

**1.1 Title** This ordinance shall be known and may be cited as the "Sign Ordinance of the Town of Burnsville, North Carolina."

**1.2 Purpose and Intent**

The purpose of this Ordinance is to enhance the aesthetic and safety interests of this municipality. The goal of this Ordinance is not to restrict or inhibit free speech. It is the intent and purpose of this article to:

- 1) Provide for the orderly and harmonious display of signs within Burnsville;
- 2) Provide for the identification of properties and enterprises for the convenience of the public;
- 3) Avoid the erection and/or display of signs that produce deleterious and injurious effects to adjacent properties and the natural beauty of our environment;
- 4) Provide for pedestrian and traffic safety by limiting visual distractions, hazards, and obstructions;
- 5) Minimize visual clutter and encourage a positive visual environment and to promote the mental and physical health, safety, and welfare of the public; and
- 6) Maintain the historical image and heritage of Burnsville.

**1.3 Definitions** Except as specifically defined herein, or in other sections of this ordinance containing definitions, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

**Abandoned Sign:** A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation or does not have a current business license.

**Advertising Statuary:** An imitation representation or similitude of a person or thing which is sculptured, molded, modeled, or cast in any solid or plastic substance, material or fabric and used to promote or represent a commercial enterprise.

**Amortization:** A provision requiring nonconforming signs to adhere to landscape design standards within a set period of time.

**Animated Sign:** Any sign that is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting, accomplished by natural, manual, mechanical, electrical or other means.

**Awning:** A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

**Banner Sign:** A temporary sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper and which is used for announcing temporary events, such as, but not limited to, initial openings of businesses, special sales, civic events, and special events on holidays.

**Billboard:** Any sign which advertises goods, products, services, or facilities not sold, produced, manufactured or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising, billboards and poster panels.

**Business Sign:** A sign that is clearly adherent to the business, profession, commodity, service, or entertainment sold or offered upon the premises where the sign is located or attached. Such sign shall be customarily and commonly associated with the operation of the establishment or premises by showing the name, use, hours of operation, services offered or events.

**Campaign or Election Sign:** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**Canopy:** A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

**Changeable Copy Sign:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign and is displayed in a casement made of glass or Plexiglas.

**Civic Sign:** A sign which describes some aspect of public or quasi-public uses or facilities, such as, but not limited to location, services available, functions, activities, or conditions/limitations of use. Owners may include a governmental entity, educational institution, society or association (including religious), church, charitable organization, medical institution or public utility.

**Construction Sign:** A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project, which is erected after the commencement of construction and which may include the name of the future site occupant.

**Directional Sign:** A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

**Double Faced Sign:** A sign with two parallel, or nearly parallel, faces, back to back and located not more than 24 inches from each other.

**Electrical Sign:** A sign or sign structure in which electrical wiring, connections or fixtures are used as a means of advertising.

**Electronic Message Board:** Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Electronic Message Boards shall be limited to light emitting diode (LED) or liquid crystal display (LCD) boards and shall not contain any scrolling, moving or animated display. The minimum time between any display changes shall be three seconds for onsite commercial signs.

**Erect:** Means to assemble, construct, build, raise, place, install, affix, attach, create, paint, draw, or in any other way bring into being or establish.

**Exempt Sign:** A sign not subject to regulations of the zoning code and do not require a permit.

**Flashing Sign:** An illuminated sign on which the artificial or reflected light is not maintained stationary and color at all times when in use. Any sign which revolves or moves, whether illuminated or not, shall be considered a flashing sign.

**Freestanding Sign:** A sign which is supported by one or more upright poles, columns, or braces in or upon the ground, and not attached to any building or structure. Also known as a ground sign or pylon sign.

**Landmark Sign:** An existing, possibly non-conforming, on-premise sign, which exhibits unique characteristics, enhances the streetscape or identity of a neighborhood and, as such, contributes to the historical or cultural character of the streetscape or the community at large.

**Illegal Sign:** Any sign erected or maintained in violation of a preceding ordinance or erected, altered, removed, or replaced in violation of this ordinance.

**Illuminated Sign:** A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Light source (lamp) -only incandescent, florescent, metal halide, LED, or color connected high-pressure sodium may be used.

**Marquee Sign:** A sign attached to or hung from a marquee that is a permanent portion of a building, which projects over a public or private right-of-way.

**Monument Sign:** A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

**Murals:** Displays painted directly on a wall that are designed and intended as a decorative or ornamental feature. Painted wall decorations do not contain advertising text, numbers, address, registered trademarks, or registered logos.

