

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 183
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PROPOSED HOUSE COMMITTEE SUBSTITUTE S183-PCS75178-RO-21

Short Title: Selective Vegetation Removal/State Highways.

(Public)

Sponsors:

Referred to:

March 3, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE
3 VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE
4 HIGHWAY SYSTEM.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 136-93. Openings, structures, pipes, trees, and issuance of permits.**

8 (a) No opening or other interference whatsoever shall be made in any State road or
9 highway other than streets not maintained by the Department of Transportation in cities and
10 towns, nor shall any structure be placed thereon, nor shall any structure which has been placed
11 thereon be changed or removed except in accordance with a written permit from the
12 Department of Transportation or its duly authorized officers, who shall exercise complete and
13 permanent control over such roads and highways. No State road or State highway, other than
14 streets not maintained by the Department of Transportation in cities and towns, shall be dug up
15 for laying or placing pipes, conduits, sewers, wires, railways, or other objects, ~~and no tree or~~
16 ~~shrub in or on any State road or State highway shall be planted, trimmed, or removed,~~ and no
17 obstruction placed thereon, without a written permit as hereinbefore provided for, and then only
18 in accordance with the regulations of said Department of Transportation or its duly authorized
19 officers or employees; and the work shall be under the supervision and to the satisfaction of the
20 Department of Transportation or its officers or employees, and the entire expense of replacing
21 the highway in as good condition as before shall be paid by the persons, firms, or corporations
22 to whom the permit is given, or by whom the work is done. The Department of Transportation,
23 or its duly authorized officers, may, in its discretion, before granting a permit under the
24 provisions of this section, require the applicant to file a satisfactory bond, payable to the State
25 of North Carolina, in such an amount as may be deemed sufficient by the Department of
26 Transportation or its duly authorized officers, conditioned upon the proper compliance with the
27 requirements of this section by the person, firm, or corporation granted such permit. Any
28 person making any opening in a State road or State highway, or placing any structure thereon,
29 or changing or removing any structure thereon without obtaining a written permit as herein
30 provided, or not in compliance with the terms of such permit, or otherwise violating the



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1 provisions of this section, shall be guilty of a Class 1 misdemeanor: Provided, this section shall
2 not apply to railroad crossings. The railroads shall keep up said crossings as now provided by
3 law.

4 (b) Except as provided in G.S. 136-133.1(g), no vegetation, including any tree, shrub,
5 or underbrush, in or on any right-of-way of a State road or State highway shall be planted, cut,
6 trimmed, pruned, or removed without a written selective vegetation removal permit issued
7 pursuant to G.S. 136-133.2 and in accordance with the rules of the Department. Requests for a
8 permit for selective vegetation cutting, thinning, pruning, or removal shall be made by the
9 owner of an outdoor advertising sign or the owner of a business facility to the appropriate
10 person in the Division of Highways office on a form prescribed by the Department. For
11 purposes of this section, G.S. 136-133.1, 136-133.2, and 136-133.4, the phrase "outdoor
12 advertising" shall mean the outdoor advertising expressly permitted under G.S. 136-129(a)(4)
13 or G.S. 136-129(a)(5). These provisions shall not be used to provide visibility to on-premises
14 signs.

15 (c) For outdoor advertising, vegetation cut or removal limits shall be restricted to a
16 maximum selective vegetation cut or removal zone for each sign face pursuant to the provisions
17 of G.S. 136-133.1.

18 (d) If the application for vegetation cutting, thinning, pruning, or removal is for a site
19 located within the corporate limits of a municipality, the municipality shall be given 30 days to
20 review and provide nonbinding comments on the application if the municipality has previously
21 advised the Department in writing of the desire to review such applications and the name of the
22 local official to whom notice of such application should be directed. Local governments are
23 prohibited from regulating vegetation cutting, trimming, pruning, or removal within the limits
24 of interstate or primary highway rights-of-way by any permittee or other person authorized by
25 the Department, including anyone authorized under G.S. 136-133.1(g)."

