



ORIENTAL TOWN BOARD MEETING

Tuesday, October 2, 2018 at 7pm
507 Church Street, Oriental, NC
Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on October 2, 2018 was called to order at 7pm. The Mayor Sally
7 Belangia determined a quorum to be present. She said we have a Public Comment period, if you wish to speak
8 please make sure you are signed up on the correct sheet.
9

10 Present: Mayor Sally Belangia, Mayor Pro Tempore White, Commissioner Overcash, Commissioner Simmons,
11 Commissioner Dammeyer, Commissioner Price, Town Manager Diane Miller, Deputy Finance Director Tammy
12 Cox, Administrative Assistant Jeannine Russo, Officer Nic Blayney, Officer Bill Wichrowski and Members of the
13 Public.
14

15 APPROVAL OF AGENDA

16 Mayor Pro Tempore White made a MOTION to approve the Agenda. Seconded by Commissioner Overcash.
17 Motion passed 5-0.
18

19 1. Consent Agenda (Tab 1)

- 20 a. Approve Minutes from Regular Town Board Meeting September 5, 2018
21

22 Commissioner Overcash made a MOTION to approve the Consent Agenda. Seconded by Commissioner
23 Simmons. Motion passed 5-0.
24

25 REGULAR BUSINESS

26 2. Public Comment Period

27 Guest Speaker Karen Knapik - Small Business Administration: Ms. Knapik thanked Manager Miller for the
28 opportunity to address the Board. She is here tonight to ensure that residents understand what they have to offer and
29 clarify SBA does not only help businesses. They have the ability to put loans on hold, if awarded, until needed. Low
30 interest loans begin at 2% for most people who receive loans during disasters. Renters can get \$40,000 to replace
31 personal property, includes vehicles. Homeowners can receive up to \$200,000 to repair their damaged property. For
32 homeowners there is also mitigation, much be approved for a significant amount of damage and can be approved for
33 an additional 20% to mitigate – lift homes, divert water, etc. Ms. Knapik suggests that residents see mitigation after
34 they register to get ideas on what is available. Businesses and nonprofits can receive up to \$2,000,000 at slightly
35 higher rates – 2.5 and 3.6 for most. They offer small amounts – unsecured loans up to \$25,000 with no fees
36 associated. When someone applies to FEMA, a majority will be referred to SBA. There is one other grant from
37 FEMA that someone is only eligible for if they are referred to SBA, go through the process and they are not eligible
38 for help, their name is then returned back to FEMA for consideration. There is no minimum limit on that unsecured
39 loan. There is also a refinancing program with people with a high mortgage, also a relocation program. The first step
40 is to apply. Information is available online, SBA.gov/disaster under the Florence tab. Commissioner Overcash
41 inquired about how to apply without being referred by FEMA. Ms. Knapik said there are online applications but it is
42 a much easier process to sit and interview with someone. They are located in the old Rite Aid building by the
43 hospital.
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45

46 3. Request to schedule Public Hearing (Tab 2)

47 Manager Miller stated the Planning Board is requesting the Board to schedule a Public Hearing for an SUP request
48 from a gentleman who would like to lease and reopen the old Steamer building. It was once a restaurant/bar but had
49 been grandfathered in and the building has been closed for more than 180 consecutive days so grandfathering
50 expired. For it to open as a restaurant/bar a new SUP must be secured. Planning Board will review the application at
51 the October 17 meeting and will have written recommendations for the Public Hearing to be scheduled for the
52 November meeting.
53

54 **Commissioner Overcash** made a **MOTION** to schedule the Public Hearing for November 7. Seconded by **Mayor**
55 **Pro Tempore White**. Mayor Pro Tempore White had questions about the parking diagram. Manager Miller and
56 Public Works Director Andrew Cox and measured the parking lot. Manager Miller states that the 20 proposed
57 spaces were only removed down to 19 because of the sewer line that sits on one of the parking spaces. Motion
58 passed 5-0.