**Nonconforming Sign:** A sign that was lawfully erected and maintained prior to the adoption of this ordinance, and which by reason of such adoption falls to conform to all applicable regulations and restrictions of this ordinance.

**Off Premises Sign:** Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event or location that is not located on the premises upon which the sign is located. This definition does not include governmental traffic, directional, or regulatory signs or notices of the federal, state, county or city government or their public agencies.

**Pole Sign:** A sign that is attached to public owned poles like traffic or signal poles, and power or telephone poles.

**Portable Sign:** A sign that is not permanently affixed to a building, structure, or the ground or designed to be permanently affixed to a building structure, or the ground. Portable signs include a-boards, portable reader-boards, and similar signs.

**Projecting Signs:** A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

**Public Interest Sign:** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

**Real Estate Sign:** A sign that is used to offer for sale, lease or rent the premises upon which such sign is located.

**Roof sign:** A sign erected or maintained in whole or in part upon, over, or above the roof or parapet of a building.

**Shopping Center:** Two or more retail or commercial establishments, including those located on outparcels, having any or all of the following characteristics:

- a. Establishments are connected by party walls, partitions, canopies, or similar features
- b. Some or all of the establishments are located in separate buildings which are designed as a single commercial group sharing common parking areas and vehicular ways and which are connected by walkways or other access ways
- c. Establishments are under the same management or association for the purpose of enforcing reciprocal agreements controlling management of parking
- d. Establishments are structurally designed in an integrated fashion around or along the sides of a promenade, walkway, concourse or courtyard.

**Sign:** Any outdoor notice containing words, letters, figures, numerals, emblems, devices, trademarks, or trade names, or combinations thereof.

**Sign Area:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all elements of the matter displayed; however, in computing sign area only one (1) side of a double-faced sign structure shall be considered. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.

**Sign Compliance:** No type of exterior sign may be erected, posted, reposted, placed, replaced, hung, painted or repainted in any district except in compliance with this ordinance.

**Sign Height:** The distance measured from the highest point of a sign to the base of the sign at the ground. The ground may not be altered for the sole purpose of changing sign height.

**Special Event Sign:** A temporary sign erected by public or non-profit organizations, such as, but not limited to, schools or churches, which promotes temporary public events, such as, but not limited to, fund drives, fairs, festivals or sporting events.

**Temporary Sign:** A sign which is not permanently installed in the ground or affixed to any structure or building and which is erected for a specific period of time related to a certain event

or occurrence as allowed in the ordinance, including banners, construction, campaign/election, on-premises real estate and special event signs.

**Wall Sign:** Any sign directly attached to an exterior wall or exterior parapet of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed.

**Window Sign:** Any sign attached to, painted on or directly applied onto a window or glass door of a building which announces sales or special features and which is viewed from the exterior of the building.

**Yard Sale Signs:** A sign used to announce a sale of personal items on a lot used for residential purposes and which is located on that lot.

**1.4 Applicability** No sign shall be erected, constructed, placed, replaced, painted, repainted, posted, hung, enlarged, moved, used, illuminated, maintained, or substantially altered in the Town except in conformance with the standards, procedures, and other requirements of this ordinance.

**1.5 Exemptions** The following signs are exempt from the sign regulations contained in this ordinance: signs of duly constituted government bodies, including traffic regulatory devices; legal notices; warnings at railroad crossings; name or address signs on mailboxes; street numbers; customary warning and no trespassing signs.

**1.6 Non-Conforming Signs**

- A. General: Any sign legally in existence prior to the effective date of this Ordinance, or any applicable amendment thereto, which does not satisfy the requirements of this Ordinance, is declared non-conforming (grand-fathered). Non-conforming signs may continue in existence, provided they meet the standards of subsections B. and C. herein. The eventual elimination, as expeditiously and fairly as possible, of nonconforming signs promotes health, safety and welfare as does the regulation of new signs.
- B. Non-conforming signs must be maintained in good condition and shall not be: (1) changed to another non-conforming sign; (2) structurally altered as to prolong the life of the sign; (3) enlarged or expanded; (4) re-established after discontinuance for ninety (90) days; or (5) re-established after damage or destruction if estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost.
- C. All Non-conforming signs must meet the landscape design standards of this ordinance, as per the amortization schedule of this ordinance as set forth in subsection 1.7.4.

