



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

Memorandum

To: County Boards of Elections

September 19, 2012

Re: POLITICAL SIGNS

This memorandum is designed to give you answers for inquiries concerning political signs that you might receive from the public and candidates. Feel free to share this document with others.

Complaints about signs

Political signs on DOT right-of-ways are now allowed by GS 136-32. Signs are allowed to be placed on these right of-ways 30 days prior to one-stop voting starting. They are to be removed 10 days after the election. Also there are some restrictions on the placement.

The Statute is set out below. Complaints about the timing of placing, removal, and location of placement are not matters for a county board of elections or the State Board. Have the citizen refer those complaints to your local DOT District Office. Information on contacting the DOT District Offices is set out at the end of this document. Citizens can also call the NCDOT toll free at (877)368-4968 during normal business hours. Links to District Offices can be found on the NCDOT website at http://www.ncdot.gov/contact/countycontacts.html?name=*

§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing

thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

Generally, the placement of political signs on private property is allowed without restrictions. This is a form of political speech protected by the First Amendment. However, there are a few municipalities and counties that have ordinances dealing with the timing of sign placement, where a sign can be placed and when it needs to be removed. Any violation of such ordinance should be directed to the political body which passed it, and not a county elections office.

Unlawful removal of signs

GS 14-384 makes it a misdemeanor to remove lawfully placed signs, including political signs. Complaints as to this issue should be directed to law enforcement authorities by the complaining citizen. There is also a provision in GS 136-32 that makes it a misdemeanor to remove lawfully placed signs on right-of-ways. These alleged crimes should also be reported to local law enforcement by the complaining citizen.

§ 14-384. Injuring notices and advertisements.

If any person shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, unless immoral or obscene, whether put up by an officer of the law in performance of the duties of his office or by some other person for a lawful purpose, before the object for which such notice, sign or advertisement was posted shall have been accomplished, he shall be guilty of a Class 3 misdemeanor. Nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put upon his own land or lands of which he may have charge or control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office. (1885, c. 302; Rev., s. 3709; C.S., s. 4503; 1993, c. 539, s. 256; 1994, Ex. Sess., c. 24, s. 14(c).)

Proper disclosure or legend on a sign

Refer to the current Campaign Finance Manual produced by our Campaign Finance Division and posted on the State Board website for the disclosure/legend requirements on signs.

The information on signs is found at pages 107 and 108. A legend is required on billboards and portable signs, but is not required on yard signs, window posters, and barn sides designed for use on buildings. Refer to the Campaign Finance Manual for more detail. Make sure any complaints about sign disclosure/legends are made in writing and refer that complaint to our Campaign Finance Division.

NCDOT CONTACTS

Alamance

P.O.Box 766 Graham, NC 27253

Alexander

124 Prison Camp Rd. Statesville, NC 28625

Alleghany

P.O.Box 558 Elkin, NC 28621

Anson

130 S.Sutherland Monroe, NC 28112

<u>Ashe</u>	P.O.Box 250 North Wilkesboro, NC 28659
<u>Avery</u>	P.O.Box 1460 Boone, NC 28607
<u>Beaufort</u>	1701 W. 5th St. Washington, NC 27889
<u>Bertie</u>	230 NC 42 West Ahoskie, NC 27910
<u>Bladen</u>	P.O.Box 27 Whiteville, NC 28472
<u>Brunswick</u>	300 Division Rd. Wilmington, 28401
<u>Buncombe</u>	P.O.Box 3279 Asheville, NC 28802
<u>Burke</u>	3931 NC 226S Marion, NC 28752
<u>Cabarrus</u>	615 Concord Rd.(NC 73) Albemarle, NC 28001
<u>Caldwell</u>	P.O.Box 1460 Boone, NC 28607
<u>Camden</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Carteret</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Caswell</u>	P.O.Box 2513 Reidsville, NC 27323-2513
<u>Catawba</u>	1031 E. Gaston Street Lincolnton, NC 28082
<u>Chatham</u>	P.O.Box 1164 Asheboro, NC 27204
<u>Cherokee</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Chowan</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Clay</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Cleveland</u>	P.O.Box 47 Shelby, NC 28151-0047
<u>Columbus</u>	P.O.Box 27 Whiteville, NC 28472
<u>Craven</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Cumberland</u>	P.O.Box 1150 Fayetteville, NC 28302

<u>Currituck</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Dare</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Davidson</u>	4770 South Main St. Salisbury, NC 28147
<u>Davie</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Duplin</u>	220 North Blvd. Clinton, 28328
<u>Durham</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Edgecombe</u>	14194 HWY 903 Halifax, NC 27839
<u>Forsyth</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Franklin</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Gaston</u>	P.O.Box 47 Shelby, NC 28151-0047
<u>Gates</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Graham</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Granville</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Greene</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Guilford</u>	P.O.Box 14996 Greensboro, NC 27415-4996
<u>Halifax</u>	14194 HWY 903 Halifax, NC 27839
<u>Harnett</u>	P.O.Box 1150 Fayetteville, NC 28302
<u>Haywood</u>	P.O.Box 250 Bryson, NC 28713
<u>Henderson</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Hertford</u>	230 NC 42 West Ahoskie, NC 27910
<u>Hoke</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Hyde</u>	1300 US HWY 64 West Plymouth, NC 27962

