

1 19A NCAC 02E .0210 is readopted as published in 34:13 NCR 1251-1253 with changes as follows:

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3 **19A NCAC 02E .0210 REVOCATION OF OUTDOOR ADVERTISING PERMIT**

4 The appropriate ~~district engineer~~ District Engineer's office shall revoke a permit for a lawful outdoor advertising
5 structure based on any of the following:

- 6 (1) mistake of facts by the issuing District ~~Engineer~~ Engineer's office for which had the correct facts
7 been known, he or she would not have issued the outdoor advertising permit;
- 8 (2) misrepresentations of any facts made by the permit holder ~~or sign owner~~ and on which the District
9 ~~Engineer~~ Engineer's office relied in approving the outdoor advertising permit application;
- 10 (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit
11 ~~holder or sign owner~~, holder, the permit ~~applicant~~ applicant, or the owner of property on which the
12 outdoor advertising structure is located;
- 13 (4) failure to pay annual renewal fees or provide the documentation requested under Rule ~~.0207(e)~~ .0207
14 of this Section;
- 15 (5) failure to construct the outdoor advertising ~~structure~~ structure, except all sign ~~faces~~ faces, within
16 180 days from the date of issuance of the outdoor advertising ~~permit~~ [permit] in accordance with
17 Rule .0208 of this Section;
- 18 (6) a determination upon inspection of an outdoor advertising structure that it fails to comply with the
19 Outdoor Advertising Control Act or the ~~rules~~ Rules in this Section;
- 20 (7) any alteration of an outdoor advertising structure for ~~which~~ [that] a permit has previously been
21 issued which would cause that outdoor advertising structure to fail to comply with the provisions of
22 the Outdoor Advertising Control Act or the ~~rules adopted pursuant thereto~~ Rules of this Section;
- 23 (8) alterations to a ~~nonconforming~~ sign not conforming to State standards ~~or a sign conforming by virtue~~
24 ~~of the grandfather clause~~ other than reasonable repair and maintenance as defined in Rule
25 ~~.0225(c)~~ .0225(c) of this Section. For purposes of this Rule, alterations include:
- 26 (a) enlarging a dimension of the sign facing or raising the height of the sign;
- 27 (b) changing the material of the sign structure's support;
- 28 (c) adding a pole or poles; or
- 29 (d) adding illumination;
- 30 (9) failure to affix the emblem as required by Rule .0208 of this Section or failure to maintain the
31 emblem so that it is visible ~~and readable~~ from the main-traveled way or controlled route;
- 32 (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor
33 advertising sign to the sign structure in sufficient size to be visible as required by Rule .0208 of this
34 Section;
- 35 (11) unlawful destruction or illegal cutting of trees, shrubs or other vegetation within the right-of-way of
36 any State-owned or State-maintained highway as specified in G.S. 136-133.1(i);

- 1 (12) unlawful use of a controlled access facility for purposes of repairing, ~~maintaining~~ maintaining, or
2 servicing an outdoor advertising sign where ~~an investigation reveals that~~ the unlawful violation was
3 conducted actually or by design by the ~~sign owner or permit holder~~, the lessee or advertiser
4 employing the sign, the owner of the property upon which the sign is located, or any of their
5 employees, agents, or assigns, including independent contractors hired by any of the above ~~persons~~;
6 and meets either of the following: [following:] and
- 7 (a) involved the use of highway right of way for the purpose of repairing, servicing, or
8 maintaining a sign including stopping, parking, or leaving any vehicle whether attended or
9 unattended, on any part or portion of the right of way except as authorized by the
10 Department of Transportation, including activities authorized by the Department for
11 selective vegetation removal pursuant to G.S. 136-131.1, G.S. 136-131.2 and G.S. 136-
12 133.4. Access from the highway main travel way shall be allowed only for surveying or
13 delineation work in preparation for and in the processing of an application for a selective
14 vegetation removal permit; or
- 15 (b) involved crossing the control of access fence to reach the sign structure, except as
16 authorized by the Department, including those activities referenced in Sub-Item (a) of this
17 Item;
- 18 (13) maintaining a blank sign for a period of 12 consecutive months;
- 19 (14) maintaining an abandoned, dilapidated, or discontinued sign;
- 20 (15) a sign that has been destroyed or significantly damaged as determined by Rule .0201(8) and (29) of
21 this Section;
- 22 (16) moving or relocating a nonconforming sign not conforming to State standards or a sign conforming
23 ~~by virtue of the grandfather clause which that~~ changes the location of the sign; sign as determined
24 ~~by Rule .0201(27) of this Section;~~
- 25 (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North
26 Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, or the Rules of this
27 Section; and the rules adopted pursuant thereto; and
- 28 (18) ~~willful~~ failure to ~~substantially~~ comply with all the requirements specified in a vegetation removal
29 permit if such willful failure meets the standards of G.S. 136-133.1(i) ~~as specified in G.S. 136-~~
30 ~~133.4(e)-136-133.1(i).~~

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32 *History Note:* Authority G.S. 136-93; 136-130; 136-133; 136-133.1(i); 136-133.4(e);
33 Eff. July 1, 1978;
34 Amended Eff. August 1, 2000; May 1, 1997; November 1, 1993; March 1, 1993; October 1, 1991;
35 December 1, 1990;
36 Temporary Amendment Eff. March 1, 2012;
37 Amended Eff. November 1, 2012-2012;

