sign, that portion of the Mural must not exceed the limits outlined in Section 153.02.5(2)(C).

Section 153.03 DEFINITIONS

Sign: Any display of letters, 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 whether natural or manmade.

Sign, Area: 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 straight lines) which encompasses all lettering, wording, design or symbols, 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 cut-outs or extensions shall be included in the area of a 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.

Sign, Copy: Any word, figure, number, symbol, or emblem affixed to a sign.

Sign, Customary Home Occupation: A sign designed to advertise a small business carried out within an individual's residence.

Sign, Directly Illuminated: A sign designed to give forth artificial light directly (or through transparent or translucent material) from a light source within or attached to such sign.

Sign, Exempt: 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.

Sign, Freestanding: A sign that is not attached to or supported by any building. Such signs shall include ground signs and signs mounted on poles or other supports.

Sign, Freestanding Shopping Center: A freestanding sign advertising two (2) or more commercial establishments on a property that shares the same access and parking. Each business is permitted signage on the sign display, described herein.

Sign, Hanging: A sign attached to and suspended at right angles (unless on a corner) to the building, and extending down over a sidewalk or walkway.

Sign, Height: The height of a sign shall not exceed the maximum height set forth in this ordinance. The height of a sign shall be measured from the existing adjacent street grade to the uppermost point of the sign or sign structure, whichever is higher.

Sign, Indirectly Illuminated: A sign designed to have illumination from a detached light source, shielded so that no direct rays from that light source are visible elsewhere than on the lot where said illumination occurs. If such shielding is inoperative, such sign shall be deemed to be a directly illuminated sign.

Sign, Noncommercial: Any sign which is not by definition an off-premise advertising sign, or off-premise directional 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. Noncommercial signs shall not contain any reference to a business or product.

Sign, Nonconforming: 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 nonconforming 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 of this ordinance enacted subsequent to the erection of said sign is declared a nonconforming sign.

Sign, Non-illuminated: A sign which has neither direct nor indirect illumination.

Sign, Off-Premise Directional: Any off-premise sign indicating the location of or directions to a business, office or other activity. The sign shall not include any information or message except the name of the business or activity or symbols or logos of the business, and must have directions or symbols indicating directions and/or distances. If a sign exceeds the maximum area allowed for this type of sign, it shall be constructed as an off-premise advertising sign. ~~(Off-Premise Yard-sale directional signs and Off-Premise real-estate directional signs are herein included as examples.)~~

Sign, On-Premise Advertising: Any sign advertising or identifying a product, service, business or activity sold, located or conducted on the premises where the sign is located.

Sign, On-Premise Directional and Informational: On-premise signs which provide directions or information for persons on the premises including, but not limited to, entrance and exit signs, parking information, and handicapped access.

Sign, Outdoor Advertising: A standard structural poster panel or painted freestanding sign which is rented for purposes of conveying commercial information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

Sign, Political: A sign attracting attention to political candidates or political issues, and including any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and complies with all other requirements of this Ordinance.

Sign, Prohibited: Any sign, or element of a sign, which is specifically listed as prohibited shall not be permitted within the jurisdiction of this ordinance.

Sign, Roof: A sign placed on a building roof or projecting more than twelve (12) inches above the top of a building wall, as defined by this Ordinance. Mansard or porch roofs shall be considered wall space for the purpose of this ordinance.

Sign, Sandwich Board: A sandwich board is a freestanding temporary sign, with no moving parts or lights when erected, displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc., (excluding real estate signage). It is not intended as permanent business signage.

Sign, Snipe: A type of commercial sign, typically small in size and often located in the public right of way, which is not permitted or authorized under any provision of this ordinance. These signs are often tacked, nailed, pasted, glazed, or otherwise affixed to a tree, pole, stake, fence, traffic control device, and other objects, as well as posted in the ground. Snipe signs are not meant to include freestanding real estate or political signs.

Sign, Temporary: A sign which is not permanently installed in the ground or affixed to any structure or building and which is erected for a specific period of time related to a certain event or occurrence as allowed in this ordinance, including banners, construction, political, real estate, yard sale and special event signs.

Sign, Wall: A sign placed flat against or projecting no more than twelve (12) inches from a building wall, as defined by this Ordinance. Signage displayed on an awning will be considered wall signage for the purpose of this ordinance.

Town District: See attached map on next page.

Wall, Building, and Post: An exterior bearing or non-bearing vertical structure encompassing the area between the final grade elevation and the eaves of a building, also includes the vertical supporting structure of a porch.