60 4. Signs (Tab 3)

61 Manager Miller stated there was discussion following posting of a sign in front of Town Hall. The Board had chosen
62 in February to support the Resolution that went to the legislature opposing fracking for the exploration of oil. When
63 the sign was brought to Town Hall, since the Board had already voted that way, Manager Miller accepted the sign to
64 be displayed on the front lawn. This caused some controversy. Manager Miller presented excerpts from the sign
65 ordinance in the GMO. Portable signs of special interest to the town and not advertising have a 14 day limitation and
66 a permit is not required for temporary signs. 175.1.2 refers to signs for public issues and has a one-week limit. The
67 sign was removed when hurricane clean up began. Manager Miller asked the Board if they would like to adjust
68 something. Commissioner Overcash stated that he asked for this to be on the agenda tonight and believes we do not
69 need signs that cause controversy whether it be for or against an issue. We should only display signs that talk about
70 upcoming events or political signs. Commissioner Overcash wished to make a motion to limit signs on Town Hall
71 property. Manager Miller stated since this in the GMO, there would need to be a Public Hearing. A Public Hearing
72 can be scheduled and take it to the Planning Board and get their recommendation to make a correction with the
73 Board's guidance. Commissioner Dammeyer asked if this could be accomplished with an Ordinance change.
74 Manager Miller stated there are no Ordinances that address signs. Commissioner Dammeyer asked if something
75 could be added to our Ordinance that signs cannot be placed on Town property. Manager Miller stated signs are all
76 regulated in the GMO so this needs to be directed back to the Planning Board, allow them to request the Public
77 Hearing. Commissioner Price asked if this refers to Town property or right of way – we are talking about Town
78 property. Manager Miller stated right of way has different limits. Manager Miller asked if there was a particular
79 direction for Planning Board to pursue. Commissioner Overcash said just the change he mentioned that there would
80 not be any signs other than informational about events or political signs on the Town hall property. Mayor Pro
81 Tempore White asked Commissioner Overcash if he felt the “No Drilling” sign was political? Commissioner
82 Overcash responded it is controversial and we do not need extra confrontation. Mayor Pro Tempore White stated the
83 Board approved this and the person that presented the sign was the same person that came before the Board so the
84 Board may need to think before approving something or showing support. He feels this was not controversial or
85 political as they supported it; everybody has differences of opinion and we could not write an ordinance that would
86 accommodate everybody. It could be a “slippery slope.” Commissioner Simmons stated she felt the Board voted in
87 the Town's interest and sees signs on right of ways for all manner of things but agrees that the Board has to be
88 careful and does not want to put forth her own personal feelings as people in leadership positions do that. The Board
89 did vote for this and standing behind it is what the Board should do. Commissioner Overcash would like to take it to
90 the Planning Board and see where it goes. (Interference) Mayor Belangia stated the Planning Board will review and
91 bring back to the Board.

93 5. Manager's Report (Tab 4)

- 94 • Additional damages have surfaced. NCLM insurance agent was here today (October 2, 2018) and went to
95 all of the Town's sites, took many photographs and notes. Most damages are flood damages. Some things
96 insurance companies do not cover FEMA does such as infrastructure, roads and piers – piers are only
97 insured against fire. Rebuilding the pier will likely be hazard mitigation through FEMA (Section 406).
- 98 • Engineers have been in to look at the wall. Manager Miller is trying to get FEMA to designate the section
99 of wall that does not exist at the end of South Avenue where it turns back to Vandemere and the real
100 damage was done where there is no wall. The wall ends and there are only 6 x 6s sunk in cement into a
101 grassed surface. The revetments along that wall went down. The original wall put up many years ago is
102 now exposed; was not prior to the storm. They have also looked at the other end at the corner of Freemason
103 and South where the wall ends and there is a significant distance to the beginning of where the fishing pier
104 abutted land. It is two wooden tongue-in-groove walls with gravel holding the river back. The escarpment
105 is fairly deep and Manager Miller would like for them to designate it as exigent and that we create and
106 extend the wall that leads to where the fishing pier begins so there is more of a structure holding it up. Our
107 first step is to secure the revetment and then work on the street. Mayor Pro Tempore White noted that the
108 wall is washed away at Vandemere but the cement wall looks like it is still intact. Manager Miller pulled

109 inspection reports from 2011 with photographs and all of the cracks we had documented were documented
110 in 2011 so there is nothing new. The damage is mostly on seams and there are no new cracks in the wall.
111 The steel further up Vandemere is holding but is rusted badly. One of the engineers suggested putting in
112 **sheet piling** to bolster that and put a cement cap over it. Manager Miller feels we need to extend that sheet
113 pile up to the private property.