## **1.7 Requirements**

### **1.7.1 Permit Required**

No sign, unless it is listed in the exemptions, or a temporary sign, shall be erected in any zoning area without a permit obtained from the Zoning Administrator. Each application shall be accompanied by plans that show the following:

1. Indicate the proposed site by identifying the property owner, location, County Parcel Identification Number and present use. All signs shall include the street number.
2. Show location of the sign on the lot in relation to property lines and existing signs and structures.
3. Show complete structural specifications, including landscaping design.
4. Any additional information needed to determine if such sign is to be erected in conformance of this ordinance.

Applicants shall also include payments of the cost of a permit, as set forth in the Town of Burnsville's fee schedule.

### **1.7.2 Permit Expiration**

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six (6) months after the date of issuance of the permit. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If an applicant later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

### **1.7.3 Sign Maintenance and Repair**

All signs, conforming and non-conforming, shall be maintained in a good state of repair. Deteriorating or dilapidated signs may be removed by the Zoning Administrator at the cost of the sign owner if the same has not been otherwise removed within 30 days after delivery of written notice to the property owner indicating the nature of the violation and ordering the action necessary to correct it.

### **1.7.4 Landscape Design Guidelines (Signs)**

- A. Landscaping shall be planted and maintained around all signs to provide for an evergreen vegetative buffer and screening of all mounting and lighting fixtures at ground level.
- B. Landscaping Amortization: The time frame for compliance with sign landscape design standards shall be amortized as follows: (i) Signs documented to cost up to \$1,000.00 dollars or less shall have one year to conform. (ii) Signs documented to cost up to \$5,000.00 dollars but more than \$1,000.00 shall have 2 years to conform. (iii) Signs documented to cost over \$5,000.00 dollars shall have 3 years to conform.

**1.7.5 Size and Location Requirements**

- A. Properties located in the R-10 Zoning District shall be allowed one sign per lot which shall not exceed 2 square feet in size and 4 feet in height. Temporary signs, as defined in Section 1.3, shall be allowed in the R-10 Zoning District in the same manner as in the C-1, C-2 and I-1 Zoning Districts.
- B. Properties located in the C-2 Zoning District on the East/West Main Street Corridor, defined as all parcels in the Town of Burnsville which are located adjacent to Main Street/SR 1428 and not located in the C-1 Zoning District, shall be subject to the following size and location requirements:
  - i. Each Shopping Center which is located within the C-2 Zoning District on the East/West Main Street Corridor shall be permitted one freestanding sign, not to exceed twelve (12) feet in height to identify the Shopping Center and individual tenants. Shopping Centers with two to four tenants will be allowed forty-eight (48) square feet of advertising area per tenant; shopping centers with five or more tenants will be allowed sixty-four (64) square feet of advertising area per tenant.
  - ii. Each business establishment in the C-2 Zoning District on the East/West Main Street Corridor which is not part of a Shopping Center shall be permitted one freestanding or monument sign not to exceed eight (8) feet in height and no more than thirty-two (32) square feet in sign area.
- C. Properties zoned C-1 and located in the Downtown business district and properties zoned C-2, shall be subject to the sign regulations set out below, with the exceptions of the regulatory criteria listed in 1.7.5 ( B-i and ii ) of this ordinance. A "no" in a category means that particular sign type is not allowed in that area and is prohibited. A "yes" means it is allowed, subject to size and location requirements in the table set out as follows:

<b>Sign Type</b>	<b>Regulation</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Abandoned	Prohibited in all zoning districts.	no	no	no
Advertising Statutory	As approved by Town Council after recommendation from Public Art Design Board	yes	yes	yes
Animated Sign	Prohibited in all zoning districts	no	no	no
Awning	Not to exceed 20% of canopy area excluding canopy fringe. Advertising area not to exceed 32 square feet	yes	yes	yes
Banner Signs	Displayed no more than 30 days. Not to exceed advertising area of 32 square feet and maximum height of banner (not as measured from ground) is of 4 feet. Location must be approved by Zoning Administrator. Must be removed within 48 hours after event.	yes	yes	yes

