

ORDINANCE NUMBER: _____

AMENDING CHAPTER 19

AN ORDINANCE AMENDING CHAPTER 19 OF THE CHARLOTTE CITY CODE ENTITLED “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”

WHEREAS, the City Council finds that when appropriately designed and displayed, decorative signs serve to beautify and enhance the streetscape, and promote the City, its neighborhoods, civic institutions, and public activities and events in the City; and

WHEREAS, the Charlotte City Code currently allows decorative signs in the rights-of-way only in Municipal Service Districts 1, 2 and 3 (*i.e.*, downtown); and

WHEREAS, the Council sees the value in expanding the decorative sign program outside of the downtown area.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article VII of Chapter 19 of the Charlotte City Code is amended as follows:

“ARTICLE VII. DECORATIVE SIGNS

Sec. 19-206. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Decorative sign means a pictorial representation, including illustrations, words, numbers, or decorations; emblem; flag; banner; pennant, that promotes or celebrates the city, its neighborhoods, civic institutions, or public activities or events in the city. Decorative signs may either be designed and displayed by the City directly, or may be donated to the City on a permanent basis or for a limited period of time.

Sec. 19-207. – Purpose.

This article is intended to provide for temporary and permanent decorative signs within public rights-of-way and to exempt such signs from the provisions contained in the zoning ordinance in appendix A to this Code. Decorative signs are regulated in accordance with these standards in order to:

- (1) Make it clear that decorative signs under this article constitute government speech and that the city does not intend to create a public forum for private speech;
- (2) Provide standards and guidelines regarding the donation and display of banners, flags, pennants and other decorative and informative signs on public rights-of-way;

- (3) Restrict the display of decorative signs which:
- a. Overloads the public's capacity to receive information;
 - b. Violates privacy; or
 - c. Increases the probability of accidents by distracting attention or obstructing vision;
- (4) Establish guidelines which include, but are not limited to, size, materials, location, erection and removal of decorative signs.

Sec. 19-208. - Prohibited sign devices.

No decorative sign may be lighted, may flash, or may make noise.

Sec. 19-209. - Location, size, and placement of signs.

- (a) Decorative signs are permitted to be displayed upon public street frontages provided signs:
- (1) Do not impede vehicular visibility;
 - (2) Do not obstruct regular building signs;
 - (3) Do not interfere with the display of windows on private property; and
 - (4) Otherwise comply with the applicable sections of this Code and provisions contained in this policy.
- (b) When donated signs are placed on, in, or above public rights-of-way, written consent of the director/engineer shall be required. Such consent shall be based on a review that will include, but not be limited to, sign design, location, placement, and safety.
- (c) Decorative signs placed on property other than the city's (e.g., utility poles, pedestrian and railroad bridges) shall require the written consent of the property owner.

Sec. 19-210. - Erection and removal of signs.

For donated signs, erection and removal of a decorative sign is the responsibility of the donor, and all costs must be borne by the donor or charged to the donor by the city, if the decorative sign is not removed within the prescribed time, and the city itself must remove the sign. The erection or removal of decorative signs that requires the closure of any street, travel lane, or sidewalk area requires prior approval by the city's department of transportation. All such closures

must conform to the current edition of the department of transportation's Work Area Traffic Control Handbook (WATCH).

Sec. 19-211. Insurance; liability.

Any person or organization donating, installing, displaying, or dismantling decorative signs pursuant to this article shall save and hold harmless the city from any and all liability or damage to any person or property caused or occasioned by such process. Those installing, displaying, or dismantling signs must obtain and provide evidence to the city's department of transportation of comprehensive general liability insurance with limits established by the city's risk management division per occurrence, annual aggregate on bodily injury and property damage to insure their liability. Such policy shall indemnify the city as provided in this subsection. A certificate of insurance shall be issued prior to the beginning of any work. The certificate of insurance shall be furnished to the city containing the provision that 30 days' written notice will be given to the city prior to cancellation or change to the required coverages and that failure to provide such notice shall impose an obligation and liability upon the issuing company, its agents, or representatives.

Sec. 19-212. Administration.

The director/engineer shall promulgate policies and guidelines governing the approval and display of decorative signs to ensure that signs appropriately promote or celebrate the city, its neighborhoods, civic institutions, or public activities or events in the city, and to protect public safety and welfare, including ensuring against hazards, traffic problems, and visual blight. Such policies and guidelines shall include, but are not limited to specifications as to the number, size, materials, printing processes, supporting structures, and hanging and removal. The director/engineer shall have the authority to waive specific rules when (1) the decorative sign substantially complies with the rules; and (2) the director/engineer determines that the waiver will not have any adverse effect on public safety and welfare. No decorative sign may be displayed without the prior approval of the director/engineer.

Sec. 19-213. - Unlawful acts.

It shall be unlawful for anyone to place or cause to be placed a decorative sign within public rights-of-way without complying with the following:

- (1) This article;
- (2) The policies and guidelines for the display and approval of decorative signs; and
- (3) Any other requirements or conditions stated in a written approval for a decorative sign.”