

March 26, 2009

S 983. DOT VEGETATION REMOVAL POLICIES. Filed 3/25/09. TO CHANGE THE DEPARTMENT OF TRANSPORTATION SELECTIVE VEGETATION REMOVAL POLICIES AND PERMIT FEES.

Amends various provisions of GS Chapter 136 to: (1) specify when permits may be issued for selective thinning, pruning, or removal of vegetation around billboards or buildings next to highway rights-of-way; (2) specify a method of calculating the value of trees that are removed; and (3) provide appeals from Department of Transportation (DOT) decisions about permits. Raises fee for vegetation removal permit from \$200 to \$300 per site and specifies that the fee is nonrefundable. Provides that a permit may not be issued to increase visibility for undeveloped property or on-premise signs. Requires an applicant for a vegetation removal permit to employ the services of a North Carolina licensed landscape architect or certified arborist for the initial application. Directs the licensed landscape architect or certified arborist to submit a report under seal that contains an inventory of existing trees in the removal zone and that includes the age of any tree that predates the construction of the facility. Sets limits on selective clearing or thinning of vegetation. Provides that an application for a vegetation removal permit be made to the appropriate Division of Highways roadside environmental engineer. Provides that if the site is inside city limits, local officials are to be given an opportunity to comment.

Amends GS 136-129 to specify that billboards outside city boundaries must be at least 500 feet apart and to specify that fees under this section are limited to \$150 for the initial fee and \$90 for the annual renewal, with \$30 of each fee to be used for highway beautification.

Adds new GS 136-133.1 to specify zone around billboard in which clearing is allowed, and prohibits clearing to enhance visibility of billboard without a permit. Adds new GS 136-133.2 to provide that permits to remove vegetation may only be granted for outdoor advertising locations that have been permitted for at least two years and at the discretion of the DOT. Requires the application for a permit to be decided within 30 days, with Division of Highways engineer to specify reasons for denial. Sets out permissible bases for denial. Adds new GS 136-133.3 to provide procedure for appeal of engineer's denial of a permit for selective vegetation removal to the Secretary of Transportation, with judicial review of a final agency decision.

Adds new GS 136-133.4 and -133.5 to specify standards for clearing around billboards, methods of clearing, responsibility for damage, five-year moratorium on clearing and revocation of billboard permit for violation of standards, and denial of permits for same site for five years. Adds new GS 136-133.6 to create Class 2 misdemeanor for permit holder's failure to respond as required by the statute to unlawful destruction or illegal cutting.

Effective January 1, 2010.

Intro. by Jenkins.

GS 136