<u>Iredell</u>	124 Prison Camp Rd. Statesville, NC 28625
<u>Jackson</u>	P.O.Box 250 Bryson, NC 28713
<u>Johnston</u>	2671 US 70 West Goldsboro, NC 27530
<u>Jones</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Lee</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Lenoir</u>	1629 Hwy. 258 South Kinston, NC 28504
<u>Lincoln</u>	1031 E. Gaston Street Lincolnton, NC 28082
<u>Macon</u>	191 Robbinsville Rd. Andrews, NC 28901
<u>Madison</u>	P.O.Box 3279 Asheville, NC 28802
<u>Martin</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>McDowell</u>	3931 NC 226S Marion, NC 28752
<u>Mecklenburg</u>	7605 District Drive Charlotte, NC 28213
<u>Mitchell</u>	3931 NC 226S Marion, NC 28752
<u>Montgomery</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Moore</u>	P.O.Box 1067 Aberdeen, NC 28315
<u>Nash</u>	3013 US 64-A Nashville, NC 27856
<u>New Hanover</u>	300 Division Rd. Wilmington, 28401
<u>Northampton</u>	230 NC 42 West Ahoskie, NC 27910
<u>Onslow</u>	295-A Wilmington Hwy. Jacksonville, NC 28540
<u>Orange</u>	P.O.Box 766 Graham, NC 27253
<u>Pamlico</u>	209 South Glenburnie Rd. New Bern, NC 28560
<u>Pasquotank</u>	1929 North Road St. Elizabeth City, NC 27909

<u>Pender</u>	295-A Wilmington Hwy. Jacksonville, NC 28540
<u>Perquimans</u>	1929 North Road St. Elizabeth City, NC 27909
<u>Person</u>	815 Stadium Dr. Durham, NC 27704-2713
<u>Pitt</u>	1701 W. 5th St. Washington, NC 27889
<u>Polk</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Randolph</u>	P.O.Box 1164 Asheboro, NC 27204
<u>Richmond</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Robeson</u>	P.O.Box 2157 Lumberton, NC 28359
<u>Rockingham</u>	P.O.Box 2513 Reidsville, NC 27323-2513
<u>Rowan</u>	4770 South Main St. Salisbury, NC 28147
<u>Rutherford</u>	3931 NC 226S Marion, NC 28752
<u>Sampson</u>	220 North Blvd. Clinton, 28328
<u>Scotland</u>	219 Clemmer Rd. Rockingham, NC 28379
<u>Stanly</u>	615 Concord Rd.(NC 73) Albemarle, NC 28001
<u>Stokes</u>	375 Silas Creek Parkway Winston-Salem, NC 27127
<u>Surry</u>	P.O.Box 558 Elkin, NC 28621
<u>Swain</u>	P.O.Box 250 Bryson, NC 28713
<u>Transylvania</u>	4142 Haywood Rd. Horse Shoe, NC 28742
<u>Tyrrell</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Union</u>	130 S.Sutherland Monroe, NC 28112
<u>Vance</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Wake</u>	4009 District Drive Raleigh, NC 27607

<u>Warren</u>	321 Gillburg Rd. Henderson, NC 27537
<u>Washington</u>	1300 US HWY 64 West Plymouth, NC 27962
<u>Watauga</u>	P.O.Box 1460 Boone, NC 28607
<u>Wayne</u>	2671 US 70 West Goldsboro, NC 27530
<u>Wilkes</u>	P.O.Box 250 North Wilkesboro, NC 28659
<u>Wilson</u>	3013 US 64-A Nashville, NC 27856
<u>Yadkin</u>	P.O.Box 558 Elkin, NC 28621
<u>Yancey</u>	P.O.Box 3279 Asheville, NC 28802

Littering Statutes for Political Candidates in North Carolina

§ 14-156. Injuring fixtures and other property of electric-power companies.

It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.

(a) Commercial Signs. – No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected.

Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.

- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.
- (e) Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.
- (f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

19A NCAC 02E .0415 Advertising signs within right of way

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on a highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain on state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30;
Eff. July 1, 1978.

CAMPAIGN SIGNS

As most citizens are aware, there are numerous regulations and policies aimed at keeping North Carolina safe and beautiful.

Political candidates and committees will be doing their share if they instruct their campaign workers not to place signs on public property. And, they will be helping save and protect citizens lives. Some of the signs can block motorists view of oncoming traffic which could result in a serious or even fatal accident.

