

Winston-Salem Code Related to Real Estate Signs

Sec. 70-17. - Posting signs or advertisements on poles, fences or other objects or within street rights-of-way.

(a)

Posting, etc.; failure to remove; civil penalties.

(1)

No person, firm, or corporation shall place, or attach or affix in any way to any tree, telephone or electric light pole, post, or other object, any card, board, sign or advertising matter (hereinafter, collectively "advertisements") within any street, street right-of-way or public square within the city. A violation of this subsection shall subject the offender to the civil penalties and remedies enumerated in subsection (3) hereinbelow. For the purpose of enforcement of this section, right-of-way shall be defined as follows:

a.

The furthest from the improved road surface or curb of any of the following:

1.

A utility pole/box or a line between two consecutive utility poles/boxes, or

2.

A fire hydrant or a line between two consecutive fire hydrants, or

3.

A utility meter or a line between two consecutive utility meters, or

4.

The back side of the sidewalk.

b.

In the absence of the above indicators along residential side streets, six feet from the improved road surface or curb. For the purpose of this section, improved road surface shall mean the asphalt or concrete pavement to the edge of the road or, where curb or curb and gutter exists, the asphalt or concrete pavement to exclude the curb or curb and gutter.

c.

On controlled access roads, right-of-way shall be determined by the right-of-way markers to include fencing. Controlled access roads shall be defined in this section as roads, streets, or highways providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossings at grade, including any interstate, state, or U.S. route.

d.

Public square shall be defined in this section as an open area at the meeting of two or more streets or where two or more streets empty into an open plaza owned by the city.

(2)

The owner of any advertisements shall ensure that the same have not been placed, attached or affixed in violation of subsection (1) hereinabove. Any owner who has failed to remove any advertisements which have been placed, attached or affixed so as to violate subsection (1) hereinabove shall be subject to the civil penalties and remedies enumerated in subsection (3) hereinbelow.

(3)

A violation of subsections (1) and (2) of this section shall not constitute a misdemeanor or infraction punishable under G.S. § 14-4, but instead shall be subject to a civil penalty of \$50.00 for each sign and for each day that the violation continues. Any such civil penalty shall be recovered in a civil action in the nature of debt if the violator does not pay the penalty within thirty days after he has been cited for the violation. A violation of subsections (1) and (2) of this section may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b)

It shall be unlawful for any person to attach such sign or advertising matter on any public building of the city or on any building or fence abutting on any street in the city without the written consent of the owner or lessee of the fence or building.

(c)

In addition to the punishment and penalty prescribed for violation of the city ordinances, the city authorities shall have the right to remove, deface or destroy any card, sign or other advertising matter placed in violation of this section.

(d)

This section and its prohibition shall not apply to any signs erected at polling places on election day.

(e)

This section and its prohibition shall not apply to any real estate or yard sale lead-in (directional) off-premises signs installed from Friday noon to the following Monday noon.

(f)

This section and its prohibition shall not apply to any landmark indicators or other signs installed or erected at the direction of any governmental agency pursuant to the provisions contained in subsection 25-12(E) of the formerly codified zoning ordinance.

(Code 1975, § 20-16; Ord. No. 4566, § 1, 12-18-06; Ord. No. 4594, § 1, 6-18-07; Ord. No. 4646, § 1, 2-16-09)