153.04.1 Violations

The following actions or inactions shall constitute a violation of this Ordinance:

A. Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance;

B. Any failure to comply with a term or condition of any permit or authorization granted pursuant to this Ordinance;

C. Any failure to comply with a rule or order adopted or issued pursuant to this Ordinance;

D. Each and every day that a violation of any provision of this Ordinance continues shall constitute a separate and distinct violation.

153.04.2 Notices of Violations

For Notices of Violation under this Ordinance the following provisions shall apply.

153.04.2(1) Contents

Upon discovering a violation of a provision of this Ordinance, the Administrator shall draft and serve upon the offender a written "Notice of Violation" stating the following, where relevant to the violation:

A. That the sign is in violation of this Ordinance;

B. A description of the violation, with reasonable clarity;

C. A reference to the Section of this Ordinance that the offender violated;

D. The measures necessary to remedy the violation and bring the subject property into compliance with this Ordinance;

E. A reasonable time period within which the offender must correct the violation; and

F. A warning that failure to correct the violation within the time period will result in the assessment of a civil penalty described within the Town's Fee Schedule.

G. Nothing in this section shall prevent the issuance of a Notice of Violation that immediately imposes a penalty for a violation when pertaining to a repeat offender of this ordinance.

153.04.2(2) Service of Notice of Violation

The Administrator shall serve the offender with a copy of the Notice of Violation in any manner as provided for service of process in the North Carolina Rules of Civil Procedure (Rule 4), provided however, that refusal to accept the Notice of Violation, or failure to notify the Administrator of a change of address shall not relieve the offender's obligation to pay the stated penalty.

153.04.2(3) Filing of Notices of Violation

All Notices of Violation shall be filed in the office of the Administrator, with the date of the filing clearly and indelibly stamped or written on the Notice at the time of filing.

153.04.3 Civil Penalties

153.04.3(1) Citations

If an offender fails to take all corrective actions required by a Notice of Violation, within the time period described, the Town shall send a citation for the amount described within the Fee Schedule of the Town of Bryson City.

153.04.3(2) Form of Citations

Citations shall contain the following:

A. A reference to the Notice(s) of Violation involved;

B. The amount of the penalty as set forth in the fee schedule maintained in the Town Office by the Town Clerk.

C. That the violator must pay the penalty within thirty (30) days of the service of the citation; and

D. That failure to pay the penalty stated therein shall subject the offender to the payment of reasonable attorney's fees, not to exceed fifteen percent (15%) of the outstanding balance, including the principal amount of the penalty and interest accruing thereon.

153.04.3(3) Service of Citations

Service of citations may be made by the Administrator in any manner allowed for service of process under Rule 4 of the North Carolina Rules of Civil Procedure.

153.04.3(4) Civil Action to Collect Penalties

The Town may institute proceedings to collect unpaid civil penalties, at any time after the date required for payment as set forth in the citation. Such proceeding shall be in the form of an action to collect a debt.

153.04.4 Flexibility in Administering the Provisions of This Ordinance

A. The Board of Aldermen recognizes that, because of the wide range of locations, buildings, and properties to which this ordinance must apply, it is neither possible nor prudent to establish inflexible requirements related to sign placement.

The Administrator will take issues regarding interpretation of the Ordinance and claims of unnecessary hardship to the Planning Board for review and comment when necessary and appropriate.

B. Appeals of administrative decisions, permits, certificates of appropriateness, variances or any other relevant decisions requested by a sign owner, owner of the property where the sign is

located, or other party having control over such sign then the Administrator will refer the matter to the Board of Adjustment for hearing in accordance with N.C. Gen. Stat. 160D, Article 4.

C. Variances. When unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall vary any of the provisions of the Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the Ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

D. No deviation shall be approved or allowed that would violate the provisions of Section 153.02.3 4 of this ordinance (Signs Prohibited). Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

E. Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi- judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D- 109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. (NCGS 160D-406(i)).

153.04.5-Amendments.

The Board of Aldermen may from time to time amend the terms of this ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town of Bryson City area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor

less than ten (10) days prior to the hearing date. In computing the ten (10)-twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

153.04.6-Abrogation.

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

153.04.2(4) Appeals

Any appeal of a decision of the Administrator, or other Town designee, involving the implementation, administration, or enforcement of this ordinance shall be made in accordance with N.C. Gen. Stat. 160D-405, or as same may be amended from time to time provided.

153.04.7-Effective Date

This ordinance shall take effect and be in force from and after August 3, 2026.

153.04.8 Adoption

Duly adopted by the Board of Aldermen of the Town of Bryson City, North Carolina, this the 3rd day of August, 2026.