



April 29, 2009

Dear Candidate:

The City of Charlotte's Code Enforcement Division enforces **City Health and Sanitation Code Section 10-212 "Signs within public rights-of-way and on public property"** and **Zoning Ordinance Section 13-106(8) "Campaign or Election Signs"**.

**Section 10-212** prohibits signs being placed within the public rights of way and on public property, which is defined as within 11 feet of the edge of the pavement of any road, roadway, street, or alley, or within any public rights-of-way as defined in section 10-32, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within 11 feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits or upon other public property including, but not limited to, traffic medians. This section provides for escalating citation penalties per violation as follows:

- 1<sup>st</sup> – 5<sup>th</sup> sign in violation - \$100 per sign;
- 6<sup>th</sup> – 10<sup>th</sup> sign in violation - \$500 per sign;
- 11<sup>th</sup> and greater number of signs in violation - \$1000 per sign.

**Section 13-106(8) of the Zoning Ordinance** allows for campaign or election signs provided:

- (1) Individual signs shall not exceed 16 square feet in area;
- (2) All signs shall be removed within seven days after the election for which they were made;
- (3) Property owners shall be held responsible for violations;
- (4) Signs are not placed in the right-of-way. In the County, such signs must be placed behind telephone poles or where telephone poles would be located. Within the City, Code Section 10-212 defines the right-of-way as stated in the above paragraph;
- (5) Prior to the erection of any campaign or election sign, the candidates or an authorized representative shall post a \$50.00 bond with the City of Charlotte guaranteeing the removal of such signs within seven days after the election for which they were used (see attachment). The bond may be paid in person at the Charlotte-Mecklenburg Government Center, 600 E. 4<sup>th</sup> Street, or by mail to the City of Charlotte, P.O. Box 31032, Charlotte, NC 28202.

**Campaign signs placed in the street right-of-way are subject to immediate removal and the issuance of citations.**

Our mutual purpose is to work together to carry out the requirements of our local sign codes. I appreciate your cooperation in this matter.

Sincerely,

Walter Abernethy  
Code Enforcement Division Manager

Enclosure



STATE OF NORTH CAROLINA

CITY OF CHARLOTTE

KNOW ALL MEN BY THESE PRESENTS THAT WE \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

are held and firmly bound unto the City of Charlotte in the Sum of \_\_\_\_\_  
to which we bond heirs executors administrators assigns, and ourselves firmly by these present.

The condition of this bond is:

WHEREAS, and principal is a candidate for \_\_\_\_\_  
within the City of Charlotte, Mecklenburg County, and

WHEREAS, there has been promulgated by the City of Charlotte, certain rules and  
regulations for the posting of campaign signs in order to secure their removal.

NOW THEREFORE, if said candidate and his/her committee remove any and all such  
signs in the City of Charlotte and Mecklenburg County within seven (7) days of the election for  
which they were used, then this obligation is null and void; otherwise, it is to be in full force and  
effect.

It is expressly understood that this bond may be cancelled thirty (30) days after the  
candidate or his/her committee has filed, with the City of Charlotte, written notice to so cancel.  
This provision, however, shall not relieve, release, or discharge the candidate or his/her  
committee from any liability already accrued, or that shall accrue, before the expiration of the  
thirty (30) day period.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
BY: \_\_\_\_\_  
Witness of Principal Principal

\_\_\_\_\_  
City of Charlotte Accounting Representative Providing Receipt of Bond\*

***\*Please pay bond at the Charlotte-Mecklenburg Government Center  
600 E. 4<sup>th</sup> Street, 28202  
Revenue Collections – First Floor***

Neighborhood Development Department, Code Enforcement Division  
600 East Trade Street, Charlotte, NC 28202-2857  
704-336-4213



**Sec. 10-212. Signs within public rights-of-way and on public property.**

(a) *Restricted.* It shall be unlawful for any person to attach, place, paint, write, stamp or paste any sign, handbill, advertisement or other matter within 11 feet of the edge of the pavement of any road, roadway, street, or alley, or within any public rights-of-way as defined in section 10-32, or upon any post, pole, tree, tree stake or guard, shrub, fire hydrant, or upon anything else within 11 feet of the edge of the public rights-of-way or upon any bridge or overpass within the city limits or upon other public property including, but not limited to, traffic medians, except as provided in paragraph (b) of this section.