<b>Sign Type</b>	<b>Regulation</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
Billboard	Prohibited in all zoning districts	no	no	no
Campaign/Election Signs	Displayed no more than 60 days prior to election; removed no more than 14 days after an election. In the event of a run-off election, political signs for the candidate involved may remain on display until 14 days after the run-off election. Not to exceed 3 feet in height and 3 square feet in size; subject to the requirements of N. C. Gen. Stat. sec. 136-32.	yes	yes	yes
Canopy	Same criteria as Awning (see above)	yes	yes	yes
Changeable Copy	Regulated according to type of sign to which the changeable copy is applied	yes	yes	yes
Civic Signs	Regulated according to the type of sign, (Wall, Window, Monument etc.)	yes	yes	yes
Construction Signs	Not to exceed advertising area of 32 square feet, maximum height of 8 feet and one sign per lot. Must be removed when final inspection under the building permit is approved.	yes	yes	yes
Directional Sign	Not to exceed 2 square feet in area, and located no closer than 5 feet to any property line	yes	yes	yes
Double-faced Sign	Parallel faces no more than 24 inches from each other. Regulated according to type of sign	yes	yes	yes
Electronic Message Board	Allowed in the same size and locations as other sign types permitted in the zoning ordinance	no	yes	yes
Flashing Sign	Prohibited in all zoning districts	no	no	no
Freestanding Sign	Sign not to exceed 16 feet in height and no more than 32 square feet in advertising area for the C-2 Hwy 19E area; and not to exceed 6 feet in height and no more than 24 square feet for the C-1 district	yes	yes	yes
Illuminated Sign	All lighting fixtures designed or placed so as to illuminate any portion of a sign shall meet the following requirements: 1. Fixture (luminary)-the light source shall be completely concealed within an opaque housing, or appropriate evergreen landscaping, so as not to be visible from any street right of way. 2. Light source (lamp)-only incandescent,	yes	yes	yes



<b>Sign Type</b>	<b>Regulation</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
	<p>florescent, metal halide, LED, or color corrected high-pressure sodium may be used.</p> <p>3. Mounting fixtures must be mounted in such a manner that its cone of light does not cross any property line of the site. Additionally, external lights shall be mounted to illuminate the face(s) of the sign only.</p> <p>4. Illumination levels - will be constant and there will be no flicker, strobe or flashing effect contained within or be a part of any signage. The amount of illumination shall not be excessive.</p>			
Landmark Sign	These signs will be designated, allowed and regulated on an individual basis, as needed, by the Town Council	yes	yes	yes
Marquee Sign	One square foot of signage per 2 linear feet of building frontage or a maximum height of 18 feet and 100 square feet in advertising area	yes	yes	yes
Monument Sign	Same as Free Standing Sign	yes	yes	yes
Murals	Same as Advertising Statuary	yes	yes	yes
Off Premises Signs	Prohibited in all zoning districts	no	no	no
Pole Signs	Prohibited in all zoning districts.	no	no	no
Portable Sign	Prohibited in all zoning areas; provided, however, A-boards and similar signs are allowed which do not to exceed 6 square feet in advertising area and they may only be displayed during business hours, in all zoning districts	no	no	no
Projecting Sign	A projecting sign can be no lower than 8 feet from the bottom of the sign to any pedestrian walking surface. It can extend no more than 4 feet from the building surface and cannot exceed 8 square feet in area	no	no	no
Public Interest Sign	Not to exceed 3 square feet in message area and no more than two signs per parcel	yes	yes	yes
Real Estate Signs (On-premises)	On premise real estate signs shall be removed within seven days of the sale or lease of property. Signs for sale of subdivision (lots) may be posted	yes	yes	yes

<b>Sign Type</b>	<b>Regulation</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>
	at entrance until 75% of lots have been sold. Not to exceed 6 square feet for individual residential and 32 square feet for multi-family, non-residential property, vacant property and subdivisions. Maximum Height of 4 feet for residential and 8 feet for commercial. Maximum number of signs: one per residential lot; one per street frontage for commercial lot.			
Roof Sign	Not to exceed 32 square feet or exceed peak of roof	yes	yes	yes
Shopping Centers	Each Shopping Center in the C-2 business district, excluding those properties that are located in the East/West Main Street Corridor, as described in this section, is permitted one free standing sign identifying the shopping center which shall not exceed 20 feet in height. Individual businesses within the shopping center may be identified with uniform individual signs incorporated within the sign support structure. One hundred and fifty (150) square feet of advertising area will be allowed for up to four units. Five or more units will be allowed two hundred (200) square feet of advertising area	no	yes	yes
Special Event Signs	Not to exceed 32 square feet and maximum height of 8 feet. May be erected 30 days prior to event and shall be removed within 48 hours after event; maximum of one sign per lot	yes	yes	yes
Wall Signs	May protrude no more than 12 inches from wall, may not exceed 32 square feet or 20% of wall area, whichever is less.	yes	yes	
Window Sign	Maximum coverage of 35% of window or door area and shall be removed 2 days after termination of sale or special event advertised. If sign exceeds 35% of window or door area, it will be considered a temporary sign and must be removed within 30 days of its attachment to the window or door	yes	yes	yes
Yard Sale Signs	No more than one per lot, not to exceed 3 square feet and 3 feet high. Maximum display 48 hours.			yes

**1.8 Administrator** The Zoning Administrator or other designee of the Town Council is hereby appointed to serve as the Sign Ordinance Administrator.

