

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50548-LH-238 (4/10)

Short Title: Unlawfully Remove Trees & Vegetation/Penalty. (Public)

Sponsors: Representative Luebke.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A MINIMUM FINE FOR UNLAWFULLY REMOVING OR TRIMMING A TREE LOCATED ON A STATE ROAD OR HIGHWAY AND TO PROVIDE THAT VEGETATION IN FRONT OF OR ADJACENT TO OUTDOOR ADVERTISING AND ALSO LOCATED ON A HIGHWAY RIGHT-OF-WAY SHALL NOT BE REMOVED WITHOUT A PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-93 reads as rewritten:

"§ 136-93. Openings, structures, pipes, trees, and issuance of permits.

(a) No opening or other interference whatsoever shall be made in any State road or highway other than streets not maintained by the Department of Transportation in cities and towns, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or removed except in accordance with a written permit from the Department of Transportation or its duly authorized officers, who shall exercise complete and permanent control over such roads and highways. No State road or State highway, other than streets not maintained by the Department of Transportation in cities and towns, shall be dug up for laying or placing pipes, conduits, sewers, wires, railways, or other objects, and no tree or shrub in or on any State road or State highway shall be planted, trimmed, or removed, and no obstruction placed thereon, without a written permit as hereinbefore provided for, and then only in accordance with the regulations of said Department of Transportation or its duly authorized officers or employees; and the work shall be under the supervision and to the satisfaction of the Department of Transportation or its officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons, firms, or corporations to whom the permit is given, or by whom the work is done. The Department of Transportation, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this section, require the applicant to file

1 a satisfactory bond, payable to the State of North Carolina, in such an amount as may be
2 deemed sufficient by the Department of Transportation or its duly authorized officers,
3 conditioned upon the proper compliance with the requirements of this section by the
4 person, firm, or corporation granted such permit. Any person making any opening in a
5 State road or State highway, or placing any structure thereon, or changing or removing
6 any structure thereon without obtaining a written permit as herein provided, or not in
7 compliance with the terms of such permit, or otherwise violating the provisions of this
8 section, shall be guilty of a Class 1 misdemeanor: Provided, this section shall not apply
9 to railroad crossings. The railroads shall keep up said crossings as now provided by law.

10 (b) A person who violates this section by trimming or removing a tree shall, in
11 addition to any other penalty imposed by the court, pay a fine of at least two thousand
12 dollars (\$2,000)."

13 **SECTION 2.** Chapter 136 of the General Statutes is amended by adding a
14 new section to read:

15 **"§ 136-133.1. Outdoor advertising vegetation removal.**

16 (a) No person shall cut, trim, or otherwise cause to be removed vegetation that is
17 in front of or adjacent to outdoor advertising and also within the limits of highway
18 rights-of-way for the purpose of enhancing the visibility of outdoor advertising unless
19 permitted to do so by the Department of Transportation.

20 (b) Permits to remove vegetation may be granted only for outdoor advertising
21 locations that have been permitted at least two years and then only at the sole discretion
22 of the Department of Transportation.

23 (c) If a person who is legally responsible for the outdoor advertising removes
24 vegetation that is in front of or adjacent to outdoor advertising and also within a
25 highway right-of-way without a permit and the removal has the effect of enhancing the
26 visibility of the outdoor advertising, the outdoor advertising is illegal and shall be
27 removed at that person's expense.

28 (d) If a person who is legally responsible for the outdoor advertising violates
29 subsection (c) of this section, the person shall not be eligible for a permit for outdoor
30 advertising for the period of time indicated by subdivisions (1), (2), and (3) of this
31 subsection:

32 (1) For a first violation: one year.

33 (2) For a second violation: five years.

34 (3) For a third or subsequent violation: ineligibility is permanent.

35 (e) Any person who violates subsection (a) or (c) of this section shall reimburse
36 the Department of Transportation for cleaning or replanting at the site of the illegal
37 cutting. Until the expenses are reimbursed, the person shall not be issued a permit for
38 outdoor advertising."

39 **SECTION 3.** This act becomes effective December 1, 2007, and applies to
40 offenses committed on or after that date.