(b) *Exceptions.* This section shall not apply to the following signs:

- (1) Signs regulating traffic.
- (2) Signs required to be posted by law.
- (3) Warning signs and no trespassing signs.
- (4) Signs indicating bus stops, taxi stands and similar transportation facilities.
- (5) Signs not exceeding four square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.
- (6) Signs established by governmental agencies.
- (7) Signs permitted by the state board of transportation along state-mandated streets. Proof of permission must be shown upon request.
- (8) Nothing in this section shall apply to the painting of house numbers on curbs done with the prior approval of the engineering department.
- (9) Nothing in this section shall apply to the installation of a plaque, plate, statue, or monument on public property with the approval of the city council.

(c) *Responsible Person.* The person responsible for any signs, handbills or advertisements in violation of Section 10-212(a) is defined as follows:

(1) In the case of a sign, handbill, or advertisement advertising a service, product, dwelling, or event: the person, business, company, or other entity hosting or organizing the event advertised or selling the services, dwellings, products, or events advertised, or the person, business, company or other entity responsible for attaching, placing, painting, writing, stamping or pasting any sign, handbill, or advertisement shall be deemed the responsible person. That is, unless such person, business, company, or other entity notifies the Code Enforcement Division Manager of another person, business, company, or other entity who is responsible. In such case the person shall provide the name, address, and signed consent of such other responsible person, business, company, or other entity within seven (7) calendar days after a citation is issued.

(2) In the case of a campaign sign for political office, the individual whose candidacy the sign supports shall be deemed the responsible person for posting campaign signs, unless he or she notifies the Code Enforcement Division Manager of another person, business, company, or other entity who is responsible, in the manner described in section (1) above. The Code Enforcement Division Manager may determine that the responsible person under this section is a committee or group supporting the individual candidate and affiliated with the individual candidate.

(3) In the case of a campaign sign regarding a ballot measure, the president or chief officer of the committee or group supporting or opposing such ballot measure shall be deemed the person responsible for posting



campaign signs, unless he or she first notifies the Code Enforcement Division Manager of another person, business, company, or other entity who is responsible, in the manner described in section (1) above.

(4) In the case of any other sign, handbill or advertisement not described in sections (1) through (3) above, the responsible person shall be deemed to be the person, business, company, or other entity who is named on the sign, handbill, or advertisement, or whose phone number, web site address, physical address, or electronic mail ("e-mail") address appears on the sign, handbill, or advertisement, unless such person, business, company, or other entity notifies the Code Enforcement Division Manager of another person, business, company, or other entity who is responsible, in the manner described in section (1) above.

(d) *Removal of signs.* In addition to the enforcement described above, Neighborhood and Business Services Code Enforcement Division personnel or their designees shall have the authority to summarily remove any notice, sign, or written material found in violation of this section.

(e) *Penalty.* Violation of this section shall subject the responsible person who placed the signs, handbills, advertisements or other matter or caused them to be placed (in accordance with section (c) above) to a civil penalty as follows:

For the first through fifth violations by the responsible person, \$100.00 per sign, handbill, advertisement or other matter in violation;

For the sixth through tenth violations by the responsible person, \$ 500.00 per sign, handbill, advertisement or other matter in violation; and

For eleventh and all future violations by the responsible person, \$1,000.00 per sign, handbill, advertisement or other matter in violation.

The issuance of citations shall be in accordance with section 10-65. If a violator has removed the sign, handbill, advertisement or other matter within seven days of receipt of a citation, then the Neighborhood and Business Services Code Enforcement Division shall have the authority to declare the citation null and void. In addition, any person shall be subject to all applicable punishment, penalties, and equitable relief provided for in G.S. 160A-175. However, a violation of any provision of this section shall not constitute an infraction or misdemeanor punishable under G.S. 14-4. Each and every violation shall constitute a separate and distinct offense. It is not a violation of this section for any person to remove an illegally placed sign, handbill, advertisement or other matter which is in violation of this section.