

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 220
Corrected Copy 2/24/95
Committee Substitute Favorable 5/2/95
Fourth Edition Engrossed 5/11/95

Short Title: Outdoor Advert./Just Compensation.

(Public)

Sponsors:

Referred to:

February 20, 1995

A BILL TO BE ENTITLED
AN ACT REQUIRING JUST COMPENSATION FOR TAKING OF OUTDOOR
ADVERTISING.

The General Assembly of North Carolina enacts:

Section 1. Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-131.2. Rights of property owners.

(a) No municipality, county government, or other political subdivision of the State shall alter, remove, or cause to be altered or removed, any outdoor advertising, as defined in this section, excluding portable signs, which was lawful when erected, without the payment of just compensation as determined in accordance with the provisions of the second, third, and fourth paragraphs of G.S. 136-131.

Just compensation shall be cash or other legal tender, but shall not include allowing the continuation of outdoor advertising over a specified period of time, except when agreed to by the owner of the outdoor advertising.

1 The use of amortization for whatever period by a city, county, or other political
2 subdivision of the State shall not constitute just compensation, except when agreed to by
3 the owner of the outdoor advertising.

4 (b) This section shall not apply to a municipality, city, or other political
5 subdivision of the State where any of the following has occurred:

6 (1) The continuation or amortization period or any variance period has
7 expired.

8 (2) The continuation or amortization period would have expired had it not
9 been tolled by litigation.

10 (3) The continuation or amortization period would have expired had it not
11 been extended by a consent judgment between the parties in a court of
12 law.

13 (4) The amortization period was adopted in an ordinance passed on or
14 before October 1, 1988.

15 (c) Notwithstanding G.S. 136-128(3), as used in this section, 'outdoor advertising'
16 means any outdoor sign, display, light, device, figure, painting, drawing, message,
17 plaque, poster, billboard, or any other thing which is designed, intended, or used to
18 advertise or inform, any part of the advertising or information contents of which is visible
19 from any place on the main-traveled way of any public street, highway, or road."

20 Sec. 2. This act is effective October 1, 1995.