- 114 • Debris pick up: We had a prepositioned contract that was properly vetted and properly bid. However, we
115 did not post the RFP on the Historically Underutilized Business website, which gives FEMA a 25% chance
116 that they would disapprove our use of that contract. Manager Miller spoke with Mr. Buck (County
117 Manager) and he is aware that Oriental was one of the hardest hit places and the contractor will be starting
118 here. He will try to get the contractor mobilized before Monday. This will happen before Manager Miller
119 can get through the HUB website. This was not used in the past and FEMA paid. We are currently using
120 30-yard roll offs and force labor to pick up C & D debris and green waste. Five or six full dumpsters have
121 been hauled off to date. We are trying to clear a path for the scheduled Ol' Front Porch Music Festival. As
122 we are clearing right of way, people are dragging more debris out, but we are doing our best to clear things
123 as quickly as possible. Mayor Pro Tempore White stated people are hiring contractors and they are
124 dumping on the road sides. Manager Miller stated our residents are doing well at separating their debris
125 pretty well. Commissioner Overcash asked if the County's contractor comes to Oriental, will they stay until
126 finished. Manager Miller stated that is the plan as we were so hard hit. Commissioner Overcash thanked
127 Manager Miller and staff for all of the hours they have been putting in.
- 128 • We lost internet for two and a half weeks and our billing system is cloud based. There will be an extra
129 week on these bills so may be a bit higher. Meters are being read. If a meter is buried, those bills will be
130 estimated until we can get to that meter next month.

131 **6. Police Report (Tab 5)**

132 Officer Blayney stated this report looks worse than it is, specifically the larceny calls. These are larceny calls, not
133 actually larceny. Most of these calls were misunderstandings. Not a whole lot of crime. There were trespass
134 complaints, suspicious persons. Throughout the hurricane and the week after Officers Blayney and Wichrowski
135 were on 24-hour shifts, sleeping at Town Hall for a few hours and going back out. Isolated incidents of looting but
136 hard to do anything until it is reported. People had items that were not believed to be theirs but until it is reported, it
137 is hard to prove. Manager Miller shared a story about granite columns that were disassembled by the storm, had
138 been removed from the property one stone at a time. Officer Wichrowski stated that the majority of the time was
139 spent on welfare calls, many of them on people with limited or no mobility. Officers Wichrowski and Blayney
140 checked on them when it was safe to go back out. There were citizen complaints about one particular vehicle who
141 were not guilty of any crimes due to their police work as opposed to the County where they experienced severe
142 looting problems. There was one animal control call.

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145 Manager Miller commended the staff for the work and tremendous effort they put in. Jesse Burgess lived at the
146 water plant for five days to make sure the water kept pumping and we never lost pressure. Officers Blayney and
147 Wichrowski were also out with the Public Works crew.

148 **7. Commissioner's Comments**

149 Commissioner Overcash stated that Eric Kindle and Public Works Director Andrew Cox will hose down Hodges
150 Street to clean it up for the weekend. Mayor Pro Tempore White asked about Whittaker Pointe and the dredging
151 project. Manager Miller spoke with them; they understood and said for us to get settled and will have this discussion
152 at a later date. Mayor Pro Tempore White went out to the point and it is still there! Manager Miller stated the
153 dredging is in worse shape as the survey was almost finished and must start from scratch again. Lisa Thompson
154 stated the second breach widened. Mayor Pro Tempore White asked about donations. Manager Miller stated we are
155 up to \$65,000 so we are approximately \$43,000 away from our goal. There were \$1,000 in donations made in the
156 name of Deaton by other people because of the services they rendered during the storm. Mayor Belangia asked
157 about the speed limit sign. Manager Miller stated she has not heard; we were told within 30 days, but will be in
158 touch with them again. Our "Oriental" sign that was lost during the hurricane was returned without poles so former
159 Commissioner Winfrey has it to fix it and will reinstall it. Flu shots are tentatively rescheduled for October 24. They
160 are that far out because they are having trouble securing vaccines since the storm. Commissioner Simmons spoke
161 about the staff; how several members suffered big losses themselves and still came to work for the Town and is
162 appreciative. Mayor Pro Tempore White ran into someone who was not from the Town but owns property here and
163

164 commented that the day after the hurricane Oriental had water, a grocery store with food and public works people
165 working to try to fix it up. This is phenomenal and we need to thank Billy (Flockhart), who had enough basic stuff
166 for people to get what they needed.