State statute (G.S. 136-22) entitled, "Other Than Official Signs Prohibited" prohibits all but official highway signs on State highway rights-of-way. In addition, the North Carolina Board of Transportation several years ago adopted an ordinance prohibiting the placement of advertising signs within highway rights of way.

The Division of Highway field employees are instructed to remove all signs illegally placed within state highway rights-of-way. Such signs are taken to local maintenance offices for storage until they are claimed.

Most counties and cities have ordinances regulating the placement and removal of signs within public rights-of-way. Some issue citations and assess a penalty for each sign as a separate offense.

You are urged to contact each local government to determine its exact laws. The cost of the signs and the bad publicity of signs in violation may be an unwelcome burden to your committee.

Sign Ordinance

TOWN OF BELWOOD
916 BELWOOD LAWNDALE RD.
LAWNDALE, NORTH CAROLINA 28090

May 11, 2007

MAY 14 2007

Ms. Debra Blanton
Cleveland County Board of Elections
PO box 1299
Shelby, NC 28151

Dear Debra:

The commissioners for the Town of Belwood voted unanimously to ask candidates not to post signs on town property at the intersection of Belwood Lawndale Road and Carpenter's Grove Church Road.

This is a very dangerous and busy intersection. The signs block the view with the traffic entering the intersection from the highway 18 traffic.

Signs may be placed beyond the 50' mark at the polling place. The signs should be removed the day after the election.

Sincerely,

Lorene Richards

Lorene Richards
Clerk

TOWN OF BOILING SPRINGS NORTH CAROLINA



SIGN ORDINANCE

Boiling Springs, NC

§ 151.124 SIGNS PERMITTED WITHOUT A ZONING PERMIT.

The following signs and devices shall be permitted without the issuance of a zoning permit.

(H) *Campaign signs at polling places.* Political signs displayed at polling places provided they are displayed in compliance with general law only on the day of the election is held and must be removed within 72 hours of the close of voting.

(I) *Street numbers.* Display of street numbers on residential and non-residential buildings, structures and mailboxes.

(J) *Handicapped signs.* Handicapped signs as required by the Americans With Disabilities Act.

(K) *Window signs.* Signs placed on or attached to the interior side of a window or door glass of a building by means of adhesive, paint or manufacturing process intended for viewing from the exterior of such buildings; or a sign within a building, placed no more than 12 inches behind the window which is visible through the window.

(L) *Temporary signs.* Temporary signs subject to the following limitations:

Type (temporary)	No.	Maximum copy area (sq. ft.)	Maximum height if freestanding (vert. ft.)	Maximum display time
Political		32	14	60 days prior to election
On-premises (real-estate sale/lease/rent/ of one or two family dwelling or lot)	1	6	6	Until sale closed or rent/lease transaction finalized
Off-premises (real-estate sale/lease/rent/ of one or two family dwelling or lot)	1	3	4	Until sale closed or rent/lease transaction finalized
On-premises (real-estate sale/lease/rent/ of other than one or two family dwelling or lot)	2	32	12	Until sale closed or rent/lease transaction finalized
Off-premises (real-estate sale/lease/rent/ of other than one or two family dwelling or lot)	4	6	6	Until sale closed or rent/lease transaction finalized
Non-residential (such as commercial, industrial)	2	32	10	Seven days in any consecutive 90 day period

Temporary signs which do not meet the provisions of this subsection shall be considered in violation of the chapter. Only Temporary (political), Temporary (real estate), and Temporary (special event of a civic or non-profit organization) signs shall be permitted off-premises. No temporary sign shall be illuminated. Temporary signs shall be removed within five days from the date the purpose for such sign ceased to exist.

Clev. County

//Cleveland County, North Carolina/CODE OF ORDINANCES County of CLEVELAND, NORTH CAROLINA Codified through Amendment of April 1, 2008. (Supplement No. 36)/Chapter 12 UNIFIED DEVELOPMENT ORDINANCE*/ARTICLE XIV. SIGNS*

ARTICLE XIV. SIGNS*

*Editor's note: Amd. of June 17, 2003 changed the title of Art. XIV from off-premise signs to signs.

Cross references: Street signs, § 9-40 et seq.

Sec. 12-281. Permit required for signs.

(a) Except as otherwise provided in subsection (c) no off-premise sign may be constructed, erected, moved, enlarged, illuminated or substantially altered in the unincorporated areas of the county not subject to municipal zoning except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

(b) Off-premise signs not exempted under the provisions referenced in subsection (c) may be constructed, erected, moved, enlarged, illuminated, or substantially altered only in accordance with a sign permit issued by the administrator.

(1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter which are applicable to zoning permits.

(c) The following signs are exempt from regulation under this section.

(1) Signs not exceeding three (3) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification, informational, traffic, directional, or regulatory signs.

(3) Official signs of a noncommercial nature and message erected by public utilities.

(4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device, provided such signs, etc., shall not exceed sixteen (16) square feet in surface area.

