

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 206

Short Title: Tourist Directional Sign Program.

(Public)

Sponsors: Senators Plyler, Purcell, Albertson, Hoyle, Rand, Metcalf, Lee, Odom, Dalton, Wellons, Soles, Garrou, Thomas; Bingham, Carpenter, Forrester, Garwood, Gulley, Hagan, Hartsell, Horton, Martin of Pitt, Miller, Robinson, and Weinstein.

Referred to: Transportation.

February 22, 2001

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) Program. – The Department of Transportation shall administer a tourist-oriented directional signs (TODS) program.

(b) Definitions. – The following definitions apply in this Article:

(1) TODS. – Tourist-oriented directional signs (TODS) are guide signs that display the business identification of and directional information for tourist-oriented facilities or for classes of businesses or facilities that are tourist-oriented.

(2) Tourist-oriented business. – A business, the substantial portion of whose products or services are of significant interest to tourists. The term may include a business involved with seasonal agricultural products.

(3) Tourist-oriented facility. – A business, service, or activity facility that derives a major portion of income or visitors during the normal business season from road users not residing in the immediate area of the facility.

1 (c) Limitation. – The Department shall not install TODS for a business if the
2 signs would be required at intersections where, due to the number of conflicting
3 locations of other highway signs or traffic control devices, or other physical or
4 topographical features of the roadside, their presence would be impractical or
5 unfeasible, or result in an unsafe or hazardous condition.

6 (d) Duplication. – If a business is currently shown on another official highway
7 guide sign, such as a logo sign or supplemental guide sign, on the same approach to an
8 intersection where a TODS panel for that business would be located, the business may
9 elect to keep the existing highway guide sign or have it removed and replaced with
10 TODS. If the business elects to retain the existing highway guide sign, the business is
11 ineligible for TODS at that intersection.

12 **"§ 136-140.16. Business eligibility criteria.**

13 Any tourist-oriented business is eligible to participate in the TODS program if it
14 meets all of the following conditions:

- 15 (1) It is open to the general public and is not restricted to 'members only'.
- 16 (2) It does not restrict access to its facilities by the general public.
- 17 (3) It complies with all applicable laws, ordinances, rules, and regulations
18 concerning the provision of public accommodations without regard to
19 race, religion, color, age, sex, national origin, disability, and any other
20 category protected by federal or State constitutional or statutory law
21 concerning the granting of licenses and approvals for public facilities.
- 22 (4) It meets the following standards:
 - 23 a. It has the name of the business prominently displayed on the
24 premises in a manner that makes it readily visible to motorists
25 from the public highway on which the business is located.
 - 26 b. It is in continuous operation at least eight hours a day, five days
27 a week during its normal season or the normal operating season
28 for the type of business.
 - 29 c. It is licensed and approved by the appropriate State and local
30 agencies regulating the particular type of business or activity.

31 **"§ 136-140.17. Terminating participation in program.**

32 A business may terminate its participation in the TODS program at any time. The
33 business is not entitled to a refund of any part of any fees paid because of voluntary
34 termination of participation by the business, for any reason, before the end of its current
35 contract period.

36 **"§ 136-140.18. Temporary modification of TODS panels.**

37 (a) The Department shall allow a participating business to close for remodeling
38 or to repair damage from fire or other natural disaster if its TODS panels are covered or
39 removed while the business is closed. No refund of fees or extension of the time
40 remaining in the contract for participation will be provided for the period of closure.

41 (b) The Department may, at its discretion, remove or cover TODS panels for
42 roadway construction or maintenance, for routine maintenance of the TODS assembly,
43 for traffic research study, or for any other reason it considers appropriate. Businesses

1 are not entitled to any refunds of fee amounts for the period that the TODS panels are
2 covered or removed under this subsection unless the period exceeds seven days.

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

6 **"§ 136-140.19. Department to adopt rules to implement the TODS program.**

7 The Department shall adopt rules to implement the TODS program created by this
8 Article. The rules shall include all of the following:

9 (1) The Department shall set a fee to cover the initial costs of signs, sign
10 maintenance, and administering the program.

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

14 (3) TODS shall not be placed for businesses more than five miles from the
15 sign.

16 (4) TODS shall not be placed where prohibited by local ordinance.

17 (5) The number of TODS panels shall not exceed six per intersection with
18 only one tourist-related facility on each panel.

19 (6) If a business is not directly on a State highway, it is eligible for TODS
20 panels only if both of the following requirements are met:

21 a. It is located on a street that directly connects with a State road.

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

24 (7) A TODS shall not be placed immediately in advance of the business if
25 the facility and its on-premise advertising signs are readily visible
26 from the roadway.

27 (8) The Department shall limit the placement of TODS to along highways
28 other than fully controlled access highways and to rural areas in and
29 around towns or cities with a population of less than 25,000."

30 **SECTION 2.** This act becomes effective July 1, 2001.