

RESOLUTION REQUESTING THAT THE NORTH CAROLINA GENERAL ASSEMBLY REPEAL G.S. 160D-912.1 REGARDING ON-PREMISES SIGNS

WHEREAS, the North Carolina General Assembly enacted during the 2024 Regular Session of the 2023 General Assembly (“Short Session”) Senate Bill 607 Regulatory Reform Act of 2024; and

WHEREAS, Senate Bill 607 Regulatory Reform Act of 2024 (“Senate Bill 607”) added a new section G.S. 160D-912.1 that imposes upon local government the requirement of compensation for the required removal of any on-premises signs on or after October 1, 2021, irrespective of any amortization period provided by said government to allow the property owner to recover, over a time period, the property owner’s investment and expenses in purchasing, installing and subsequently, removing such signs; and

WHEREAS, the City of Winston-Salem (“City”) enacted a sign ordinance in 2007 with a 15-year amortization period which was set to expire on June 30, 2022; and

WHEREAS, the City, as a result of COVID-19, extended the amortization period until June 30, 2024 essentially making the amortization period 17 years; and

WHEREAS, the City’s 17-year amortization period is longer than that required by case law, which case law supports an amortization period as short as 5 ½ years; and

WHEREAS, the City’s 17-year amortization period allowed the sign owners more than enough time to recoup any investment and expenses incurred; and

WHEREAS, the sign amendment to Senate Bill 607 requires the City to in essence compensate the sign owners twice in violation of the emoluments clause of the North Carolina Constitution.

WHEREAS, there also appears to have been confusion in the House Chamber over which amendment to Senate Bill 607 was being voted upon. When the House was debating Amendment 10 (ATQ-102) regarding general contractor licensing, the language in Amendment 6 (ABaf-44) regarding on-premises advertising signs was on the dashboard and, as a result, said amendment is what passed. However, when the House debated the on-premises advertising language in Amendment 6 (ABaf-44), Amendment 10 (ATQ-102) regarding general contractor licensing was on the dashboard and, as a result, failed; and

WHEREAS, in light of the foregoing, the City of Winston-Salem hereby requests that G.S. 160D-912.1, which was enacted in error, be repealed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Winston-Salem hereby petitions the North Carolina General Assembly to repeal G.S. 160D-912.1.

BE IT FURTHER RESOLVED that the Mayor and City Council directs the City Manager and the City Attorney to forward a copy of this resolution to the Forsyth County Delegation and the North Carolina League of Municipalities.

This Resolution shall become effective upon adoption.