(5) Signs erected in connection with elections or political campaigns. Such signs shall not exceed sixteen (16) square feet in surface area and shall be removed within three (3) days following the election or conclusion of the campaign.

(6) Existing conforming signs listed for taxation with the county tax assessor as of January, 1991.

(7) Signs not exceeding thirty-two (32) square feet shall be exempted if constructed in accordance with the following standards:

Clev. County

GRAPHIC LINK:[Click here](#)

Sec. 12-282. Sign standards.

All off-premises signs, not exempted under the provisions of section 12-281(c), shall conform to the following standards:

- (1) Signs shall be spaced at least one thousand (1,000) feet apart from each other, whether on the same side or opposite sides of the road, such distance being measured along the centerline of said road perpendicular to each sign. Any sign located within four hundred (400) feet of the right-of-way of said road shall be deemed to be located along said road (regardless of the road upon which the sign fronts).
- (2) The total area of a single display shall not exceed three hundred twenty-five (325) square feet, including any border or trim used, or any advertising material which appears on the base or apron of a side of any sign. The total display area may be increased to four hundred (400) square feet along an interstate highway.
- (3) Off-premises signs may have displays on two (2) sides if structurally attached to the same base, but not more than one (1) principal message board per side shall be allowed. The combined area of two (2) message boards on one (1) side shall not exceed three hundred twenty-five (325) square feet or four hundred (400) square feet along an interstate highway. Message boards on the same side shall be separated no more than three (3) feet vertically and two (2) feet horizontally. V-shaped signs shall also be considered as one (1) sign only if the display boards are located no farther than fifteen (15) feet from each other.
- (4) Maximum permitted height of thirty-five (35) feet as measured perpendicular from the centerline grade of the road. The maximum permitted height may be increased to fifty (50) feet along an interstate highway.
- (5) Maximum permitted length of forty (40) feet per message board.
- (6) Off-premises signs may either be lighted or luminous provided that no illumination or lighting is flashing, intermittent or moving.
- (7) Lighting shall be effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the road or any residential dwellings and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any drivers operation of a motor vehicle or the effectiveness of an official traffic sign, device, or signal.
- (8) The following setback requirements shall be measured from any adjoining rights-of-way or property lines:

TABLE INSET:

Residential district boundary	= 300'
Four lane limited access highway	= 50'
Other public roads	= 30'
Principal building	= 50'

(Amd. of 5-20-97; Amd. of 12-17-02)

Sec. 12-283. Unlawful cutting of trees or shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the NCDOT or other agency having jurisdiction over the streets.
- (2) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express written authorization of the person owning the property where such trees or shrubs are located;
- (3) In any area where such trees or shrubs are required to remain under a permit issued under this chapter.

Sec. 12-284. Nonconforming signs.

- (a) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may any illumination be added to any nonconforming sign.
- (b) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- (c) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds fifty (50) percent of the value (tax value if listed for tax purposes) of the sign so damaged.
- (d) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- (e) Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty (50) percent of the value (tax value if listed for tax purposes) of such sign.
- (f) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- (g) A nonconforming billboard may not be moved or replaced except to replace as a monopole structure, if setback to the maximum extent possible and in complete conformity with other requirements of this section. If a nonconforming billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - (1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - (2) The advertising message it displays becomes illegible in whole or substantial part;

Clay County

(3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed

Sec. 12-285. On-premise signs.

(a) Business and/or identification signs shall be permitted in RA, NB, GB, LI and HI zoning districts subject to the following regulations:

(1) One (1) attached sign per street front, size not to exceed one (1) square foot of area per lineal foot of each building wall facing a public street.

(2) One (1) detached sign per development, except on lots having frontage on two (2) or more streets, in which case two (2) detached signs per establishment shall be permitted. Detached signs shall be limited to three (3) square feet per lineal foot of the front building wall facing a public street, or three hundred (300) square feet, whichever is less.

(3) Signs may be illuminated or lighted, but non-flashing.

(b) Business and /or identification signs shall be permitted in the Corridor Protection Overlay District (CP) subject to the following regulations:

(1) For a multiple tenant development: One (1) ground sign per street front not to exceed one hundred fifty (150) square feet in area. In addition, each establishment shall be permitted one (1) attached sign at the place of occupancy not to exceed one (1) square foot per lineal foot of each building wall facing a public street.

(2) Any other establishment: One (1) ground sign per street front not to exceed one hundred (100) square feet in area. In addition, each establishment shall be permitted one (1) attached sign at the place of occupancy not to exceed one (1) square foot per lineal foot of each building wall facing a public street.

(3) All signs shall be a maximum of twelve (12) feet in height, and shall be located no closer than ten (10) feet to the street right-of-way or fifteen (15) feet to the traveled portion of a street where the right-of-way does not exist or cannot be determined.

(4) Signs may be illuminated or lighted, but not flashing.

(Amd. of 6-17-03)

Secs. 12-286--12-300. Reserved.