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168 **8. Adjourn**

169 **Commissioner Simmons** made a **MOTION** to adjourn. Seconded by **Commissioner Dammeyer**. Motion passed 5-
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Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

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178 Approved _____, 2018 _____

Section 181. Removal

181.1 With respect to any sign, **other than temporary**, not in compliance with this chapter, the owner of the sign and owner of the property on which the sign is erected, if different, shall be notified by certified mail to the last known address that they have thirty (30) days to bring such sign into compliance. If it is not brought into compliance, such sign may be removed by the Town at the expense of the owner of the sign and/or the owner of the property where the sign is located. If a sign is located on public right-of-way, public property or public trust area, the Town may remove said sign at the expense of the owner twenty-four (24) hours after notification by certified mail. If a sign is a public nuisance or detrimental to public health and safety, the Town may remove said sign at the expense of the owner twenty-four (24) hours after notification.

181.1.1 Temporary signs erected upon a right-of-way, public property, or public trust area may be removed without notice at the discretion of the Land Use Administrator.

Coates' Canons Blog: Temporary Signs in the Right-of-Way

By Adam Lovelady

Article: <https://canons.sog.unc.edu/temporary-signs-in-the-right-of-way/>

This entry was posted on October 16, 2018 and is filed under Administration & Enforcement, Campaign Signs, Constitutional & Statutory Limitations, Constitutional Issues, Elections, General Local Government (Miscellaneous), Land Use & Code Enforcement, Ordinances & Police Powers, Streets & Parking, Zoning

It's that time of year again. Leaves are falling and campaign signs are rising. Along with the signs come the questions about the laws and limits for regulating campaign signs. This can be a confusing topic because of the ruling from the U.S. Supreme Court in *Reed v. Town of Gilbert* and because of the overlapping authority between local governments and the North Carolina Department of Transportation (NCDOT).

Legal issues affecting the regulation of campaign signs include:

- Free speech protections limiting the regulation of sign content;
- Differences between regulations on private property and regulations on public property; and
- Differences between regulations on state maintained rights-of-way and municipally maintained rights-of-way.

This blog describes the basic aspects of these legal issues with a focus on regulations in the public right-of-way.

Free Speech Issues

The U.S. Supreme court has ruled that regulations of signs that are based on what the signs say (content-based regulations) are subject to strict scrutiny—a standard that requires compelling government justification and will likely be struck down. In contrast, content-neutral regulations of the time, place, and manner of speech are subject to intermediate scrutiny and are more likely to survive judicial review. Regulation of commercial speech also is subject to intermediate judicial scrutiny.

In *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), the U.S. Supreme Court made clear that categorizing noncommercial signs by the content of the message is content-based regulation subject to strict scrutiny. In that case the town's sign ordinance distinguished between campaign signs, ideological signs, and event-based signs, among other categories. Justice Thomas offered the following example: "If a sign informs its reader of the time and place a book club will discuss John Locke's *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2227 (2015). The Court found those categories to be unconstitutional content-based restrictions that could not survive strict scrutiny. I wrote more about the *Reed* decision [here](#).

Following the *Reed* case, sign regulations need to treat noncommercial speech equally. So, if a sign regulation is going to permit temporary campaign signs, then it must equally permit temporary signs stating "Jesus Saves," "Anarchy Now," and "Save the Earth." Many local ordinances had (and still have) content-based distinctions that would not withstand constitutional challenge after *Reed*.

Content-neutral regulations that distinguish signs based on the characteristics of the sign generally survive judicial review under intermediate scrutiny. So, for example, reasonable regulations of the size or location of signs are generally acceptable. Distinctions among types of sign construction—monument signs, wall signs, temporary signs, and air-blown signs, for example—also are allowed generally. Such restrictions are based on the characteristics of the sign, not the content of the message. To be clear, these content-neutral regulations still must meet intermediate judicial scrutiny: The

regulation must further a substantial governmental interest (such as public safety and community aesthetics), that governmental interest must be unrelated to limiting free expression, and the regulation must be no greater than necessary to support the governmental interest.

