

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 771

Short Title: Compensation for On-Premises Sign Upgrades. (Public)

Sponsors: Representative Crutchfield.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE MONETARY COMPENSATION TO OWNERS OF ON-PREMISES
3 ADVERTISEMENTS FOR THE REPLACEMENT OR UPGRADE OF
4 NONCONFORMING SIGNS DUE TO A CHANGE IN LOCAL GOVERNMENT
5 REGULATIONS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Part 1 of Article 9 of Chapter 160D of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 160D-912.1. On-premises advertisements.**

10 (a) As used in this section, the following definitions apply:

11 (1) Nonconforming sign. – An on-premises advertisement that was lawfully
12 installed but which does not comply with current ordinances or regulations
13 due to changed conditions.

14 (2) On-premises advertisement. – A sign identifying or advertising a business,
15 person, activity, goods, products, or services located on the premises where
16 the sign is installed and maintained.

17 (b) A local government may not enact or amend an ordinance of general applicability to
18 require the owner of a nonconforming sign to bring the sign into compliance with current
19 regulations without the payment of monetary compensation to the owner of the nonconforming
20 sign. Upon payment of monetary compensation for the sign, the local government shall own the
21 sign. In lieu of payment of monetary compensation to the owner of the nonconforming sign, a
22 local government may reimburse the owner an amount equal to the difference of the fair market
23 value of the nonconforming sign and the reasonable cost to bring the sign into compliance.

24 (c) Monetary compensation is the fair market value of the nonconforming sign in place
25 immediately prior to its removal and without consideration of the effect of the ordinance or any
26 diminution in value caused by the ordinance requiring its removal. Monetary compensation shall
27 be determined using the factors listed in G.S. 105-317.1(a).

28 (d) Monetary compensation or reimbursement is not required under this section for any
29 of the following:

30 (1) The local government and the owner of the nonconforming sign enter into a
31 voluntary agreement allowing for the removal of the sign after a set period of
32 time in lieu of monetary compensation. A local government may adopt an
33 ordinance or resolution providing for a relocation, reconstruction, or removal
34 agreement.



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- 1 (2) The nonconforming sign is determined to be a public nuisance or detrimental
- 2 to the health or safety of the populace.
- 3 (3) The removal of the nonconforming sign is required for opening, widening,
- 4 extending, or improving streets or sidewalks, or for establishing, extending,
- 5 enlarging, or improving any of the public enterprises listed in G.S. 160A-311,
- 6 and the local government allows the nonconforming sign to be relocated to a
- 7 comparable location.
- 8 (4) The nonconforming sign is subject to removal pursuant to statutes, ordinances,
- 9 or regulations generally applicable to the demolition or removal of damaged
- 10 structures.
- 11 (e) If the local government and the owner of the nonconforming sign are unable to agree
- 12 to monetary compensation or reimbursement, then the local government may bring an action in
- 13 superior court for a determination of the monetary compensation to be paid. In determining
- 14 monetary compensation, the court shall consider the factors set forth in subsection (c) of this
- 15 section.
- 16 (f) The provisions of this section shall not be used to interpret, construe, alter, or
- 17 otherwise modify the exercise of the power of eminent domain by an entity pursuant to Chapter
- 18 40A of the General Statutes."
- 19 **SECTION 2.** This act is effective when it becomes law.