

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA REGARDING SIGNS**

Ordinance No. 09-002

WHEREAS, the Town of Duck desires to provide for the appropriate type, placement, size, and maintenance of signs within the Town; to recognize the needs of the business community; to promote the health, safety, welfare, convenience and enjoyment of the public; and to ensure that signs contribute to, rather than detract from, the special character of the community.

WHEREAS the Town desires to achieve the following:

- (1) Balance the rights of persons to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Avoid obstruction of fire, police, or other emergency services;
- (3) Reduce traffic hazards caused by signage that may confuse or distract motorists, or impair a driver's ability to see pedestrians, cyclists, obstacles, or other vehicles, or to read traffic signs.
- (4) Protect property values by minimizing the possible adverse effects and visual blight caused by signs and ensure that signs do not constitute a nuisance to use and occupancy of nearby property by their brightness, size, height or movement;
- (5) Enhance the appearance and economic value of the landscape by providing that signs do not interfere with scenic views, do contribute to the character of the community, and are compatible with the architecture of the principal use on the site;

NOW THEREFORE BE IT ORDAINED by the Town Council of Duck, North Carolina, that Town Code Section 156.002, Definitions is hereby amended and Town Code Section 156.130 Signs, of the Zoning Ordinance of the Town of Duck is hereby amended, as follows:

Part I. § 156.002 DEFINITIONS.

Sign, Electronic Message Board. A sign, or portion of a sign that displays electronically generated text, images, graphics, or video whereby the message is formed using a panel or matrix consisting of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic message board signs include, but are not limited to, signs also known as Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems, and Commercial Electronic-Variable Message Signs (CEVMS).

Part II. § 156.130 SIGNS.

(E) Prohibited signs. In all zoning districts the erection, construction, location or the use of any sign described below is prohibited as follows, unless otherwise permitted in this chapter. Prohibited signs, if deemed to create a public safety hazard by the Zoning Administrator, may be removed immediately by the town; otherwise, prohibited signs shall be removed within 10 business days following written notification from the Town of Duck:

- (1) No sign shall be permitted on or protrude into a public or private right-of-way, street or vehicular passageway;
- (2) No sign shall be posted on any telegraph, telephone, electric or other utility pole or structure or any tree;

(3) No sign shall be permitted whereby its location, nature or type constitutes a hazard to the safe and efficient operation of vehicles upon any public or private right-of-way, street or passageway. No sign shall be permitted that obstructs the line of sight of motorists or pedestrians at intersections, driveways, or along any public or private right-of-way, street or passageway. No sign shall be permitted that obstructs or resembles traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle;

(4) Signs containing “vulgar” words or pictures: no sign shall contain statements, words or pictures which may be classified as “vulgar,” or contain language that may be deemed “vulgar slang,” offensive slang or obscene in The New College Edition of the American Heritage Dictionary of the English Language;

(5) No sign shall be permitted that contains or consists of banners, posters, ribbons, balloons, streamers, spinning parts or other similarly moving devices or ornamentation, except as specifically provided herein;

(6) No sign shall be permitted which contains or utilizes revolving or rotating beams of light. No sign shall be erected which flashes, except for time and temperature signs as defined in this chapter. Also prohibited are portable spotlights or beacons used as advertising to draw attention to any use;

(7) No signs or lettering shall be displayed on a vehicle or trailer that is parked or located within eighty (80) feet of the centerline of NC 12 and on the same property as the business for which the sign is advertising, unless there is no other feasible location to park the vehicle on the property.

(8) No business sign shall be located in any public or private waterbody, canal, ditch or other waterway, including the Atlantic Ocean and the surrounding waters of the Town of Duck. This prohibition does not apply to official federal state or local navigational signs;

(9) Temporary, portable signs including sandwich board, A-frame or wind driven signs such as tethered balloons or other inflatable objects, except as otherwise provided in this chapter. A-frame or sandwich board signage may be permitted on decks and landings of commercial buildings, except as otherwise prohibited herein, but may not be ground or roof mounted;

(10) All outdoor advertising structures (billboards or off-premise signage) are prohibited. Any sign or outdoor advertising structure that violates any provision of any law of the state relative to outdoor advertising is prohibited;

(11) Roof signs that extend above the peak of the roof on which they are attached or whose area exceeds individually or in aggregate 25% of the roof area on which they are attached or more than 10% of the total roof area of an individual building. Roof signs shall not be attached to flat roofs. Roof signs shall in no case be taller than 10 feet from the point of attachment to the roof and the height of a roof sign measured from the ground to the top of the sign cannot exceed the maximum height limit for the zoning district in which the sign is permitted;

(12) Pennants are prohibited except as navigational aids, or if used by a religious activity or by an educational or charitable organization for which a permit has been granted as temporary signage. Pennants shall not be permitted or controlled as flags;

(13) Tourist-oriented directional signs;

(14) Non-governmental signs imitating or closely resembling official traffic or government signs or signals; and

(15) Electronic Message Board Signs as defined in Town Code Section 156.002.

(16) Any other sign not expressly permitted by this division.

This ordinance shall be effective upon its adoption.

Neil Morrison, Mayor

ATTEST:

Town Clerk

Date adopted: April 8, 2009

Motion to adopt by: Councilor Bart Smith

Vote: 5 AYES 0 NAYS