CITY OF KINGS MOUNTAIN ZONING PERMIT FOR ELECTION SIGNS

APPLICANT _____ PHONE _____

MAILING ADDRESS _____

PROPOSED USE - CAMPAIGN SIGNS FOR UPCOMING ELECTION

ELECTION YEAR- _____

CANDIDATES NAME _____

REQUIREMENTS FOR PLACING SIGNS WITHIN THE CITY OF KINGS MOUNTAIN'S ZONING JURISDICTION. THE FOLLOWING GUIDELINES ARE FROM SECTIONS 10-7 (d) AND 10-8 (7) OF THE CITY'S ZONING ORDINANCE:

CAMPAIGN SIGNS REQUIRE A ZONING PERMIT ONLY - NO FEE ASSESSED

EACH SIGN SHALL NOT EXCEED SIXTEEN (16) SQUARE FEET ON COMMERCIAL ZONED PROPERTIES AND THREE (3) SQUARE FEET ON RESIDENTIALLY ZONED PROPERTIES.

SIGNS MUST BE PLACED ON PRIVATE PROPERTY OUTSIDE OF CITY MAINTAINED STREET RIGHT OF WAYS.

ALL SIGNS SHALL BE REMOVED WITHIN SEVEN DAYS AFTER THE ELECTION FOR WHICH THEY WERE MADE.

CAMPAIGN AND ELECTION SIGNS SHALL NOT BE ATTACHED TO ANY UTILITY POLES

NO CAMPAIGN SIGNS ARE ALLOWED TO BE PLACED ON ANY PROPERTY OWNED BY THE CITY OF KINGS MOUNTAIN -THE ONLY EXCEPTION IS AT A POLING SITE ON THE DAY OF THE ELECTION. ALL SIGNS ARE REQUIRED TO BE REMOVED WITHIN ONE HOUR OF POLL CLOSING.

CANDIDATES SHALL BE RESPONSIBLE FOR ANY AND ALL VIOLATIONS.

