

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1052

Short Title: Vegetation Cutting on R-O-W.

(Public)

Sponsors: Representatives Colton; and Gottovi.

Referred to: Transportation.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE REMOVAL OF VEGETATION FROM HIGHWAY RIGHTS-OF-WAY AND TO ESTABLISH PENALTIES FOR ILLEGAL CUTTING OF VEGETATION FROM HIGHWAY RIGHTS-OF-WAY.

The General Assembly of North Carolina enacts:

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

"§ 136-140.1. Vegetation cutting.

(a) No person may cut, trim, or otherwise cause to be removed trees or shrubs or other growth located in the right-of-way without a Selective Vegetation Removal Permit issued by the Department of Transportation. Permits to remove vegetation will not be issued for the following purposes:

(1) To improve the visibility of illegal outdoor advertising signs;

(2) To improve the visibility of nonconforming outdoor advertising signs along interstate and federal-aid primary highways;

(3) To improve the visibility of outdoor advertising signs permitted after the enactment of this act; or

(4) To cut or remove trees, shrubs, or other growth that was in existence before the business or advertisement that is screened was established.

(b) If a sign owner or his agent cuts, trims, or otherwise causes to be removed trees, shrubs, or other growth located on the right-of-way in violation of subsection (a) of this section, and the cutting, trimming, or removal of the vegetation has the effect of increasing or enhancing the visibility of an outdoor advertising structure, any outdoor advertising permit assigned to the outdoor advertising structure shall be revoked, and

1 the sign shall be illegal and must be removed at the expense of the responsible sign
2 owner. Upon a determination by the Secretary of Transportation that a violation has
3 occurred, the responsible sign owner shall not be eligible for any outdoor advertising
4 permit from the Department of Transportation:

5 (1) For two years for a first violation;

6 (2) For five years for a second violation; and

7 (3) Permanently for a third or subsequent violation.

8 (c) The responsible sign owner shall reimburse the Department of
9 Transportation, within 120 days of notification by the Department of Transportation that
10 an illegal cutting has occurred, for the costs of clearing the illegal cut vegetation and
11 replanting at the site of the illegal cutting. Until the responsible sign owner has
12 reimbursed the Department for the costs of clearing and replanting, the responsible sign
13 owner shall not be eligible for any new sign permit from the Department of
14 Transportation."

15 Sec. 2. This act is effective upon ratification.