Even after *Reed*, commercial messages may still be distinguished from noncommercial messages. To be sure, that distinction formally is a content-based distinction, but courts applying the *Reed* decision have re-affirmed that regulations of commercial speech remain subject to intermediate scrutiny under the *Central Hudson* case (447 U.S. 557 (1980)). For application of *Central Hudson* after *Reed*, see for example *Lone Star Sec. & Video, Inc. v. City of Los Angeles*, 827 F.3d 1192 (9th Cir. 2016) and *Geft Outdoor LLC v. Consol. City of Indianapolis & Cty. of Marion, Indiana*, 187 F. Supp. 3d 1002 (S.D. Ind. 2016)(*appeal dismissed sub nom*). As such, a government might permit temporary noncommercial signs (campaign signs and others) but still restrict temporary commercial signs.

In addition to the differences between content-based, content-neutral, and commercial speech regulations, courts have held that regulations may differentiate between signs on private property and signs on public property. As Justice Thomas noted in his opinion for the Court in *Reed*, "on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2232(2015) (citing *Members of City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 817(1984)). The discussion below first outlines considerations for temporary noncommercial signs on private property and then outlines additional considerations for temporary noncommercial signs on public rights-of-way.

Temporary Signs on Private Property

An ordinance or regulation may set reasonable content-neutral limits on noncommercial speech (including political signs) on private property. Such restrictions might include limits on the size, number, and location of temporary noncommercial signs.

Importantly, regulations of temporary noncommercial signs on private property must not be overly restrictive. The U.S. Supreme Court has noted the import of the residential signs because residential signs are inexpensive and convenient, they convey a message with a close connection to the speaker, and there are not adequate substitutes of expression if residents are completely prohibited from posting residential signs. In *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), the city ordinance prohibited homeowners from displaying signs on their property, with limited exceptions. A resident challenged the ordinance when she was prevented from posting a sign protesting the Gulf War. The Court struck down the city's ban of almost all residential signs, but allowed that the city can still address residential signs with reasonable regulations. Similarly in *Arlington County Republican Committee v. Arlington County*, 983 F.2d 587 (4th Cir. 1993), the Fourth Circuit Court of Appeals ruled that limiting property owners to only two campaign signs was overly restrictive.

Can a local government set a time limit on temporary noncommercial signs on private property? Durational limits that are not overly restrictive likely may be used, but local governments should be wary of the potential legal pitfalls. Even before *Reed* courts around the country struck down durational limits that were too short (routinely striking down sign codes that limited campaign signs to less than sixty days). This is a reminder that anytime the government is regulating noncommercial speech it must not be overly restrictive—especially as related to residential property and possible political speech.

The *Reed* decision did not directly address the question of durational limits for noncommercial signs, but did discuss it indirectly. Justice Thomas implies that a regulatory provision related to "whether and when an event is occurring" may be permissible if it permits "citizens to post signs on any topic whatsoever within a set period leading up to an election." 135 S. Ct. at 2231. Along that line of thinking, a local government could establish a set amount of time (for example, ninety days before an election until ten days after the election) and permit a greater amount of temporary noncommercial signage during that time period.

Note, though, that such preference for campaign season may lack the tailoring necessary to justify a sign regulation. If the additional signage is permitted during campaign season, then what is the justification to prohibit a resident from posting a temporary sign during the Easter season, or the summer solstice, or at the start of the school year? While prior caselaw and Justice Thomas' language in *Reed* indicates that time periods tied to campaign season may be permissible, there is

some lack of clarity around this issue.

Temporary Signs in Public Rights-of-Way

As noted above, courts distinguish between regulations of signs on private property and regulations of signs on public property. This section explores statutory authority and Free Speech considerations for regulations of temporary signs in the public right-of-way in North Carolina.