APPLICANT'S SIGNATURE

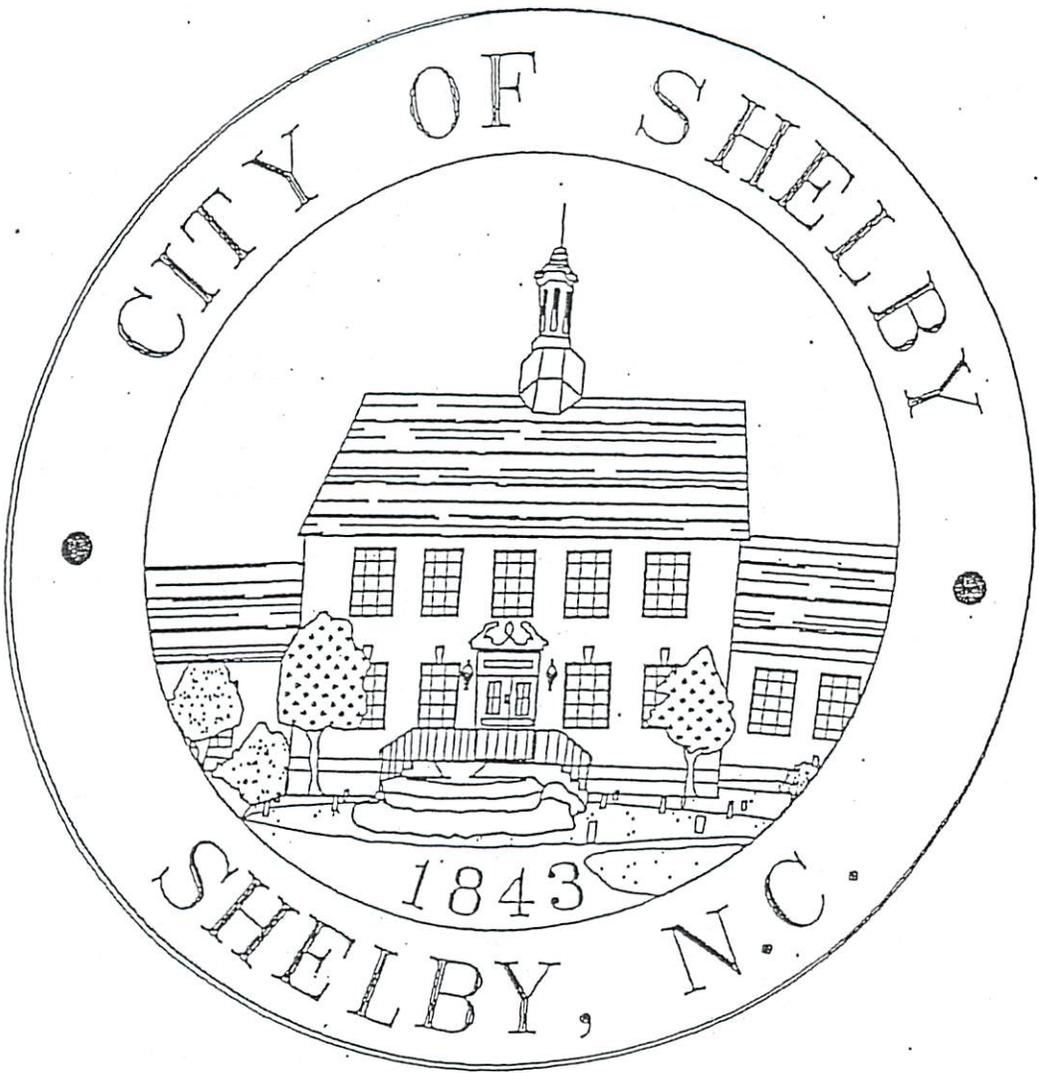
DATE

IN 2011 GENERAL STATUTE 136-32 WAS ADOPTED TO ALLOW CAMPAIGN SIGNS TO BE PLACED IN THE RIGHT-OF-WAYS ON DOT MAINTAINED STREETS WITHIN THE CITY OF KINGS MOUNTAIN. CANDIDATES WILL NEED TO CHECK THE GS OR WITH NCDOT FOR REQUIREMENTS FOR ALLOWABLE SIGN REQUIREMENTS.

APPLICATION CAN BE BROUGHT BY IN PERSON TO 1013 N PIEDMONT AVENUE KM NC 28086 OR MAILED TO: CITY OF KINGS MOUNTAIN CODE ENFORCEMENT PO BOX 429 KINGS MOUNTAIN NC 28086 OR FAXED TO 704-

730-2106 OR EMAILED TO PEGGYH@CITYOFKM.COM

ANY QUESTIONS PLEASE CALL 704-730-2108 - KM ZONING DEPARTMENT



- (J) Any sign located with a Corridor Protection (CPD) zoning district shall comply with the requirements of Section 10-8.3.

12-1.3 Exempt Signs

The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and street rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements, except that any illuminated sign shall require an electrical permit. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs which are found to be in violation shall be ordered corrected or removed.

- (H) Temporary political signs shall be removed within 30 days following the event or election. Such signs are limited to 16 square feet in area and shall not be illuminated. In residential districts, no more than 1 sign shall be permitted per lot for each candidate or issue. No sign shall be attached to utility poles, traffic regulatory signs, or other publicly maintained structures.
- (I) Works of art with no commercial message.
- (J) Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.
- (K) Hand-carried signs.
- (L) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures that are not intended to be seen from the exterior of such structures.
- (M) Flags of the United States, State of North Carolina, local governmental jurisdictions, foreign nations, and any other flags adopted or sanctioned by the City.
- (N) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
- (O) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.
- (P) Historical or memorial plaques, tablets, or markers.
- (Q) Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- (R) Window signs painted on the inside of a window.
- (S) Changing copy of existing sign(s) without enlarging; however, a new sign face must be submitted to the Community

§ 14-156. Injuring fixtures and other property of electric- power companies. It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Other than official signs prohibited. No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c).)

19A NCAC 02E .0415 ADVERTISING SIGNS WITHIN RIGHT OF WAY

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on any highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed , any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain on state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30;
Eff. July 1, 1978.

Littering Statutes for Political Candidates in North Carolina

§ 14-156. Injuring fixtures and other property of electric-power companies.

It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1907, c. 919; C.S., s. 4328; 1993, c. 539, s. 94; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 136-32. Regulation of signs.

(a) Commercial Signs. — No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial or political advertising, except as provided in subsections (b) through (e) of this section: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority or allowed to remain beyond the deadline established in subsection (b) of this section.

(b) Compliant Political Signs Permitted. — During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection.

(c) Definition. — For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(d) Sign Placement. — The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- (2) No sign shall be closer than three feet from the edge of the pavement of the road.

- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (5) No sign shall be larger than 864 square inches.
- (6) No sign shall obscure or replace another sign.

(e) Penalties for Unlawful Removal of Signs. — It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.

(f) Application Within Municipalities. — Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply. (1921, c. 2, s. 9(b); C.S., s. 3846(r); 1927, c. 148, ss. 56, 58; 1933, c. 172, s. 17; 1957, c. 65, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 1030, s. 39; 1993, c. 539, s. 981; 1994, Ex. Sess., c. 24, s. 14(c); 2011-408, s. 1.)

19A NCAC 02E .0415 Advertising signs within right of way

It shall be unlawful for any person, firm or corporation to erect or place any advertising or other sign, except regulation traffic and warning signs approved by the Department of Transportation, on any highway or the right of way thereof, or so as to overhang the right of way, or to permit the erection or placing of any advertising or other sign, as herein prohibited, on a n y highway right of way which is situated over any land owned, rented, leased or claimed by such person, firm or corporation . It shall be unlawful for any person, firm or other corporation that has erected, or placed, or permitted to be erected or placed, any advertising or other sign, as herein prohibited, or for any person, firm or corporation owning, renting, leasing or claiming any land over which a highway or highway right of way is situated, and on which highway or highway right of way any advertising or other sign has been erected or placed, to allow such advertising or other signs to remain o n state highway or right of way thereof.