26 **SECTION 2.** Article 7 of Chapter 136 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 136-93.2. Monetary value of trees.**

29 The monetary value for existing trees removed and eligible for reimbursement to the
30 Department as provided in G.S. 136-93 or G.S. 136-133.1 from State rights-of-way shall be
31 determined on an annual basis by the Department. In determining the value of existing trees
32 removed, the average cost per caliper inch shall be based on the lower value of either the
33 average wholesale commercial nursery prices for hardwood and conifer plants, times a 2.5
34 multiplier for installation and warranty or the average cost per caliper inch for tree planting
35 contracts let by the Department in the previous calendar year. The values shall be determined
36 and published by the Department no later than December 15 of each year. The values
37 established pursuant to this section shall be used in calculating the monetary value of trees
38 removed from State rights-of-way beginning January 1 of each year. If the Department fails to
39 publish changes in values by December 15, then the values existing on December 15 shall be
40 applicable to existing trees removed and eligible for reimbursement for the following year."

41 **SECTION 3.** G.S. 136-133 is amended by adding a new subsection to read:

42 "(c) No electrical permit shall be denied to an outdoor advertising sign described in
43 G.S. 136-129(4) and G.S. 136-129(5) for which the Department has issued a permit which has
44 not been revoked, and the electrical permit is otherwise compliant with technical utility
45 standards."

46 **SECTION 4.** Article 11 of Chapter 136 of the General Statutes is amended by
47 adding a new section to read:

48 **"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

49 (a) The owner of an outdoor advertising sign permitted under G.S. 136-129(a)(4) or
50 G.S. 136-129(a)(5) who obtains a selective vegetation removal permit, and the owner's
51 designees, may cut, thin, prune, or remove vegetation in accordance with this section,

1 G.S. 136-93(b), 136-133.2, and 136-133.4. The maximum cut or removal zone for vegetation
2 for each sign face shall be determined as follows:

- 3 (1) The point located on the edge of the right-of-way that is the closest point to
4 the centerline of the sign face shall be point A.
- 5 (2) The point located 200 feet down the right-of-way line in the direction of the
6 sign viewing zone shall be point B.
- 7 (3) The point on the edge of the pavement of the travel way, including
8 acceleration and deceleration ramps, that is the closest to the centerline of
9 the sign shall be point C.
- 10 (4) The point 50 feet down the edge of the pavement in the direction of the sign
11 viewing zone from point C shall be point D.
- 12 (5) The point 380 feet down the edge of the pavement in the direction of the
13 sign viewing zone from point C shall be point E; provided, however, the
14 following shall apply within the corporal limits and territorial jurisdiction of
15 any city, as defined in Chapter 160A of the General Statutes:
- 16 a. On interstates or other routes with fully controlled access, the point
17 340 feet down the edge of the pavement in the direction of the sign
18 viewing zone from point C shall be point E.
- 19 b. On highways other than interstates and other routes with fully
20 controlled access, the point 250 feet down the edge of the pavement
21 in the direction of the sign viewing zone from point C shall be point
22 E.
- 23 (6) Lines drawn from point A to point D and from point B to point E shall
24 define the limits of the vegetation cut or removal area.

25 (b) Vegetation permitted to be cut, thinned, pruned, or removed shall be defined as any
26 tree, shrub, or underbrush within the zone created by points A, B, D, and E. Any existing tree
27 that was in existence at the time that an outdoor advertising structure was erected shall only be
28 eligible for removal in accordance with subsections (c), (d), and (e) of this section. Native
29 dogwoods and native redbuds shall be preserved. For the purposes of this section, an existing
30 tree is defined as a tree that had a diameter of four inches or greater as measured six inches
31 from the ground at the time that the outdoor advertising structure was erected. An outdoor
32 advertising sign is considered erected when the sign is completely constructed with a sign face.

33 (c) The applicant for a selective vegetation removal permit shall submit to the
34 Department a site plan locating thereon any trees existing at the time that the outdoor
35 advertising sign was erected, as defined in subsection (b) of this section, that are requested to
36 be cut, thinned, pruned, or removed, and noting their species and total caliper inches. The
37 applicant shall also tag, with highly visible material or flagging, any tree that is, at the time of
38 the application for a selective vegetation removal permit, greater than four inches in diameter
39 as measured six inches from the ground and requested to be cut, thinned, pruned, or removed.
40 The selective vegetation removal request may be investigated on-site by Department personnel
41 and a representative of the applicant. In the event that the Department disputes the accuracy of
42 the existing tree information on the site plan noted above, the Department shall notify the
43 applicant in writing and may request the following:

- 44 (1) A tree survey.
- 45 (2) That the applicant amends the site plan.
- 46 (3) That the applicant deletes the trees in dispute from the desired cutting.

