

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 1227

Short Title: Property Rights/Just Compensation.

(Public)

---

Sponsors: Senator Ballance.

---

Referred to: Local Government and Regional Affairs.

---

June 9, 1993

A BILL TO BE ENTITLED

AN ACT REQUIRING JUST COMPENSATION FOR TAKING OF PROPERTY RIGHTS, AND INCREASING THE OUTDOOR ADVERTISING PERMIT FEES.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 40A of the General Statutes is amended by adding a new section to read:

**"§ 40A-70. Rights of property owners.**

No municipality, county government, or other political subdivision of this State shall alter, remove, or cause to be altered or removed any lawfully established use or structure that has not been altered or removed pursuant to any ordinance or other action by a municipality, county government, or other political subdivision of this State on the effective date of this section, without the payment of just compensation. Just compensation shall be cash or other legal tender, but shall not include allowing the continuation of a use or structure over a specified period of time.

Sec. 2. G.S. 136-133 reads as rewritten:

**"§ 136-133. Permits required.**

No person shall erect or maintain any outdoor advertising within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from the Department of Transportation or its agents pursuant to the procedures set out by rules and regulations promulgated by the Department of Transportation. The permit shall be valid until revoked for nonconformance with this

1 Article or rules and regulations promulgated by the Department of Transportation  
2 thereunder. Any person aggrieved by the decision of the Department of Transportation  
3 or its agents in refusing to grant or in revoking a permit may appeal the decision in  
4 accordance with the rules and regulations enacted by the Department of Transportation  
5 pursuant to this Article to the Secretary of Transportation who shall make the final  
6 decision on the agency appeal. The Department of Transportation shall have the  
7 authority to charge permit fees to defray the costs of administering the permit  
8 procedures under this Article. The fees for directional signs as set forth in G.S. 136-  
9 129(1) and G.S. 136-129.1(1) shall not exceed a twenty dollar (\$20.00) initial fee and a  
10 fifteen dollar (\$15.00) annual renewal fee. The fees for outdoor advertising structures,  
11 as set forth in G.S. 136-129(4) and (5) shall not exceed a ~~sixty dollar (\$60.00)~~ two  
12 hundred dollar (\$200.00) initial fee and a ~~thirty dollar (\$30.00)~~ fifty dollar (\$50.00)  
13 annual renewal fee."

14           Sec. 3. This act is effective upon ratification.