History Note: Authority G.S. 136-18(10); 136-30;

Eff. July 1, 1978.

RECEIVED

OCT 22 2012

CLEVELAND CO. BD. ELECTION
TIME _____ BY _____

To: All Cleveland County Candidates
From : Bruce Boyles, Superintendent
Re: Political Activity in Schools
Date: August 25, 2011

As the new school year begins and your candidacy for elected office in Cleveland County continues, I want to remind you of the policies of the Cleveland County Board of Education related to political activities in schools and at school events.

School Board Policy prohibits the involvement of our staff in political activities during their working hours. Specifically, the policy states that, "*No person employed by the Cleveland County Board of Education shall engage in partisan political activity during the employee's working hours or at any time the employee is performing his or her job duties for the school system. No employee may use school equipment at any time for a partisan political activity.*" Policies further state, "*Non-students shall not be permitted to distribute publications on school grounds during the school day or at school activities.*"

Further, political signs should not be placed on school property. The only exception to this requirement in our board policies permit that, "*On election days at schools used as polling places, candidates may place posters on school property and campaign workers may offer prospective voters printed material in accordance with restrictions imposed on those activities and the respective boards of elections.*"

As you conduct your campaign I hope you will refrain from involving our school personnel in activities prohibited by board policy. Also, please help us avoid conflicts by ensuring political signs are not placed on school property.

Educating our students is challenging work without the distraction of political activities. I trust you will respect our staff and their efforts to adhere to policies established by the board of education. Thank you for your assistance with these matters and good luck as you continue with your campaign.



RECEIVED

OCT 22 2012

CLEVELAND CO. BD. ELECTION
TIME _____ BY _____

Book Cleveland County Board of Education Policy Manual

Section 2000 - School, Parent and Community Relations

Title Activity of Non-Students and Non-School Groups, Vendors, Agents, and Representatives in the Schools

Number 2320

Status Active

Legal G.S. 14-238; G.S. 115C-36, -47(6); G.S. 163-129; U.S. Constitution, 1st Amendment

Adopted September 13, 2004

No agent, solicitor, peddler, or other person or organization shall solicit, advertise, offer for sale, or sell any subscription, policy, service, article, or thing whatsoever to any employee or student in any Cleveland County school while the employee or student is upon the premises of the public school during the hours the public school is in session or during the working day, without the prior written consent of the superintendent, principal or principal's designee.

Professional association representatives are not permitted to conduct association business on school campuses except as expressly approved by the superintendent or designee. Representatives shall contact the principals, with prior approval from the superintendent, and with the principal's permission, may contact school personnel on a voluntary basis and not during instructional time.

Except as provided in this policy, non-students shall not be permitted to distribute publications on school grounds during the school day or at school activities. Materials directly related to instruction or a school-sponsored activity may be distributed with the prior approval of the superintendent, superintendent's designee or principal.

On election days at schools used as polling places, candidates may place posters on school property and campaign workers may offer prospective voters printed campaign material in accordance with the restrictions imposed on those activities by law and the respective boards of elections.

Under no circumstances will any activity permitted under this or any other policy be construed to create a forum for communication by any member of the public. Advertising, if permitted, is expressly limited to identifying information such as names, addresses, and telephone numbers.



Book Cleveland County Board of Education Policy Manual
 Section 2000 - School, Parent and Community Relations
 Title Use of School Facilities
 Number 2410
 Status Active
 Legal G.S. 115C-527(b); 115C-204 et seq.
 Adopted October 10, 2004
 Last Revised May 11, 2009

RECEIVED

OCT 22 2012

CLEVELAND CO. BD. ELECTION
 TIME _____ BY _____

The Cleveland County Board of Education endorses community use of school facilities for civic, cultural, educational, recreational and other activities, so long as such use does not conflict with the use of school facilities for school purposes and activities, state or federal law or local ordinance, or the proper care and maintenance of school property. The superintendent or designee is authorized to enter into agreements for use of school facilities or property for terms of one year or less. All such agreements shall be reviewed and approved by the school attorney as to form. The administration shall prepare and administer regulations and procedures otherwise necessary for the general use of school facilities.

No Cleveland County School's facility or property shall be used by a non-school group without an agreement entered pursuant to this policy.

Classification for Facility Use

Each request for use of a school facility shall be classified as to one of the following categories and assessed corresponding charges. The principal shall have discretion in category placement, but whenever there is doubt as to classification of use, the superintendent or designee should be contacted.