47 If a notice of disputed tree information is received from the Department, the applicant can
48 either employ the services of a North Carolina licensed landscape architect or certified arborist
49 to perform a tree survey, amend the site plan, or notify the Department in writing that any or all
50 of the disputed trees are deleted from the application. If the applicant selects a tree survey, the
51 landscape architect or certified arborist will submit a report under seal that contains a tree

1 inventory of existing trees in the removal zone for the outdoor advertising structure and include
2 the age of any tree that existed at the time that the sign was erected. The report will categorize
3 tree species and include a site map of sufficient detail and dimensions. A tree survey will not be
4 required for subsequent applications to cut, thin, prune, or remove trees at the same site for
5 trees that have been previously permitted. Any dispute relating to whether or not the tree
6 existed at the time the outdoor advertising sign was erected shall be conclusively resolved by
7 information in the report from the licensed landscape architect or certified arborist.

8 (d) Except as provided in subsection (e) of this section, trees existing at the time the
9 outdoor advertising sign was erected may only be removed within the zone created in
10 subsection (a) of this section if the applicant satisfies one of the following two options selected
11 by the applicant: (i) reimbursement to the Department pursuant to G.S. 136-93.2 or (ii) trees
12 that existed at the time of the erection of the sign may be removed if the applicant agrees to
13 remove two nonconforming outdoor advertising signs for each sign at which removal of
14 existing trees is requested. The surrendered nonconforming signs must be fully disassembled
15 before any removal of existing trees is permitted and shall not be eligible for future outdoor
16 advertising permits in perpetuity.

17 (e) Removal of trees and vegetation of any age, including complete removal, except for
18 native dogwoods and native redbuds, shall be permitted within the cut or removal zone
19 established in subsection (a) of this section if the applicant for the selective vegetation removal
20 permit, in lieu of compliance with subsection (d) of this section, agrees to submit to the
21 Department a plan for beautification and replanting related to the site for which the vegetation
22 permit request is made. The Department shall develop rules for compensatory replanting,
23 including the criteria for determining which sites qualify for replanting, and shall, in
24 consultation with the applicant and local government representatives, determine which sites
25 must be replanted, and the types of plants and trees to be replanted. The replanting and
26 maintenance shall be conducted by the applicant or his or her agents in accordance with the
27 rules adopted by the Department. If the conditions detailed in this subsection are agreed to by
28 the applicant and approved by the Department, there shall be no reimbursement to the
29 Department under G.S. 136-93.2 for removal of trees that existed at the time the outdoor sign
30 was erected, nor shall the applicant be required to remove two nonconforming outdoor
31 advertising signs for removal of existing trees at the site.

32 (f) Tree branches within a highway right-of-way that encroach into the zone created by
33 points A, C, and D may be cut or pruned. Except as provided in subsection (g) of this section,
34 no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut,
35 trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising
36 and within the limits of the highway right-of-way for the purpose of enhancing the visibility of
37 outdoor advertising unless permitted to do so by the Department in accordance with this
38 section, G.S. 136-93(b), 136-133.2, and 136-133.4.

39 (g) Notwithstanding any law to the contrary, the owner of an outdoor advertising sign
40 defined by subsection (a) of this section or the owner's designees may, working only from the
41 private property side of the fence, without charge and without obtaining a selective vegetation
42 removal permit, cut, trim, prune, or remove any tree or other vegetation except for native
43 dogwoods or native redbuds that is (i) less than four inches in diameter at the height of the
44 controlled access fence, (ii) located within 200 feet on either side of the existing sign location
45 as defined by point A and point B in G.S. 136-133.1(a)(1) and (2), and (iii) a distance of three
46 feet from a controlled access fence within the limits of the highway right-of-way. The activities
47 permitted by this subsection must be performed from the private property owner side of the
48 controlled access fence and with the consent of the owner of the land that is used to access said
49 fence.

50 (h) No additional funds from the Highway Trust Fund shall be used for the purpose of
51 vegetation replacement under the provisions of this section.

1 (i) The Department may revoke an outdoor advertising permit for the unlawful
2 destruction or illegal cutting of vegetation within the right-of-way of any State-owned or
3 State-maintained highway only if both of the following conditions are met:

4 (1) The unlawful destruction or illegal cutting occurred within 500 feet of either
5 side of the corresponding sign location measured along the edge of
6 pavement of the main travel way of the nearest controlled route and was
7 willfully caused by one or more of the following:

8 a. The sign owner.

9 b. The permit holder.

10 c. The lessee or advertiser employing the sign.

11 d. Any employees, agents, or assigns of persons listed in
12 sub-subdivisions a. through c. of this subdivision, including, but not
13 limited to, independent contractors hired by any of the above
14 persons, or the owner of the property upon which the sign is located,
15 if expressly authorized by the above persons to use or maintain the
16 sign.

17 (2) There is substantial, material evidence that the unlawful destruction or
18 illegal cutting of vegetation would create, increase, or improve a view to the
19 outdoor advertising sign for passing motorists from the main travel way of
20 the nearest controlled route."

21 **SECTION 5.** Article 11 of Chapter 136 of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 136-133.2. Issuance or denial of a selective vegetation removal permit.**

24 (a) Except as provided in G.S. 136-133.1(g), permits to remove vegetation may be
25 granted for outdoor advertising locations that have been permitted for at least two years prior to
26 the date of application. The Department shall approve or deny an application submitted
27 pursuant to this section, including the fee required by G.S. 136-18.7 and all required
28 documentation, within 30 days of the receipt of an application for a selective vegetation
29 removal permit. If written notice of approval or denial is not given to the applicant within the
30 30-day period, then the application shall be deemed approved. If the application is denied, the
31 Department shall advise the applicant, in writing, by registered or certified mail, return receipt
32 requested, addressed to the party to be noticed, and delivering to the addressee, the reasons for
33 the denial.

34 (b) The application shall be denied by the Department if any of the following apply:

35 (1) The application is for the opening of a view to an outdoor advertising sign
36 which has been declared illegal, is currently the subject of litigation, or the
37 outdoor advertising sign owner has received written notification of an
38 investigation by the Department for impermissible activity.

39 (2) The application is for the opening of a view to an outdoor advertising sign
40 that was obscured from view at the time of erection of the sign.

41 (3) Removal of vegetation will adversely affect the safety of the traveling
42 public.

43 (4) Trees, shrubs, or other vegetation of any sort that are requested to be cut,
44 thinned, pruned, or removed were planted in accordance with a local, State,
45 or federal beautification or environmental project but only to the extent that
46 such planting was done prior to the erection of the outdoor advertising sign
47 the visibility of which is sought to be enhanced. Any beautification or
48 environmental projects that were planted after the erection of the outdoor
49 advertising sign, but before May 1, 2011, and that were planted beyond 250
50 feet as measured down the edge of the pavement of the travel way from
51 point C, as defined in G.S. 136-133.1(a)(3), shall not be eligible for removal.

- 1 (5) Trees, shrubs, or other vegetation of any sort that are requested to be cut,
2 thinned, pruned, or removed were planted in conjunction with a designed
3 noise barrier but only to the extent that such planting was done prior to the
4 erection of the outdoor advertising sign the visibility of which is sought to be
5 enhanced. Any plantings done in conjunction with a designed noise barrier
6 that were planted after the erection of the outdoor advertising sign but before
7 May 1, 2011, that were planted beyond 250 feet as measured down the edge
8 of the pavement of the travel way from point C, as defined in
9 G.S. 136-133.1(a)(3), shall not be eligible for removal.
- 10 (6) The applicant, or the applicant's designee, has not performed satisfactory
11 work authorized by previous permits issued under the provisions of this
12 section. The Department may not deny an application for a permit if the
13 work authorized by previous permits issued pursuant to this section was
14 performed by a landscape architect or certified arborist.
- 15 (7) The selective vegetation removal, cutting, or pruning involves opening of a
16 view to a junkyard.
- 17 (8) Unlawful destruction or illegal cutting of vegetation as defined in
18 G.S. 136-133.1(i) has occurred within five years preceding the date of filing
19 an application with the Department for a selective vegetation removal
20 permit."

21 **SECTION 6.** Article 11 of Chapter 136 of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 136-133.3. Appeals of selective vegetation removal permit decisions.**

24 (a) An applicant for a selective vegetation removal permit issued pursuant to
25 G.S. 136-133.2 may appeal a decision of the Department pertaining to the denial or
26 conditioning of a permit for selective vegetation removal pursuant to the provisions of this
27 section.

28 (b) Within 30 days of service of the Department's decision to deny or condition a
29 selective vegetation removal permit issued pursuant to G.S. 136-133.4, the applicant shall
30 submit a written appeal to the Secretary of Transportation setting forth with particularity the
31 facts and arguments upon which the appeal is based. The appeal shall be sent to the Secretary
32 by registered or certified mail, return receipt requested, addressed to the Secretary, and
33 delivering to the addressee, with a copy to the Department official who issued the decision.

34 (c) Upon receipt of the written appeal, the Secretary of Transportation shall review the
35 written appeal and the Department's decision, as well as any available documents, exhibits, or
36 other evidence bearing on the appeal, and shall render the agency's final decision, supported by
37 findings of fact and conclusions of law. The final agency decision shall be served upon the
38 appealing party by registered or certified mail, return receipt requested, addressed to the
39 applicant, and delivering to the addressee, within 90 days after the Secretary receives the
40 written appeal. A copy of the agency's final decision shall also be delivered to the Department
41 official who issued the initial decision.

42 (d) A person aggrieved by a decision made pursuant to this section may seek judicial
43 review of the final agency decision pursuant to G.S. 136-134.1."

44 **SECTION 7.** Article 11 of Chapter 136 of the General Statutes is amended by
45 adding a new section to read:

46 **"§ 136-133.4. Selective vegetation removal permits.**

47 (a) Selected vegetation within the approved limits shall be cut, thinned, pruned, or
48 removed by the permittee or the permittee's agent in accordance with accepted International
49 Society of Arboriculture (ISA) standards.

1 (b) Permits are valid for a period of one year. The permittee may cut, thin, prune, or
2 remove vegetation more than one time per year. A 48-hour notification shall be provided to the
3 Department by the permittee before entering the right-of-way.

4 (c) The permittee, or the permittee's agent, shall not impede the flow of traffic on any
5 highway while performing vegetation removal authorized by a permit. Access to the work site
6 on controlled access highways must be gained without using the main travel way of the
7 highway. The Department shall determine the traffic control signage that may be required. The
8 permittee shall furnish, erect, and maintain the required signs as directed by the Department.
9 The permittee, or the permittee's agent, shall wear safety vests that conform to OSHA standards
10 while performing the work.

11 (d) Any damage to vegetation designated to remain at the site, to highway fences, signs,
12 paved areas, or other facilities shall be repaired or replaced by the permittee to the condition
13 prior to the occurrence of the damage caused by the permittee or the permittee's agent. All
14 trimmings, laps, and debris shall be removed from the right-of-way and disposed of in areas
15 provided by the permittee. No burning or burying of trimmings, laps, or debris shall be
16 permitted on the highway right-of-way. When chipping is used to dispose of trimmings, chips
17 may be neatly spread on a right-of-way at locations which the Department determines will not
18 be harmful to the environment or affect traffic safety.

19 (e) Willful failure to substantially comply with all the requirements specified in the
20 selective vegetation removal permit, unless otherwise mutually resolved by the Department and
21 the permittee, shall result in a five-year moratorium for vegetation removal at the site, a
22 summary revocation of the outdoor advertising permit if such willful failure meets the
23 standards in G.S. 136-133.1(i), payment of Department investigative costs, and forfeiture of
24 any applicable performance bond as determined by the Secretary. The moratorium shall begin
25 upon execution of a settlement agreement or entry of a final disposition in the case."

26 **SECTION 8.** Article 11 of Chapter 136 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 136-133.5. Denial of a permit for proposed outdoor advertising.**

29 (a) When a district engineer determines that a proposed outdoor advertising structure
30 would not conform to the standards of outdoor advertising as set out in the Outdoor Advertising
31 Control Act, the district engineer shall refuse to issue a permit for that proposed outdoor
32 advertising structure.

33 (b) When a violation of the Outdoor Advertising Control Act has been discovered, the
34 district engineer shall notify the permit applicant by registered or certified mail, return receipt
35 requested, addressed to the party to be noticed, and delivering to the addressee, in writing, the
36 reason for the denial and the statutes or rules forming the basis for the denial and include a
37 copy of the Act.

38 (c) The Department shall not issue permits for new outdoor advertising signs at a sign
39 location for a period of five years where the unlawful destruction or illegal cutting of
40 vegetation has occurred within 500 feet on either side of the proposed sign location and as
41 measured along the edge of the pavement of the main travel way of the nearest controlled route.
42 For the purposes of this section, unlawful destruction or illegal cutting is defined as the
43 destruction or cutting of trees, shrubs, or other vegetation on the State-owned or
44 State-maintained rights-of-way by anyone other than the Department or its authorized agents,
45 or without written permission of the Department. Before a permit is denied pursuant to this
46 subsection, the Department shall reveal some evidence that the unlawful destruction or illegal
47 cutting would create, increase, or improve a view to a proposed outdoor advertising sign from
48 the main travel way of the nearest controlled route. The five-year period shall begin on the date
49 the Department executes a settlement agreement or final disposition of the case is entered. The
50 five-year prohibition period for a new sign permit shall apply to all sign locations, including the
51 following:

- 1 (1) Sign locations where the unlawful destruction or illegal cutting of vegetation
2 occurs prior to the time the location becomes a conforming location.
3 (2) Sign locations where a revocation of an existing permit has been upheld and
4 a sign has been removed.
5 (3) Sign locations where the unlawful destruction or illegal cutting occurs prior
6 to receipt of an outdoor advertising permit.
7 (4) Sign locations where the unlawful destruction or illegal cutting occurs
8 following receipt of an outdoor advertising permit application, but prior to
9 the issuance of the permit by the Department.

10 (d) The Department shall not issue permits for new outdoor advertising signs at a sign
11 location where existing trees, if they were to reach the average mature size for that species,
12 would make the proposed sign faces, when erected, not completely visible from the viewing
13 zone. "Existing trees" are those trees that at the time of the permit application are four inches or
14 greater in diameter as measured six inches from the ground. "Viewing zone" means the area
15 which is 500 feet as measured along the edge of the main travel way of the controlled route on
16 each side of the proposed sign structure which will have a sign face.

17 (e) An outdoor advertising permit requested pursuant to G.S. 136-129(a)(4) shall not be
18 issued to a location if the zoning to commercial or industrial zones was adopted within one year
19 prior to the filing of the permit application and is not part of comprehensive zoning or
20 constitutes spot zoning, which, for purposes of this subsection, shall be defined as zoning
21 designed primarily for the purpose of permitting outdoor advertising signs and in an area which
22 would not normally permit outdoor advertising. Zoning shall not be considered "primarily for
23 the purpose of permitting outdoor advertising signs" if the zoning would permit more than one
24 principal commercial or industrial use, other than outdoor advertising, and the size of the land
25 being zoned can practically support any one of the commercial or industrial uses.

26 (f) Outdoor advertising permits shall not be issued to a location for a period of 12
27 months prior to the proposed letting of a new construction contract that may affect the spacing
28 or location requirements for an outdoor advertising structure until the project is completed. The
29 prohibition authorized by this subsection shall not extend for a period longer than 18 months.
30 Priority in spacing shall be given by the Department to the first submitted application for an
31 outdoor advertising permit at the location.

32 (g) Outdoor advertising permits shall not be issued for a location on a North Carolina or
33 United States route designated as a scenic byway."

34 **SECTION 9.** G.S. 136-127 reads as rewritten:

35 **"§ 136-127. Declaration of policy.**

36 The General Assembly hereby finds and declares that outdoor advertising is a legitimate
37 commercial use of private property adjacent to roads and highways but that the erection and
38 maintenance of outdoor advertising signs and devices in areas in the vicinity of the
39 right-of-way of the interstate and primary highway systems within the State should be
40 controlled and regulated in order to promote the safety, health, welfare and convenience and
41 enjoyment of travel on and protection of the public investment in highways within the State, to
42 prevent unreasonable distraction of operators of motor vehicles and to prevent interference with
43 the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists
44 and promote the prosperity, economic well-being and general welfare of the State, and to
45 preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the
46 State highways and to promote the reasonable, orderly and effective display of such signs,
47 displays and ~~devices~~ devices, and to secure the right of validly permitted outdoor advertising to
48 be clearly viewed by the traveling public. It is the intention of the General Assembly to provide
49 and declare herein a public policy and statutory basis for the regulation and control of outdoor
50 advertising."

1 **SECTION 10.** The Department of Transportation shall adopt temporary rules to
2 administer this act.

3 **SECTION 11.** Sections 10 and 11 of this act are effective when this act becomes
4 law. The remainder of this act becomes effective October 1, 2011, and applies to permit
5 applications or renewals submitted on or after that date and to offenses occurring on or after
6 that date.