Rules for NCDOT Rights-of-Way

The State of North Carolina has specific rules for signs in public rights-of-way controlled and maintained by the NC Department of Transportation. General Statute 136-32 outlines a general prohibition on posting signs on public highways and authorizes NCDOT to remove impermissible signs. The statute then sets forth the rules allowing for "political signs." Political signs are permitted in the NCDOT right-of-way during the time period from 30 days prior to the first date of "one-stop" early voting until the tenth day after the primary or election day. (Note that the regulation is for public rights-of-way, not private property, so the shorter time period is likely permissible.)

The statute gives specific parameters for placement of qualifying signs:

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

Notably, the individual placing the sign must obtain permission of the owner of the property fronting the right-of-way where the sign is erected, although there is no detail about the form or evidence of such permission.

NCDOT is authorized to remove noncompliant signs. It is a Class 3 misdemeanor for an unauthorized individual to steal, deface, vandalize, or unlawfully remove a political sign placed in compliance with the statute.

This NCDOT rule as written is subject to constitutional challenge under the *Reed* decision. The statute allows "political sign"—defined as "any sign that advocates for political action"—but not other noncommercial signs. This preferential treatment of one category of noncommercial speech is precisely the kind of content-based regulation that the Court struck down in *Reed*.

Local Rules for Municipal Rights-of-Way

Under General Statute 160A-296, North Carolina municipalities have broad authority over their public streets, including the power to regulate the use of the streets and the duty to keep the streets free from unnecessary obstructions. This authority includes the power to regulate signs in the right-of-way.

Moreover, the statute about NCDOT authority, 136-32(f), confirms that cities may use their police powers to adopt regulations of signs in the rights-of-way within their jurisdiction and maintained by the city.

A municipality may prohibit temporary signs in the municipal right-of-way, or permit them subject to certain even-handed, content-neutral restrictions. As with other restrictions, this may include limits on size, location, time-frame, and other content-neutral aspects. A municipality may permit noncommercial temporary signs in the right-of-way, but still restrict commercial temporary signs.

Rules for When There Is No Local Ordinance

If a municipality does not adopt an ordinance prohibiting or regulating the placement of signs in the right-of-way, then the NCDOT rules under G.S. 136-32 apply to municipal rights-of-way. That section does not specifically address enforcement,

but presumably the municipality would handle enforcement.

There is a common question concerning municipal enforcement of the NCDOT rule: If the NCDOT rule runs afoul of the *Reed* decision, how should the municipality enforce the rule? Some take the stance that although the state law may be challenged as unconstitutional, it is the applicable rule until a court says otherwise or until the General Assembly chooses to amend the statute. That stance, though, leaves the municipality open to legal challenge—your town might be the one that winds up in court. Alternatively, a municipality could use its enforcement discretion and apply the NCDOT rule to noncommercial speech, not just political campaign signs. In practice, most of the temporary signs in the right-of-way during campaign season will be campaign signs. When enforcing the NCDOT rule, the zoning enforcement officer or city transportation staff could pick up any temporary commercial signs, but leave any temporary noncommercial signs such as signs with religious messages, non-campaign political messages, and other noncommercial messages.

Rules for State Roads in a Municipality

What about NCDOT roads within a municipality? G.S. 136-32(b) sets forth the provisions allowing placement of "political signs in the right-of-way of the State highway system." G.S. 136-32(f) makes clear that municipal rules, if adopted, apply to streets "located within the corporate limits of a municipality and maintained by the municipality." With that phrasing, it appears that NCDOT rules would apply to a state road in a municipality unless the municipality maintains the state road. That said, it may be possible for NCDOT to contract with a municipality to handle enforcement along NCDOT-maintained highways within the municipal boundary. G.S. 136-66.1 outlines the responsibilities for streets inside municipalities, including authority for a municipality to undertake certain maintenance and construction duties related to state roads within the municipality.

Summary

Regulation of campaign signs requires some attention to detail. Given the ruling of the U.S. Supreme Court in *Reed v. Town of Gilbert*, a government regulation must treat noncommercial speech equally. So, if a local or state government wants to permit campaign signs it must equally permit other noncommercial signs. Our courts have recognized the importance of residential signs, so officials must be careful not to over-regulate them. With regard to signs in the public rights-of-way in North Carolina, the applicable rules will depend upon the location of the road, the responsibility for maintaining the road, and whether the municipality has adopted local rules.

Links

- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_136/GS_136-32.pdf
- www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-296.pdf