**1.9 Enforcement and Remedies**

- A. Any violation of this ordinance or of any conditions or requirements adopted pursuant thereto shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00) per day to be recovered by the Town in a civil action in the nature of debt if offender does not pay the penalty within the prescribed period of time after the offender has been cited for violation.
- B. Any violation of this ordinance or of any of the conditions or requirements adopted pursuant thereto may result in revocation of a permit issued for the sign and issuance of a stop-work order for any and all work on any signs on the same lot.
- C. Any violation of this ordinance or of any condition or requirement adopted pursuant thereto may be enforced by injunction and order of abatement and by any other appropriate equitable remedy.
- D. In the case of a sign that poses an immediate danger to the public health or safety, the Town may take such measures as are available to the Town under the building code for such circumstances.
- E. Each day's continuing violation shall be a separate and distinct offense.
- F. All such remedies provided herein shall be cumulative and the Town may enforce this ordinance by any one, all or a combination of the remedies prescribed by this Section 1.9.

**1.10 Flexibility in Administering the Provisions of this Ordinance**

- A. The Town Council recognizes that, because of the wide range of locations, buildings, and properties to which this ordinance must apply, it is neither possible nor prudent to establish inflexible requirements related to sign placement.  
  
The Zoning Administrator may, therefore, authorize deviations of up to 10% from the requirements for the sign location on a building or the sign setback from a property line whenever the Zoning Administrator finds that such deviations are necessary because of the particular circumstances associated with that building or property. Whenever the Zoning Administrator allows or requires a deviation from the requirements related to sign placement, that deviation shall be noted on the face of the sign permit along with the reasons for allowing or requiring the deviation.
- B. No deviation shall be approved or allowed that would violate the provisions of Subsection 1.7.5 of this ordinance to allow a sign type which is listed as prohibited.

- C. In the event the Zoning Administrator refuses a deviation from the requirements of this ordinance, an applicant may appeal to the Town Council as provided in Section 1.11.

### **1.11 Appeals**

An individual whose permit application has been denied or a permittee whose permit has been revoked or an individual whose request for a deviation pursuant to Section 1.10 has been denied may appeal the decision of the Zoning Administrator to the Town Council, sitting as a board of adjustment pursuant to N. C. Gen. Stat. sec. 160A-388, upon filing of written notice of an appeal with the Town Clerk within 10 business days of receipt of the Zoning Administrator's decision. Such appeal shall be considered by the Town Council at the next Council meeting held after the Town's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of five full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of Council thereafter. The Council shall make a final decision no later than 30 days from the date of the hearing.

In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the Town Council, he or she may petition for writ of certiorari to the Superior Court of Yancey County as provided by N. C. Gen. Stat. sections 160A-388(e2) and 160A-393.

### **1.12 Variances**

When unnecessary hardships would result from carrying out the strict letter of this ordinance, a property owner may request a variance from the Town Council, sitting as a board of adjustment pursuant to N. C. Gen. Stat. section 160A-388. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this ordinance shall be limited to the following hardship situations:

- (1) Where visibility of a conforming sign from the public street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and
- (2) Where placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and (3) where the variance proposed would not create a safety hazard to traffic.

### **1.13 Amendments**

The Town Council may from time to time amend the terms of this ordinance but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time the proposed amendment is submitted to it within which to submit its recommendation. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment.

No amendment shall be adopted by the Town Council until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Town area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) days nor less than ten (10) days prior to the hearing date. In computing the ten (10) day and the twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing shall be included.

**1.14 Abrogation**

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

**1.15 Severability**

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if such portion so declared or adjudged invalid or unconstitutional were not originally part of this ordinance. The Town Council declares that it would have enacted the remaining parts of this ordinance if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

**1.16 Effective Date**

This ordinance shall take effect and be in force from and after \_\_\_\_\_.

**1.17 Adoption**

Duly adopted by the Town Council of the Town of Burnsville, North Carolina, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk