

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1544

Short Title: Tourist Directional Sign Program.

(Public)

Sponsors: Senators Garrou; Albertson and Wellons.

Referred to: Appropriations/Base Budget.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A TOURIST ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

The General Assembly of North Carolina enacts:

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

"ARTICLE 11B.

"TOURIST ORIENTED DIRECTIONAL SIGN PROGRAM.

"§ 136-140.15. Scope of operations.

(a) Tourist oriented directional signs (TODS) are guide signs which shall display the business identification of and directional information for business, service, and activity facilities. Each facility shall derive a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility. TODS may include businesses involved with seasonal agricultural products.

(b) TODS shall not be installed for a business when any signs for that business would be required at intersections where, due to the number or conflicting locations of other highway signs or traffic control devices, or other physical or topographical features of the roadside, their presence would be impractical, unfeasible, or result in an unsafe or hazardous condition.

"§ 136-140.16. Business eligibility criteria.

1 (a) Any tourist oriented business shall be eligible to participate in the TODS
2 Program. A business is considered to be 'tourist oriented' if a substantial portion of its
3 products or services are of significant interest to tourists.

4 (b) All businesses shall be open to the general public and be 'tourist oriented' as
5 defined in subsection (a) of this section. Businesses open to 'members only' or which
6 restrict access to their facilities by the general public are not eligible for participation in
7 the Program.

8 (c) Businesses shall comply with all applicable laws, ordinances, rules, and
9 regulations concerning the provision of public accommodations without regard to race,
10 religion, color, age, sex, national origin, disability, and any other category protected by
11 federal or State constitutional or statutory law concerning the granting of licenses and
12 approvals for public facilities.

13 (d) Businesses shall meet the following standards:

14 (1) Shall have the name of the business prominently displayed on the
15 premises in such a manner that it is readily visible to motorists from the
16 public highway on which the business is located.

17 (2) Shall be in continuous operation at least eight hours a day, five days a
18 week during its normal season or the normal operating season for the
19 type of business.

20 (3) Shall be licensed and approved by the appropriate State and/or local
21 agencies regulating the particular type of business or activity.

22 (e) If a business is currently shown on another official highway guide sign (i.e.,
23 logo sign, supplemental guide sign) on the same approach to an intersection where a
24 TODS panel for that business would be located, the business may elect to keep the
25 existing highway guide sign or have it removed and replaced with TODS. If the business
26 elects to retain the existing highway guide sign, the business shall be ineligible for TODS
27 at that intersection.

28 **"§ 136-140.17. Terminating participation in Program.**

29 A business may terminate its participating in the Program at any time. The business
30 will not be entitled to a refund of any fees paid, or portions thereof, because of voluntary
31 termination of participation by the business, for any reason, prior to the end of its current
32 contract period.

33 **"§ 136-140.18. Temporary removal or covering of TODS panels.**

34 (a) A business shall be allowed to close for remodeling or to repair damage from
35 fire or other natural disaster, during which time its TODS panels shall be covered or
36 removed. No refund of fees or any extension of the time remaining in their contract for
37 participation will be provided for the period of closure.

38 (b) The Department may, at its discretion, remove or cover TODS panels for
39 roadway construction or maintenance, for routine maintenance of the TODS assembly,
40 traffic research study, or for any other reason deemed to be necessary or appropriate by
41 the Department. Businesses shall not be entitled to any refunds of fee amounts for the
42 period that the TODS panels are covered or removed unless this period exceeds seven
43 days.

1 (c) The TODS panels for seasonal businesses shall have an appropriate message
2 added during the period in which the businesses are open to the public as part of their
3 normal seasonal operation.

4 **"§ 136-140.19. Department to issue rules to implement the TODS Program.**

5 The Department shall issue rules to implement the TODS Program created by this
6 Article. Included in those rules:

7 (1) The Department shall set a fee to cover the initial costs of signs, sign
8 maintenance, and administering the Program.

9 (2) The Department shall establish a standard for the size, color, and letter
10 height of the TODS as specified in the National Manual of Uniform
11 Traffic Control Devices for Streets and Highways.

12 (3) TODS shall not be placed for businesses more than five miles from the
13 intersection or where prohibited by local ordinance.

14 (4) The number of TODS panels shall be limited to six per intersection with
15 placement based on the earliest date of application and only one eligible
16 business, service, or activity on each panel.

17 (5) If a business is not directly on a State highway, it is eligible for TODS
18 panels if the following requirements are met:

19 a. It is located on a street that directly connects with a State road;
20 and

21 b. It is located so that only one directional sign, placed on a State
22 road, will lead the tourist to the place of business.

23 (6) A business shall not be eligible for TODS if it or its on-premises signs
24 are readily visible from a State road."

25 Section 2. There is appropriated from the General Fund to the Department of
26 Transportation the sum of ten thousand dollars (\$10,000) for the 2000-2001 fiscal year to
27 implement the Tourist Oriented Directional Sign Program.

28 Section 3. This act becomes effective July 1, 2000.