A. School-related organizations including, but not limited to, the Communities in Schools Program, adult education sponsored by the board in cooperation with various community colleges, after-school programs, and parent-teacher or teacher organizations or associations. These organizations shall be given priority over organizations that are not school-related. There is no charge except for personnel as required by the principal.

B. Non-profit organized recreational groups, community-oriented organizations, civic groups, private non-profit groups, churches, and governmental agencies. There is a charge for personnel, as required by the principal, utilities (when applicable) in addition to non-profit rental charges.

C. Commercial profit-making businesses, organizations, or individuals selling a product or providing a service for a fee. There is a charge for personnel as required by the principal, in addition to for-profit rental.

Rules Governing Facility Use

1. Any phase of public education including the instructional program, recreational, entertainment, athletic, or any other programs conducted by school personnel to promote the welfare of the school and community shall have priority over other uses.
2. Facilities may be made available for non-school use on a year-round basis, including legal holidays, subject to the availability of facilities and approved individuals to supervise facilities and perform custodial services, and in accordance with other provisions of this policy.
3. A user of school facilities shall not sublet the use of school facilities or assign or transfer its permit to use school facilities to any other person or organization without the express written permission of the appropriate school official.
4. School facilities shall not be used for partisan political activities. Political meetings as defined by G.S. 115C-527 and G.S. 163-99 shall be permitted in accordance with those statutes.
5. A one-year limit shall exist for an agreement for the use of a school facility by a specific group. If a request for renewal is submitted, such request shall be treated as a new application.
6. Any games of chance or other forms of gambling that are illegal by state or federal law are prohibited on school premises.
7. Possession, consumption or sale of alcoholic beverages is prohibited on school premises.
8. Possession of weapons is prohibited on school premises.

9. Possession, consumption, distribution, or sale of illegal drugs is prohibited on school premises.

10. In accordance with the board's tobacco free policy, the display or use of tobacco products is prohibited on school premises. Tobacco use is prohibited inside school buildings.

11. A school employee, at user's expense, may be required to be on duty when a school building is used or rented as required by the principal. This employee shall not be directly responsible for the supervision of the activity. If, in the opinion of the principal, additional supervision of an intended use of a school facility is needed for crowd control and/or to protect the board's property, the principal may require either that additional school employees are on duty to assist with the supervision of the activity at the user's expense and/or that security be provided by law enforcement or by the organization or individual using the facility at the user's expense.

12. The use of kitchen equipment such as dishwashers and mixers is prohibited except under the supervision of an approved food services employee as determined by the principal.

13. In accordance with G. S. 115C0524(b), non-school groups may use school property for other than school purposes so long as such use is consistent with the proper preservation and care of the property. In all cases, the user will be held responsible for one hundred percent (100%) of any damages to board property and equipment that occurs in connection with its use of the facility.

14. Pursuant to G. S. 115C-524(b), the Cleveland County Board of Education shall not be held liable for personal injury suffered by reason of the use of school property under an agreement pursuant to this policy. All non-school use of school property or facilities shall be pursuant to an agreement entered in accordance with this policy.

15. Teams may charge admission and may operate their own concession stand only with the principal's approval. A schedule of games must be sent to the principal or designee.

Fee Schedule for Facilities Use

The fee schedule will be available in the office of the superintendent and each principal's office. The fee schedule will be periodically updated by the superintendent with the approval of the board.

Hourly rates for employees will be the actual hourly rate of the individual employed plus retirement and social security costs. If overtime is involved this amount will be multiplied by 1.5. A deposit of \$100.00 is required to cover the personnel cost for each event. All accounts will be settled within 5 business days following the event.

All facility charges must be paid to the Cleveland County schools at least five (5) business days prior to the intended use of the facilities. Groups using facilities on an on-going basis will be billed quarterly with payment due at least five (5) business days prior to that quarter's use.

Procedure for Facility Use Application

The superintendent shall prepare and provide to principals a standard application form for the use of school facilities. Any agency, group or individual interested in using a school facility must submit a completed application to the principal of the facility desired at least 10 business days prior to the date of the intended use. The principal or designee shall be responsible for deciding who may use the local facilities and for setting the date and time of such usage subject to board policy.

Applications must be signed by an authorized representative of the organization who is 18 years of age or older. In case of an individual user, the individual must be 18 years of age or older.

Approval of Application for Facility Use

The principal shall evaluate each application for use of a school facility as to the intended use. In the event the principal does not recommend use in a specific case, he or she shall return a copy of the application to the party requesting use and explain that the request does not have his or her recommendation.

Any person or organization may request a review of a decision made by school personnel pursuant to this policy.

Requests for review must be submitted to the superintendent in writing within 10 days of the decision to be reviewed.

Termination and Cancellation

An agreement to use school facilities may be canceled by either the user or appropriate school official for good cause provided five (5) days notice is given to the other party. This provision may be amended only by mutual agreement of the parties. If no good cause is shown for cancellation, the user shall forfeit fifty percent (50%) of the rental fee or other charges.